



# City of Plymouth Planning Commission

## Regular Meeting Agenda

Wednesday, November 12, 2025 – **6:00 p.m.**  
City Hall & Online Zoom Webinar

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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

<https://us02web.zoom.us/j/89495708380>

Passcode:444814

Webinar ID: 894 9570 8380

1. CALL TO ORDER
  - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
  - a. Approval of the October 8, 2025 meeting minutes
4. APPROVAL OF THE AGENDA
5. COMMISSION COMMENTS
6. OLD BUSINESS
7. NEW BUSINESS
  - a. Planning Commission Training – Presented by Doug Lewan, Carlisle-Wortman
  - b. Quick Zoning Ordinance Amendments
8. REPORTS AND CORRESPONDENCE
9. 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).

# City of Plymouth Strategic Plan 2022-2026

## 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.)

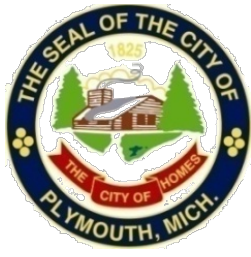
## GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

### 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



# Plymouth Planning Commission

## Regular Meeting Minutes

### Wednesday, October 8, 2025 - 7:00 p.m.

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City of Plymouth  
201 S. Main Street  
Plymouth, Michigan 48170

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

#### 1. CALL TO ORDER

Chair Hollie Saraswat called the meeting to order at 7:01 p.m.

Present: Chair Hollie Saraswat, Commissioners Joe Hawthorne, Marni Schroeder, Trish Horstman, Zach Funk, Dave Scott

Excused: Vice Chair Kyle Medaugh, Commissioners Sidney Filippis, and Katie Rossie

Also present: Planning and Community Development Director Greta Bolhuis and Planning Consultant Sally Elmiger

#### 2. CITIZENS COMMENTS

There were no citizens comments.

#### 3. APPROVAL OF MEETING MINUTES

Horstman moved to approve the minutes of the September 10, 2025 meeting as written. Funk seconded. The motion carried unanimously.

#### 4. APPROVAL OF THE AGENDA

Schroeder made a motion to approve the agenda as written for the October 8, 2025 meeting. Scott seconded. The motion carried unanimously.

#### 5. COMMISSION COMMENTS

There were no commission comments.

#### 6. PUBLIC HEARINGS

Chair Saraswat opened the public hearing at 7:04 PM for SP25-05: 1405 Goldsmith, regarding the special land use and site plan review for dog daycare and lodging.

Stacy Salisbury, a resident living behind the proposed business location at 1390 Junction, expressed concerns about a 24-hour business operating behind their residential house, potential noise issues, health and sanitation concern due to known flooding issues in the area, runoff from animal waste potentially putting their dogs or health at risk, as well as lights and traffic concerns.

Chair Saraswat closed the public hearing at 7:09 PM.

#### 7. OLD BUSINESS

There was no old business.

#### 8. NEW BUSINESS

- a. **SP 25-05:** 1405 Goldsmith. Special land use and site plan review for dog daycare and lodging. The property is zoned I-1, Light Industrial District.

Planning Consultant Sally Elmiger presented the review of the special land use application, recommending:

- Limit the maximum number of dogs to 75
- Limit the number of dogs in the yard at any one time
- Limit the length of time dogs can be in the outdoor space

Elmiger also requested clarification on the maximum number of dogs to be boarded, location of the waste cart storage, explanation of power washing procedures for the outdoor area, parking considerations, including the addition of a bike rack, and lighting information to meet minimum requirements.

The applicants, owners of Happy Hounds Daycare & Boarding, addressed Elmiger's comments by stating they have operated on Main Street for 21 years without complaints about noise or odors and explained that outdoor area would be in front of the building, not behind adjacent to the residential area. They explained they use eco-friendly, biodegradable cleaning products, and that current operations average 50 dogs during the day and 25 at night. They proposed a maximum of 75 dogs during daycare hours and 50 for overnight boarding.

The applicant addressed drop-offs and pick-ups which are spread over 3 hours, with a maximum of 4 cars in a 15-minute period. They explained outdoor breaks are supervised, with 10-20 dogs max in the yard at a time, and dogs are typically outside for 15-minute intervals, with the yard vacant for about half of each hour. It was also noted that outdoor hours would be from 6:45 a.m. to 9:00 p.m.

The commission discussed concerns about stormwater runoff and potential contamination from pet waste. They considered options for mitigating these issues by adding a 3-foot landscape buffer with ornamental grasses and exploring stormwater inlet filters or other structures to mitigate potential contamination.

After extensive discussion, the commission voted on two separate motions:

Commissioner Hawthorne made a motion to approve the **special land use for SP 25-05** with the following conditions. Commissioner Scott seconded the motion.

- The number of dogs on premises shall be limited to 75 total
- A maximum of 20 dogs may be outside at any given time
- Dogs may occupy the outdoor area for a maximum of 30 minutes of every hour between operating hours of 6:30 a.m. and 9:00 p.m.

There was a roll call vote.

YES: Horstman, Funk, Scott, Schroeder, Hawthorne

NO: Chair Saraswat

The motion carried.

Commissioner Scott motion to approve the **site plan for SP 25-05, site plan model 2/B**, with the following conditions. Commissioner Schroeder seconded the motion.

- Remove the asphalt on the north side of the fence for an area of 3 feet wide by 32 feet long and plant ornamental grasses and/or other natural or native landscaping
- Building official to approve the minimum lighting for the lot
- Locate trash carts on the west side of the site in front of the building

There was a roll call vote.

