



# City of Plymouth Planning Commission Sub-Committee Meeting Agenda

Monday, July 28, 2025 – 7:00 p.m.  
City Hall Conference Room

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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

1. CALL TO ORDER
  - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
  - a. Approval of the June 23, 2025 meeting minutes
4. ZONING AUDIT DISCUSSION
5. ADJOURNMENT

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

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

# 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

### Quick Zoning Ordinance Update



**Plymouth Planning Commission  
Sub-Committee Meeting Minutes  
Monday, June 23, 2025 – 7:00 p.m.  
Plymouth City Hall 201 S. Main**

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City of Plymouth  
Plymouth, Michigan 48170-1637

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

**1. CALL TO ORDER**

Vice-Chair Medaugh called the meeting to order at 7:00 p.m.

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

Also present: Planning and Community Development Director Greta Bolhuis

**2. CITIZENS COMMENTS**

There were no citizen comments

**3. ZONING AUDIT DISCUSSION**

The sub-committee discussed the following matters:

- The history of the zoning audit project.
- The “quick zoning ordinance updates” in detail including reviewing each item and the information in the greater document.
- Which bullets in the quick update list were accomplishable by the next meeting, and those on mid and long-range time horizons.

**4. ADJOURNMENT**

Horstman offered a motion, seconded by Medaugh, to adjourn the meeting at 8:51 p.m.

There was a voice vote

**MOTION PASSED UNANIMOUSLY**

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

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

The items highlighted in blue have been addressed in subsequent pages.

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

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

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

*Change outdated references:*

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

*Allow for modern uses:*

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

*Eliminate suburban standards:*

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

*Streamline and clarify processes:*



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

*Update definitions:*

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

*Improve organization and navigability:*

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

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*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~~ *Religious Institution:* Any structure wherein persons regularly assemble for religious activity.

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

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

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

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

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

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

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

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

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

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

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

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- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities, arts, councils, museums.
  - (4) Planned unit development pursuant to article 24.
  - (5) Cemeteries.
  - (6) Family day care homes.
  - (7) Adult foster care family homes.
  - (8) Accessory uses, subject to the provisions of article 21.
  - (9) Home occupations subject to the provisions of section 78-212.
  - (10) Essential public services.

(Ord. of 10-6-03)

### **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-Religious institutions and other facilities normally incidental thereto subject to section 78-300.
- (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.



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(11) Home occupations subject to the provisions of section 78-212.

(12) Essential public services.

(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-Religious institutions~~ and other facilities normally incidental thereto subject to section 78-300.
- (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 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.

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

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

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

- (4) Churches Religious institutions -and other facilities subject to section 78-300.
- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-287.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

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

### **Sec. 78-63. Required conditions.**

- (a) In the case of multiple dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit. Approval shall be contingent upon a finding that:
  - (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
  - (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.
- (b) All dwelling units shall be reviewed by the building official and shall be subject to the following conditions:
  - (1) Dwelling units shall conform to all applicable city codes and ordinances and state or federal requirements with respect to the construction of the dwelling.

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(Ord. of 10-6-03)

### **Sec. 78-71. Principal uses permitted.**

In an O-1, office service 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) Facilities for human care such as convalescent homes.
- (4) ~~Churches~~Religious institutions.
- (5) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (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) Residential uses shall be permitted provided such living units are located on the second floor or above.

(Ord. of 10-6-03; Ord. No. 2013-06, § 4, 10-21-13)

### **Sec. 78-72. 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) An accessory use customarily related to a principal use authorized by this section, such as but not limited to: a pharmacy, medical supply stores, or optical service, may be permitted.
- (2) Mortuary establishments and funeral homes, subject to section 78-293.
- (3) Public utility and service buildings and uses including telephone exchange buildings (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (4) Child care centers and nursery schools, subject to section 78-297.

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(Supp. No. 67)

Created: 2025-07-16 10:28:00 [EST]



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- (14) 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.
- (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. 78-92. 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) Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (excluding outdoor storage yards).
- (2) Accessory buildings and uses customarily incident to any of the above uses.
- (3) One-family detached dwellings, two-family dwellings, multi-family dwellings.
- (4) 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 land 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 this report in their evaluation of the request for special land use approval.

(Ord. of 10-6-03; Ord. No. 2012-04, § 7, 11-5-12; Ord. No. 2013-04, § 2, 10-7-13)

### **Sec. 78-93. Required conditions of the B-1, local business district.**

Since this local business district is primarily for the convenience shopping of persons residing in adjacent residential areas as well as residential mixed uses, permitted uses shall not include business in the character of a drive-in or open-front store.

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

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- (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:
    - 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. 78-102. 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) Public utility and service buildings and uses including telephone exchange buildings (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (2) Bars and lounges or restaurants serving alcohol subject to the following:
  - a. No more than ten seats shall be allowed at the bar.
  - b. Alcohol shall be served only to seated patrons or persons standing in the designated standing area adjacent to the bar.
  - c. The standing area adjacent to the bar shall not exceed 150 square feet.
  - d. No dance floor or dancing area, allowed.
  - e. 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 land use permit.
  - f. 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 this report in their evaluation of the request for special land use approval.



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- (4) Indoor recreational uses such as indoor soccer, racquet sports, volleyball, hockey, climbing walls, fitness centers, health clubs, dance studios, martial arts and other similar recreation uses.
  - (5) Temporary buildings and uses for construction purposes for a period of one year or less.
  - (6) Accessory uses.
  - (7) Commercial wind energy conversion systems, subject to section 78-261
  - (8) Any other use which shall be determined by planning commission, to be of the same general character as the above permitted uses.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13)

#### **Sec. 78-133. ~~Uses prohibited~~ Fire department approval required.**

No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted within the city except such as are approved by the fire department and are so licensed.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10)

#### **Sec. 78-134. Required conditions of the I-2, heavy industrial district.**

Any use established in the I-2 district after the effective date of this chapter [February 11, 1992] shall be operated so as to comply with the performance standards set forth in section 78-202 and shall comply with the following:

- (1) The use shall not, by reason of creation of noise, vibration, odor, smoke or other outside effects, cause a nuisance to abutting districts.
- (2) The use shall be compatible with the intent of the district and shall not be out of character with the established character of the district.
- (3) All buildings shall be constructed of finished materials where visible from public streets.

(Ord. of 10-6-03; 2013-05, § 3, 10-21-13)

#### **Sec. 78-135. Area and bulk requirements.**

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

(Ord. of 10-6-03)

#### **Secs. 78-136—78-139. Reserved.**

### ***ARTICLE XIV. P-1 VEHICULAR PARKING DISTRICTS***

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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 land 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)

#### **Sec. 78-113. Area and bulk requirements.**

See article XVII of this chapter for the schedule of regulations limiting height and bulk of buildings and minimum size of lot by permitted land use.

(Ord. of 10-6-03)

#### **Secs. 78-114—78-119. Reserved.**

### ***ARTICLE XII. I-1 LIGHT INDUSTRIAL DISTRICTS***

#### **Sec. 78-120. Intent.**

The I-1, light industrial district is designed so as to accommodate employment centers related to light industrial uses as well as research and development, engineering and testing, office uses, medical facilities, wholesale activities, warehouses, limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district and only exert minimal detrimental effects to the surrounding districts. This district is further designed to recognize the growing convergence of office, industrial, and research in terms of functions, location, appearance and activities.

(Ord. of 10-6-03; Ord. No. 2010-02, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

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## Sec. 78-161. ARC Ann Arbor Road Corridor District.