YES: Horstman, Funk, Scott, Schroeder, Hawthorne, Chair Saraswat

The motion carried unanimously.

## **9. REPORTS AND CORRESPONDENCE**

City Commissioner Kehoe informed the Planning Commission that the master plan would be on the City Commission agenda on October 20, 2025.

Commissioner Hawthorne raised concerns about missing street trees at sites that recently received special land use approval. He also mentioned wanting more complete site plans.

Bolhuis explained that the tree ordinance requirements were eliminated, which affecting planting requirements. She stated the community development department intends to improve site plan review processes in the new year and that the final site verification is in place for landscaping and site elements.

Chair Saraswat mentioned the need for the subcommittee to convene for MSHDA, indicating she would coordinate a meeting time.

## **10. ADJOURNMENT**

Hawthorne made a motion to adjourn. Horstman seconded.

There was a voice vote.

The motion carried unanimously.

The meeting was adjourned at 8:23 p.m.



## Administrative Memorandum

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234  
Fax 734-455-1892

To: Planning Commission  
From: Greta Bolhuis, AICP, Planning and Community Development Director  
Date: November 6, 2025  
Re: Quick Zoning Ordinance Amendments

As you may be aware, the Zoning Audit Sub-Committee has been meeting monthly to address the 26 changes identified in the 2023 Zoning Audit Report. The Sub-Committee has reviewed approximately half of the items over the last few months and is ready to present the first “batch” of changes to the Planning Commission for review and consideration. The changes will be introduced incrementally so that they are digestible. Please note that in future updates, some amendments will build upon themselves and ordinance sections will be amended completely at the appropriate time.

The eight (8) changes that are presented in the subsequent pages are changes that comply with state, federal, and case law, changes that update obsolete references, changes that allow for modern uses, and deletion of non-used definitions and definitions with regulations. The changes presented are highlighted in yellow.

### 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.

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.

*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.
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.
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.
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.
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.

*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.
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department.
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.
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.

#### *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.

#### *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.

#### *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.
13. List those special uses which require site plan review in Article XX.
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.
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.
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.

#### *Update definitions:*

17. Review all definitions for consistent usage, including “average grade” and “usable floor area.”
18. Review definitions such as “nuisance” to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney.
19. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated.
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.

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).
22. Use graphics to simplify definitions when possible.

*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.
24. Consolidate the "Vested Right" sections in Article I and Article XXVII.
- ~~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.



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1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing.

## Sec. 78-281. Special uses.

- (a) *Application.* Applications for special use permits authorized in this chapter shall be submitted to the building official on a form provided by the city. In addition to a complete application form, the applicant is required to submit a site plan prepared in accordance with article XX, site plan review.
- (b) *Procedures.*

- (1) The building official shall review the proposed application and site plan to determine if all required information has been supplied, and, forward the completed application, site plan, and supporting data to the city planning commission or city commission depending on the special use permit being requested. Any request for a special use permit made pursuant to section 78-297 of this chapter shall be approved by the city commission only.
- (2) Upon receipt of the application for a special use permit, the planning commission or city commission, as specified, shall hold a public hearing in accordance with the notification requirements described hereafter.

A notice of the public hearing shall be published in at least one newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice shall be given not less than ~~five days or more than fifteen~~ (15) days before the date the application will be considered. The notice shall describe the property in question and the nature of the special use permit request; state the time, date, and location of the public hearing; and, indicate when and where written comments will be received concerning the request.

- (3) Upon conclusion of the public hearing procedures, the planning commission or city commission, as specified, may issue a special use permit. Upon approval of a special use, the planning commission or city commission, as specified, may consider the site plan. A copy of the planning commission's or city commission's decision, with any conditions or reasons for rejection, shall be sent promptly to the building official and to the applicant.
- (c) *Basis of determinations.* The planning commission or city commission, as specified, shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:
    - (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the City of Plymouth Master Plan.
    - (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
    - (3) Will not be hazardous or disturbing to existing or future nearby uses.

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- (4) Will be compatible with adjacent uses of land and will promote the use of land in a socially and economically desirable manner.
  - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - (6) Will not create excessive additional public costs and will not significantly decrease property values of surrounding properties.
  - (7) Will meet all the requirements and standards of this chapter and any other applicable laws, standards, ordinances, and/or regulations.
- (d) *Conditions and safeguards.* The planning commission or city commission, as specified, may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the special use is proposed will be observed. Such conditions shall conform to the standards found in Act 110 of 2006, as the same may be amended or superseded from time to time. The planning commission or city commission, as specified, may summarize the conditions of approval on a form issued by the building official which shall be signed by the chairperson of the planning commission or mayor and the applicant.
- (e) *Voiding and extensions of permit.* Unless otherwise specified by the planning commission or city commission, as specified, any special use permit granted under this section shall be null and void unless the property owner shall have made application for a building permit within one year from the date of the granting of the permit. The building official shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the planning commission or city commission, as specified. The planning commission or city commission, as specified, may grant an extension thereof for good cause for a period not to exceed six months.
- (f) *Reapplication.* No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission or city commission, as specified.
- (g) *Revocation of a special use permit.* A special use permit may be suspended or revoked according to the following procedure:
- (1) Conditions which may give rise to a suspension or revocation proceeding include, but are not limited to, the following:
    - a. The special approval use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use; or the approved special use is not operational within two years of the date of special use approval; or
    - b. Compliance with the special use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
    - c. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his agent; or
    - d. The operation of the use granted by special use permit has created a risk or danger to the public health, safety, or welfare; or
    - e. The special use is a violation of any provisions of this chapter or other city, county, state or federal regulations.