- (a) *Purpose.* The Ann Arbor Road Corridor Zoning District is intended to establish uniform regulations applicable to the use of land, dimensions for building and site development, parking, landscaping and signage which accommodate and promote land uses which are compatible with the desired character of the corridor, and which conserve property values and long term stability of office, commercial and limited light industrial uses along the Ann Arbor Road Corridor. The Ann Arbor Road Corridor District is intended to accommodate a mixture of office, business and limited light industrial uses designed to serve the commercial needs of the general community in an attractive, well designed and functional environment.
- (b) *Principal uses permitted.* 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 article:
- (1) Medical and dental offices and clinics and other professional offices.
  - (2) Administrative, executive and editorial offices.
  - (3) Real estate and other general business offices.
  - (4) Banks, credit unions, savings and loan associations, and similar financial institutions.
  - (5) Schools for arts and crafts, photography and studios for music or dancing; training centers, business schools or private schools operated for profit.
  - (6) Private clubs and lodge halls.
  - (7) Mortuaries.
  - (8) ~~Churches, temples, and similar places of worship,~~ Religious institutions and other facilities incidental thereto.
  - (9) Personal service establishments which perform services on the premises such as: shoe repair, dry cleaning shops (without on-site processing), tailors and dressmakers shops, beauty parlors and barbershops, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and are 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.
  - (10) Retail establishments whose principal activity is the sale of merchandise in an enclosed building, including sales of groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
  - (11) Business services such as mailing, copying and data processing.
  - (12) Restaurants not serving alcoholic beverages where patrons are served while seated within a building occupied by such establishments.
  - (13) *Reserved.*
  - (14) Bus stations.
  - (15) Commercial parking garages.
  - (16) Public schools.
  - (17) Accessory structures and uses customarily incidental to the above permitted uses.

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- c. All buildings, structures, and parking and loading areas shall be setback a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of this chapter.
  - d. Traffic from events (including church-religious institution worship services), and other large assemblies shall be controlled by the institution or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church-religious institution worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study shall be presented to the planning commission for approval after review and comment on the plan by the police department.
  - e. Associated uses on the site such as schools, (if not the primary use) recreation centers, retreat facilities, conference centers, convents, and others shall meet all requirements of this chapter for such uses.
  - f. All parking spaces and aisles shall be screened from off-site view by any one or a combination of the following:
    - 1. Screening mound or berm.
    - 2. Dense landscaping.
    - 3. Solid wall with planting strip.
    - 4. Changes in grade through the use of retaining walls, or topographic features.Screening shall be in accordance with the requirements of section 78-167.
  - g. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.
  - h. Storage of buses, trucks, and maintenance equipment shall be entirely within a totally enclosed building.

(9) Hotels and motels subject to the following:

- a. Each hotel or motel shall provide minimum side yards of not less than 25 feet each; minimum rear yard of not less than 35 feet; minimum front yard of 25 feet except that when parking is provided between the building and a street, the minimum front yard and/or side yard shall be not less than 75 feet.
- b. When the front yard and/or side yard abuts a street and is used to provide an access road and/or off-street parking, the area shall be screened in compliance with the requirements of this article.
- c. Each motel or hotel unit shall contain not less than 250 square feet of floor area.
- d. Kitchen or cooking facilities may be provided in new motels or hotels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been met. No existing motel units shall be converted for use of cooking and/or kitchen facilities unless the applicant can demonstrate compliance with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit being converted.
- e. Where a unit is provided as a residence for the owner or the manager, the following minimum floor area requirements shall be provided: one bedroom unit, 600 square feet; two bedroom unit, 800 square feet; three bedroom unit, 1,000 square feet; four bedroom unit, 1,200 square feet.