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- (2) If the building official, community development director or designee determines that a condition for suspension or revocation of the special use permit exists, the building official, community development director or designee shall prepare a report in writing specifying the specific factual details for the violation and which support the suspension or revocation of the special use permit.
  - (3) The building official, community development director or designee shall file the report so prepared with the city manager, who shall provide a copy to the city commission and serve a copy of such report upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested.
  - (4) After the city manager submits the report to the city commission, the city clerk shall schedule a hearing within a reasonable period of time after city commission's receipt of the report to consider the alleged violation. Notice of the hearing(s) shall be served by the city clerk upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested not less than seven (7) days before a scheduled hearing date, and such notice shall advise the permittee of its right to be represented by legal counsel at the hearing before the city commission.
  - (5) At all such hearing, the permittee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in his/her behalf, by being allowed to present arguments, personally or through legal counsel in his/her own behalf.
  - (6) The city commission shall prepare a written statement of its findings within 30 days of the conclusion of all such hearings and shall serve such findings upon the permittee either personally or by regular mail and certified mail, return receipt requested. If the city commission decides that the special use permit shall be suspended or revoked, the permittee shall not thereafter conduct, operate or carry on the business or use for which the special use permit was granted.

(Ord. of 10-6-03; Ord. No. 2014-02, § 2, 1-6-14)

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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.

## Sec. 78-377. Public hearings.

In instances where a public hearing is required under this chapter with the planning commission, the zoning board of appeals, or the city commission, written notice of the public hearing shall be in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, MCL 125.3101 et seq., and the Open Meetings Act, MCL 15.261 et seq. Notice shall be as follows:

- (a) *Notice content.* The notice shall do all of the following:
  - (1) Describe the nature of the request;
  - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
  - (3) State when and where the request will be considered;
  - (4) Indicate when and where written comments will be received concerning the request.
- (b) *Notice publication and mailing.* Notice shall be published and mailed not less than fifteen (15) days prior to the public hearing as follows:
  - (1) Notice of the request shall be published in a newspaper of general circulation in the city.
  - (2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - (3) Notice shall also be sent to all persons to whom real property is assessed within three hundred feet of the subject property and to the occupants of all structures within three hundred feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  - (4) The notice under subsection (b)(3) of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- (c) *Ordinance amendments and rezoning of more than ten properties.* 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, which shall not be required to indicate the property subject to the request under subsection (a)(2) of this section, and notice shall not be required to be mailed to individual properties under subsections (b)(2) and (b)(3) of this section.

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- (d) *Zoning board of appeals interpretations and appeals.* Public hearings for ordinance interpretations and appeals of administrative decisions by the zoning board of appeals shall only require notice in a newspaper, as required in subsection (a)(2) of this section and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in subsection (b)(2) of this section. Variances shall require full notification under subsections (b)(1) through (b)(3) of this section.

(Ord. of 10-6-03; Ord. No. 2012-04, § 14, 11-5-12)

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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.

#### **Sec. 78-406. Notice.**

The zoning board of appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. ~~The written notice containing the time and place of such public hearing shall be published and mailed in accordance with Section 78-377. A written notice of the time and place of such public hearing shall be mailed to the owners, at the addresses given in the last assessment roll, of all lots or parcels of land lying within 300 feet of the property in question. Such notices to be delivered personally or by first class mail addressed to the respective owners at the addresses given in the last assessment roll of the city.~~

(Ord. of 10-6-03)

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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.

## **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.

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- 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 or collector thoroughfares, major arterials and major collectors~~ as designated on the National Functional Classification designation, maintained by the State of Michigan~~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)

## **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-~~296~~300.
- (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



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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 or collector thoroughfares~~ major arterials and major collectors as designated on the National Functional Classification designation, maintained by the State of Michigan ~~in the city's master plan~~ and shall further be subject to section 78-28~~47~~.
- (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)

### **Sec. 78-181. Principal uses permitted.**

- (a) In the mixed use district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:
- (1) One-family detached dwellings.
  - (2) Two-family dwellings.
  - (3) Home occupation, subject to the following:
    - a. No home occupation shall be permitted that:
      - 1. Changes the outside appearance of the dwelling and/or property.
      - 2. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance.
      - 3. Results in outside storage or display of anything including signs except for nameplate as may otherwise be allowed herein.
      - 4. Requires the employment of anyone in the home other than the dwelling occupant.

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5. Requires exterior building alterations to accommodate the occupation.
  6. Occupies more than 25 percent of the floor area of the dwelling or utilizes a garage or other accessory building.
  7. Requires parking for customers that cannot be accommodated on the existing driveway and/or not exceeding one parking space at curbside on the street.
  8. Requires the delivery of goods or the visit of customers before 7:00 a.m. or after 8:00 p.m.
- b. The following are permitted home occupations provided they do not violate any of the provisions of subsection (3)a of this section:
1. Dressmaking, sewing and tailoring.
  2. Painting, sculpturing, writing or photography.
  3. Telephone answering.
  4. Home crafts, such as model making, rug weaving and lapidary work.
  5. Teaching or music lessons limited to four students at a time.
  6. Computer operations.
  7. Salesperson's office or home office of a professional person.
  8. Laundering and ironing.
  9. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.
  10. Day care home (family).
- c. The following are prohibited as home occupations:
1. Barbershops and beauty parlors.
  2. Dance studios.
  3. Private clubs.
  4. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
  5. Restaurants.
  6. Stables or kennels.
  7. Tourist homes.
  8. Automobile repair or paint shops.
- d. Any proposed home occupation that is neither specifically permitted by subsection (3)b of this section nor specifically prohibited by subsection (3)c of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in subsection (3)a of this section and under the procedures specified in section 78-281.
- e. Home occupation permits shall be limited to the applicant who legally resides in the residence.
- (4) Churches and other facilities normally incidental thereto subject to the following conditions:
- a. Buildings of greater than the maximum height allowed in Article XVII of this chapter may be allowed provided front, side and rear yards are increased above the minimum required yards by

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one foot for each foot of building height that exceeds the maximum height allowed and in no instance shall a principal building be set back less than 15 feet from abutting properties zoned for residential use.

- b. Non-profit day care centers may be located in a church building as an accessory use to a church.
- (5) Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit.
- (6) Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (7) Uses and buildings of the city (without storage yards).
- (8) Day care home (group) for children subject to the following conditions:
  - a. Such facility shall have received a state license to operate prior to seeking a special use permit under this chapter.
  - b. Not less than 400 square feet of outdoor play area per child shall be provided on the site. The play area shall not occupy a front yard.
  - c. Screening and fencing of outdoor play area shall be provided as required by the planning commission.
  - d. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.
- (9) Day care homes for adults subject to the following conditions:
  - a. Not more than six persons other than the full-time occupants of the dwelling may be cared for in any one dwelling.
  - b. No overnight accommodations shall be provided.
  - c. Such facility shall not provide nursing or medical care.
  - d. Parking shall be provided to allow direct drop-off and pick-up of adults without such adults having to cross public streets.
  - e. Fencing of yards utilized for recreation or outdoor activities shall be provided.
- (10) Private non-commercial recreational areas, institutional or community recreation centers, and 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

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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.
  - 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.
- (11) Bed and breakfast operations shall be located only on ~~major or collector thoroughfares~~ major arterials and major collectors as designated on the National Functional Classification designation, maintained by the State of Michigan in the city's master plan and shall further be subject to city licensing provisions. Bed and breakfast operations shall further be subject to the following:
- a. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
  - b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
  - c. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
  - d. The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
  - e. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
  - f. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
  - g. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
  - h. An approved fire extinguisher in the common hallway accessible to all occupants.
  - i. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
  - j. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.

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- k. One unlighted wall sign not exceeding six square feet in area may be provided. Such wall sign shall not be an awning, changeable copy or channel letter sign. Bed and breakfast operations shall not be permitted freestanding signs.
  - l. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.
  - m. Such bed and breakfast dwelling shall not be located within two 200 feet as measured from the nearest property lines of another such facility.
- (12) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (b) *Required conditions.* All dwelling units shall be reviewed by the building official subject to the following conditions:
- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
  - (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
  - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
  - (7) Any such dwelling shall be anchored by an anchoring system approved by the city.
  - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of subsection 78-181(b). The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be

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given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

(Ord. of 10-6-03; Ord. No. 2020-01, 3-2-20)

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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.

**Sec. 78-111. Principal uses permitted.**

In a B-3, general business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office, dental office, physical therapy and chiropractic office; including clinics. Professional offices of lawyers, architects, engineers, and similar or allied professions.
- (3) Child care centers and nursery schools.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots and parking facilities.
- (6) Meeting halls and related services.
- (7) 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.
- (8) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component. ~~Restaurants not serving alcoholic beverages, including carry-out restaurants and sit-down restaurants.~~
- (9) 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. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, 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.
- (10) Large box retail uses (over 70,000 square feet).
- (11) Home improvement centers.
- (12) Reserved. ~~Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein such establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in, or open front store.~~
- (13) Regional shopping centers containing multi-tenant spaces totaling greater than 50,000 square feet.
- (14) Theaters or assembly halls when completely enclosed.

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- (15) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, 24-hour automatic tellers.
  - (16) Municipal buildings and governmental offices.
  - (17) Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of material on any land shall be within the confines of the building or part thereof occupied by the establishment.
  - (18) Newspaper offices and printing shops.
  - (19) Funeral homes.
  - (20) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by such establishment.
  - (21) Bus passenger stations.
  - (22) Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.
  - (23) Self-service laundry and dry cleaning establishments.
  - (24) Bowling alleys, indoor archery range, indoor tennis courts or similar forms of indoor commercial recreation.
  - (25) Pool or billiard parlor or club.
  - (26) Video rental establishments.
  - (27) Storage of materials or goods to be sold at retail provided such storage is within a building or is enclosed as not to be visible to the public from any abutting non-industrial district or public street.
  - (28) Other uses which are similar to the above uses.
  - (29) Accessory structures customarily incident to the above permitted uses.
  - (30) Residential uses shall be permitted provided such living units are located on the second floor or above.
- (Ord. of 10-6-03; Ord. No. 2013-04, § 4, 10-7-13; Ord. No. 2013-06, § 3, 10-21-13)

## **Sec. 78-112. Special land uses permitted after review and approval.**

The following uses may be permitted by the planning commission subject to article XXIII, 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) New and used automobile sales including outdoor auto sales, paint and bump shops, and auto service subject to the provisions of sections 78-288 and 78-290.
- (2) Motels, and extended stay motels subject to the provisions of section 78-291.
- (3) Drive-in restaurants, or drive-through restaurant or open front restaurants subject to section 78-286.