(10) Sales rooms, and/or sales lots for new and/or used automobiles, recreation vehicles or trucks, subject to the following:



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- f. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

(23) Gasoline service stations subject to the following:

- a. Gasoline service stations shall provide a front yard and side yards of not less than 20 feet each. No part of a service station canopy shall extend into a required yard.
- b. Gasoline service stations, including any part of the facade, and other structure or part of any other structures on the same lot, shall not exceed 25 feet in height.
- c. Open space on the gasoline service station site may be used for parking or maneuvering of vehicles being serviced, waiting to be serviced or serviced vehicles waiting to be picked up. The use of the open space for parking of vehicles for storage, sale or rental or for any other use other than that defined in the definition of gasoline service station under this chapter is prohibited.
- d. Hoists or other equipment used in servicing of motor vehicles shall be located within an enclosed building.
- e. Pump islands shall be setback not less than 25 feet from the street setback line of any street to which the pump island is perpendicular and 19 feet from the street setback line of any street to which the pump island is parallel and not less than 19 feet from any residential boundary line. Additional setback may be required if determined necessary by the planning commission to provide for adequate site circulation and maneuvering. The setback areas shall include a minimum ten-foot planting strip located along and between the street setback line and the pump islands. No servicing shall be permitted on any vehicle while said vehicle is resting wholly or partly on a sidewalk or on a public street or highway right-of-way.
- f. No gasoline service station, service garage, auto wash facility, or other establishment where gasoline is stored and sold, which because of their nature unavoidably invite vehicle traffic, depend on standing vehicles while awaiting service and route such traffic across curb lines and sidewalks, shall be located—and no property shall be used as such—nearer than 100 feet in any direction as measured from any point on the property line of any ~~church religious institution~~, school (public or parochial), police station, fire station or buildings used for public assembly and 500 feet from any hospital.
- g. Gasoline service stations shall be located on a plot of ground having frontage of not less than 150 feet as measured from the street setback line. When the gasoline service station is located on a corner lot the minimum frontage of 150 feet shall apply to frontage on both streets as measured from the street setback line. Each gasoline service station shall, in addition to the minimum frontage requirement, provide a minimum area of not less than 15,000 square feet. Such station shall be composed of the building housing the office and the facilities for servicing, greasing and/or washing and the pumps for dispensing gasoline. Such facilities shall contain not more than five units (as defined below). Any station designed for more than five units shall provide an additional area of 3,000 square feet for each additional unit. For the purpose of this section, a unit shall mean (a) a set of pumps or (b) a stall for one vehicle within the building for servicing, greasing or washing.
- h. All gasoline and other combustible fuels used to propel internal combustion motors shall be stored in compliance with the all applicable state, federal and municipal codes.
- i. There shall be provided, on those sides abutting or adjacent to a residential district, a six-foot completely obscuring wall, consistent with the requirements of section 78-167.
- j. Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. This lighting shall be high pressure sodium metal

Minimum Lot Frontage	100 ft.
Front Yard Depth	40 ft.
Side Yard Width, Each	25 ft.
Side Yard Adjacent to Residential	50 ft.
Side Yard Adjacent to a Street	40 ft.
Rear Yard	40 ft.
Rear Yard Adjacent to Residential	50 ft.
Maximum Height	35 ft.*
Maximum Percent Lot Coverage	50%

\* The height of a building may be increased one (1) foot for each one (1) foot by which its setback is in excess of the required yard setbacks, up to a maximum height of forty-five (45) feet.

- (iv) All setback areas shall be landscaped with lawns, trees, shrubs, and/or other plantings, and may include reflecting pools, retaining walls and other landscape construction harmonious with the overall landscape scheme. Parking and loading areas may be located in side and rear setback areas but shall be prohibited from the front yard setback. Parking and loading areas shall be screened in compliance with this article.

11. Accessory structures and uses customarily incidental to the above permitted uses, excluding outdoor storage.

(27) 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 land 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 this report in their evaluation of the request for special land use approval.

(d) *Development requirements.*

(1) *Required conditions.* Unless otherwise noted, buildings and uses in the ARC Ann Arbor Road Corridor District shall comply with the following requirements:

- a. The following requirements shall apply to all businesses and uses except for permitted limited wholesale, warehouse and light industrial uses:
  - 1. All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
  - 2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
- b. All business, servicing, or processing, shall be conducted entirely within a completely enclosed building except where specifically permitted by this article.
- c. There shall be no outside storage of goods, inventory, or equipment unless otherwise permitted by this article.