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- (4) Commercial outdoor recreation for children's amusement parks, miniature golf courses, and other similar uses.
  - (5) Nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the provisions of section 78-289.
  - (6) Building and lumber supply stores having outdoor storage and sales.
  - (7) Automobile car wash establishments subject to the provisions of section 78-294.
  - (8) Gasoline service station and associated sale of convenience goods, subject to the provisions of section 78-288.
  - (9) Automobile convenience mart, subject to the provisions of section 78-288.
  - (10) Auto repair (minor and major) and servicing and auto body repair.
  - (11) Adult-oriented commercial enterprises and specific services subject to section 78-282.
  - (12) Bars and lounges or restaurants serving alcohol subject to the following:
    - a. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special use permit.
    - b. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider their report in their evaluation of the request for special land use approval.

(Ord. of 10-6-03; Ord. No. 2013-04, § 4, 10-7-13)

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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.

### **Sec. 78-91. Principal uses permitted.**

In a B-1, local business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office and dental office, including clinics.
- (3) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots.
- (6) Meeting halls and related services.
- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: convenience grocery stores, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (8) 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. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, 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 (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
- (9) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component.
- (10) Video rental establishments.
- (11) Veterinary clinic.
- (12) Neighborhood retail plaza containing multi-tenant spaces totaling less than 50,000 square feet.
- (13) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
- (14) Other uses similar to the above and subject to the following restrictions:

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- 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.
- (15) Accessory structures, uses and signs customarily incident to the above permitted uses and subject to all requirements of this chapter.
- (16) Residential uses shall be permitted provided such living units are located on the second floor or above.
- (Ord. of 10-6-03; Ord. No. 2013-04, § 2, 10-7-13; Ord. No. 2013-06, § 2, 10-21-13)

### **Sec. 78-101. Principal uses permitted.**

In a B-2, central business district, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter.

Permitted uses:

- (1) Any generally recognized retail establishment which supplies commodities on the premises within a completely enclosed building.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building.
- (3) Standard restaurants and carry out restaurants not serving alcoholic beverages.
- (4) Hotels and motels.
- (5) Theaters or assembly halls when completely enclosed.
- (6) Offices and office buildings of an executive, administrative or professional nature.
- (7) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (8) Child care centers and nursery schools.
- (9) Municipal buildings and governmental offices.
- (10) Any service establishment of an office-showroom nature provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of material on any land shall be within the confines of the building or part thereof occupied by the establishment.
- (11) An establishment at which instruction is given in a particular discipline.
- (12) Funeral homes.
- (13) Storage facilities, when incidental to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by such establishment.
- (14) Parking facilities except private surface parking lots.
- (15) Other uses which are similar to the above and subject to the following restrictions:

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- a. 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.~~
  - b. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - c. Outdoor storage of commodities shall be expressly prohibited.

(16) Residential uses shall be permitted provided such living units are located on the second floor or above.

(Ord. of 10-6-03; Ord. No. 2007-01, § 2, 5-21-07; Ord. No. 2011-04, § 1, 5-2-11; Ord. No. 2013-04, § 3, 10-7-13; Ord. No. 22-04, 12-19-22)

### **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

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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)

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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.

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).

## **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.

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*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.

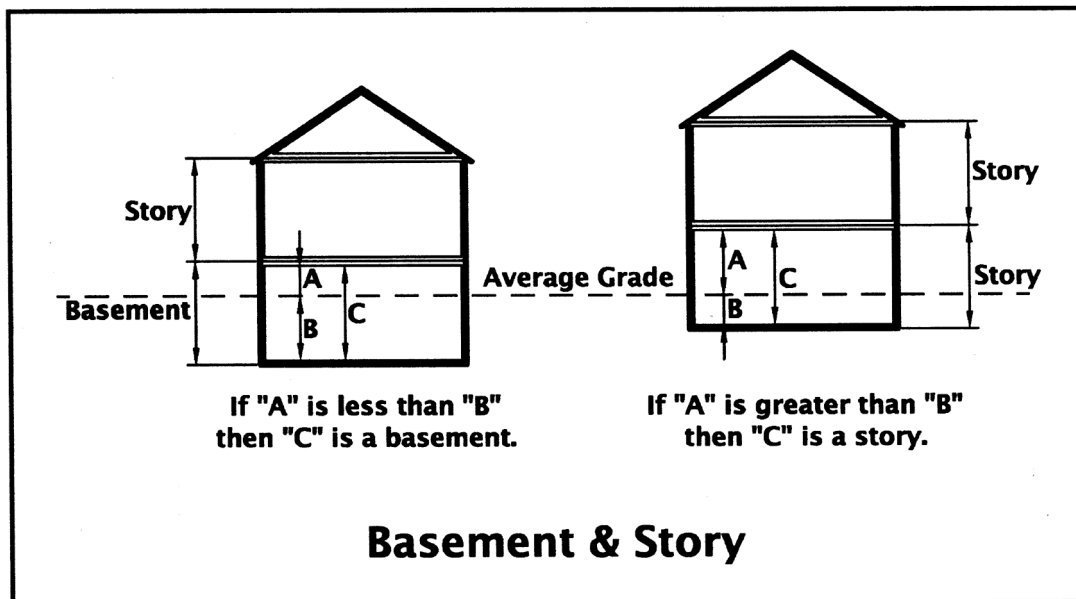
*Automobile convenience mart.* A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to public on the premises or in combination with the retailing of items typically found in a convenience market, carry out restaurant or supermarket.

*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.~~

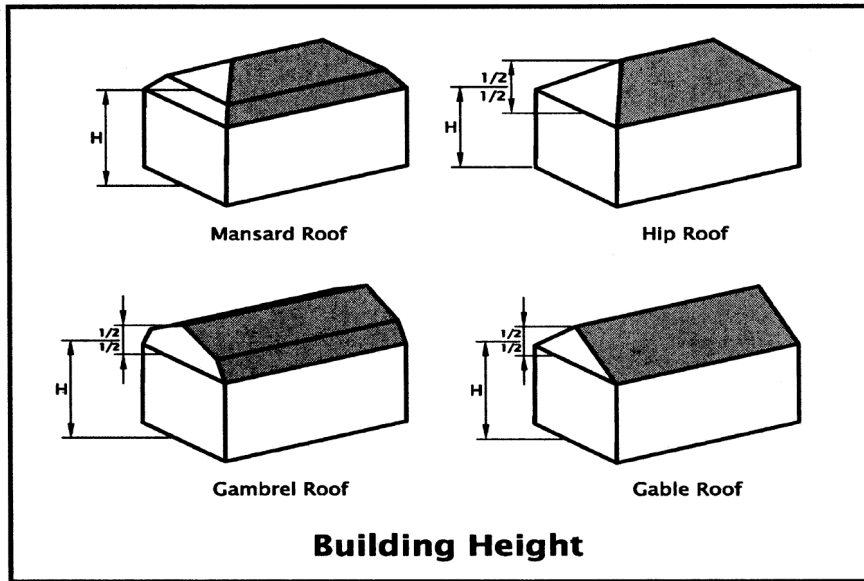


~~(2) — A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.~~

*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.

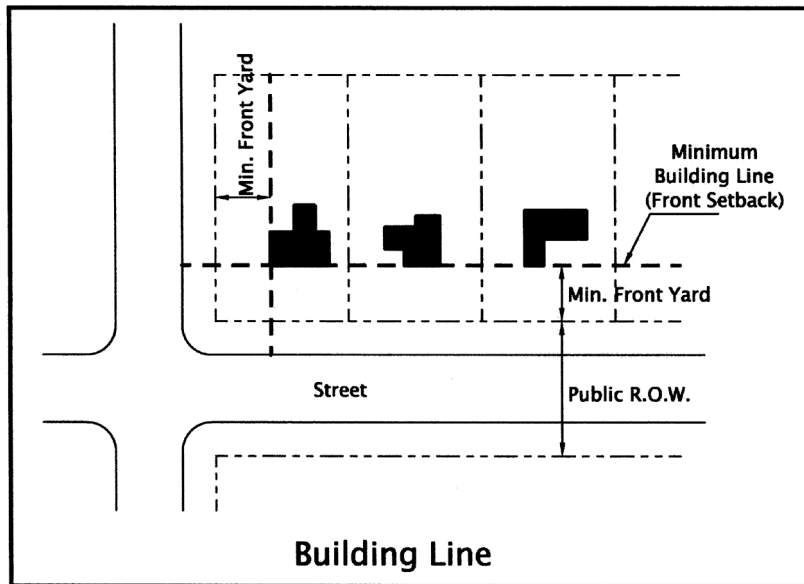
*Building* means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding play structures.

*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.

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*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

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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.

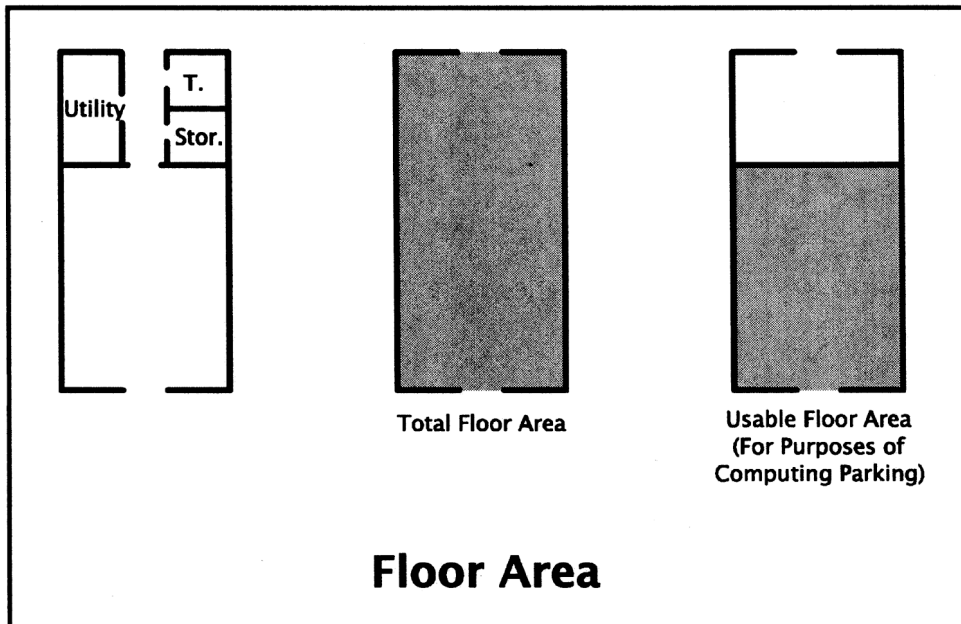
*Floor area ratio (FAR)* means the ratio of the floor area of a building to its lot area. For example: when a floor area ratio of 0.4 is specified, the floor area of the building constructed on a lot of 6,000 square feet in area is limited to a maximum of 2,400 square feet (or  $6,000 \times 0.4$  or 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.

*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.

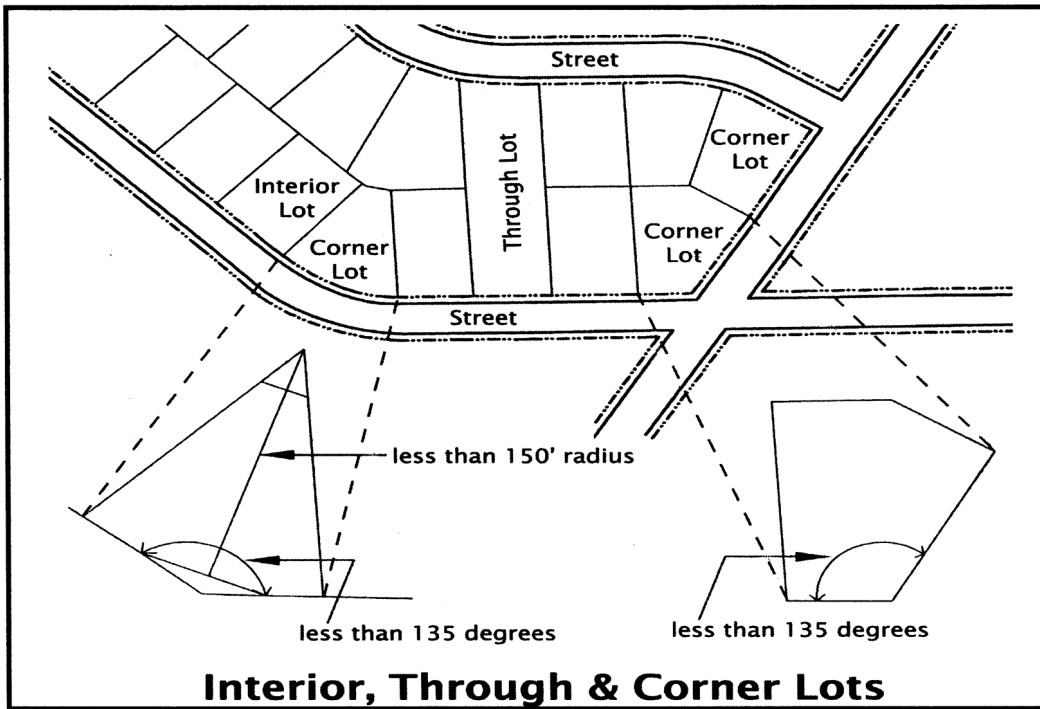
*Landscape area* means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch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

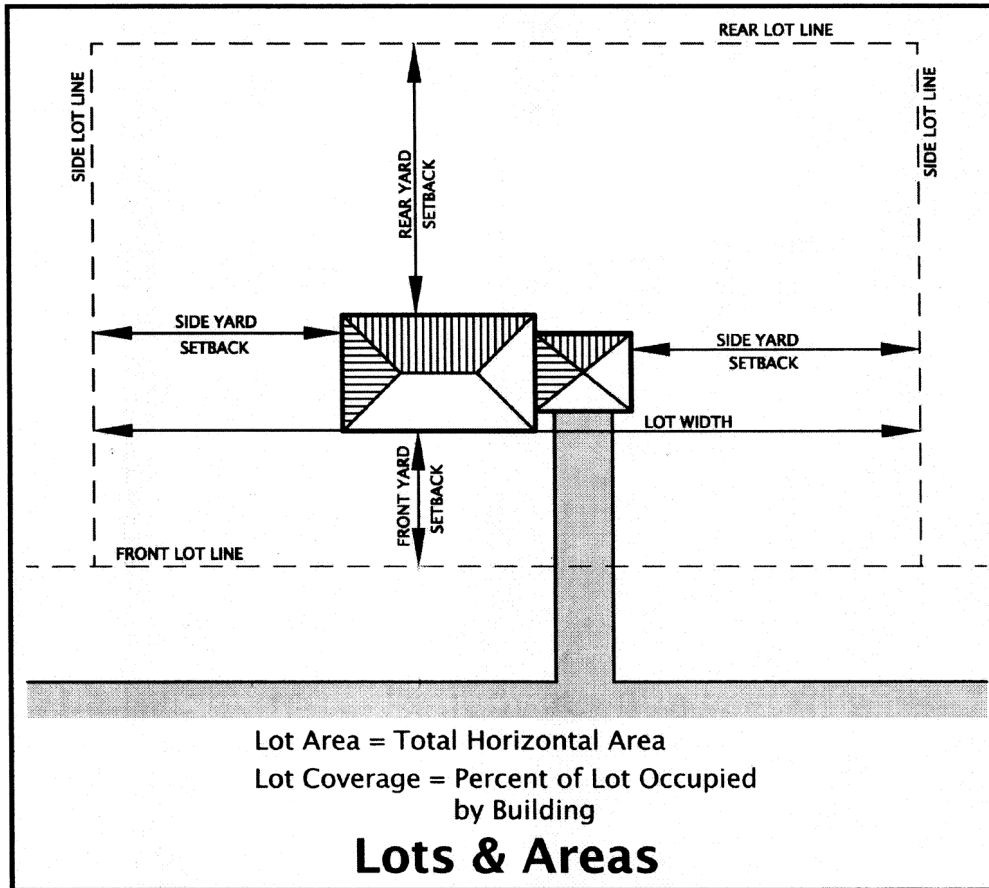
Lot



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:

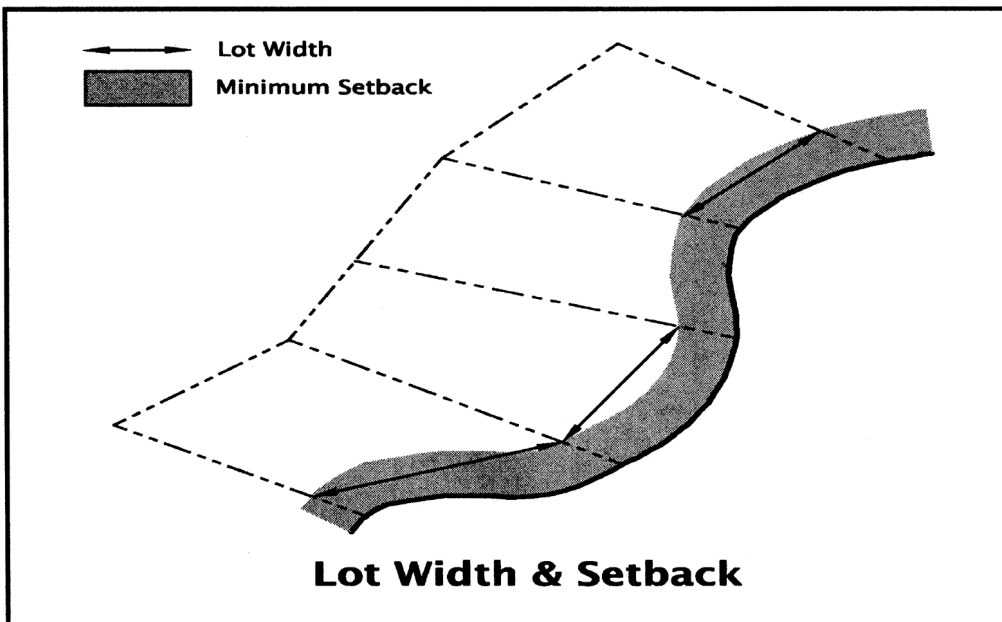
- (1) *Front lot line,* in the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating such lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear, 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.

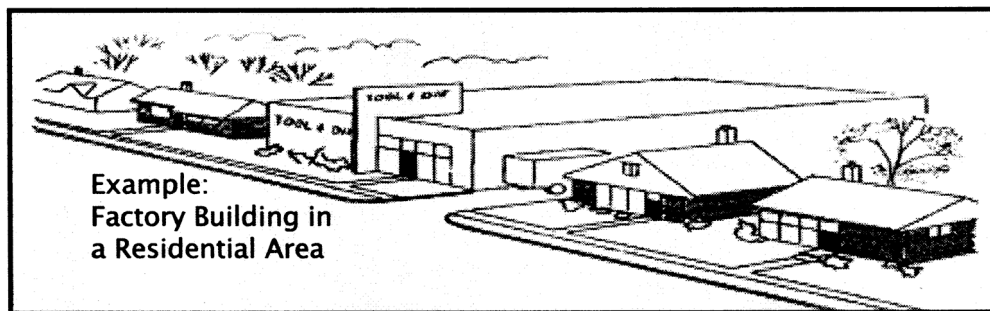
~~*Mobile home/manufactured home* means any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning 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..

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*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.

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*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

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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.



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*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.

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*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.

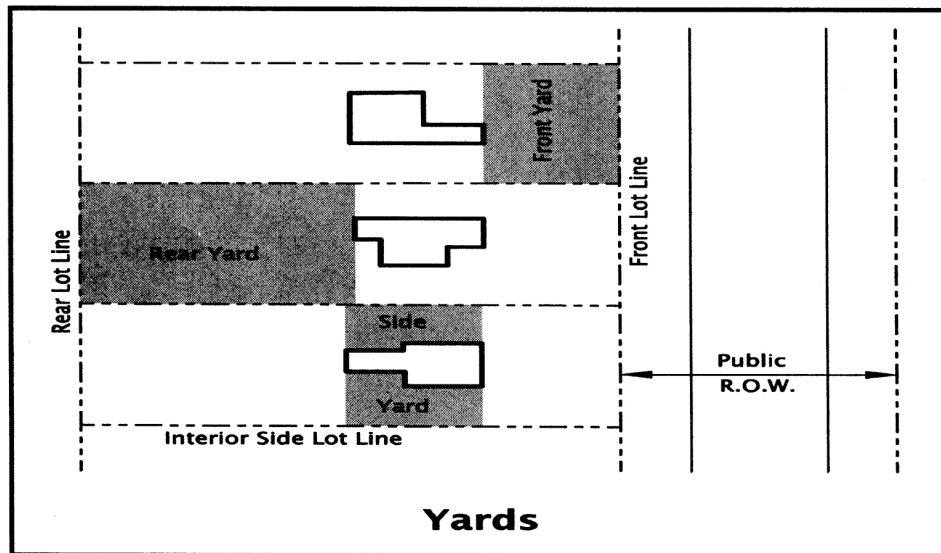
- (1) *Private WECS* shall mean any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS* shall mean any WECS that is designed and built to provide electricity primarily to the electric utility's power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