	One per employee based on the greatest number of employees in any one shift.
<i>Institutional</i>	
Churches, temples <u>Religious institutions</u> or auditoriums incidental to schools	One per three seats or One per six feet of bench in main assembly unit based on maximum seating capacity
Convent, nurses' home or other dormitory	One per two bedrooms plus Two for manager
Libraries, museums	One per 500 square feet of gross floor space plus One per employee based on the greatest number of employees in any one shift.
Post office	One per 200 square feet of usable floor area plus One space per employee based upon the greatest number of employees in any one shift.
Public utility	One per employee based on the greatest number of employees in any one shift.
Child care centers, day care centers, nursery schools	One per 400 square feet of usable floor area plus One per employee based upon the greatest number of employees in any one shift.
Municipal offices	One per four seats based on the maximum seating capacity of the main meeting room plus One per two employees based on the greatest number of employees in any one shift.
<i>Commercial</i>	
Beauty parlor and barber shops	Two per chair or station plus One per each employee based on the greatest number of employees in any one shift.
Bowling alleys	Seven (7) per alley plus Requirements for accessory uses
Dance halls, pool or billiard parlors, roller and skating rinks, exhibition halls, and assembly halls without fixed seats	One per three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments	One per two persons allowed within the maximum occupancy load and/or maximum seating capacity as established by local, county or state fire, building or health codes —or— One per two seats plus One per each employee based on the greatest number of employees in any one shift, whichever is greater

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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 land 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-Religious institutions 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 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-religious institution building as an accessory use to a church religious institution.
- (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 land use permit under this chapter.



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## Sec. 78-201. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Ord. of 10-6-03)

## Sec. 78-202. Performance standards.

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

(1) *Smoke.*

- a. *Density.* It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart.
- b. *Exception.* Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any 30 minutes shall be permitted.
- c. *Method of measurement.* For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with Ringlemann's Chart.
- d. Emission from fireplaces used for non-commercial or purpose shall be exempt.

(2) *Dust, dirt and fly ash.*

- a. *Quantity.* No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit or as regulated ~~the Michigan Department of Environmental Quality~~ MDEQ Environment, Great Lakes, and Energy EGLE.
- b. *Method of Measurement.* For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- (3) *Open storage.* The open storage of any industrial equipment, vehicles and all materials including wastes, shall be provided with an obscuring screen in accordance with the provisions of section 78-296. The extent of such obscuring screen may be determined by the planning commission depending upon the nature of the material to be stored.

(2) *Permitted lighting.* Only non-glare, color-corrected lighting shall be permitted. In commercial and industrial districts, full cutoff shades are required for light sources higher than 15 feet so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(3) *Intensity.*

a. *Site lighting.* Lighting for uses adjacent to residential properties shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot-candle over the entire area, measured five feet above the surface.

b. *Parking lots.* Parking lot illumination levels shall conform to the following standards:

1. For residential uses, churches religious institutions, schools and child care facilities, all parking lots must be illuminated at levels of at least 0.4 but not exceed 0.6 foot-candles.
2. For non-residential uses, illumination levels shall be a function of the size of the parking lot:

Size	Minimum Illumination
Small (5—10 spaces)	0.4
Medium (11—99 spaces)	0.6
Large (100+ spaces)	0.9

(4) *Height.* Except as noted below, lighting fixtures shall not exceed a height of 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven feet above ground level (See attached diagram). The planning commission may modify these height standards in the commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of the surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located. More specifically, in industrial districts the height of lighting fixtures may be equal to the height of the principal building on the site on which the lighting is located, provided that such lighting does not exceed 30 feet and is located at least 200 feet from any residential district.

(5) *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in the adopted sign ordinance, article XIX.

(6) *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provisions.



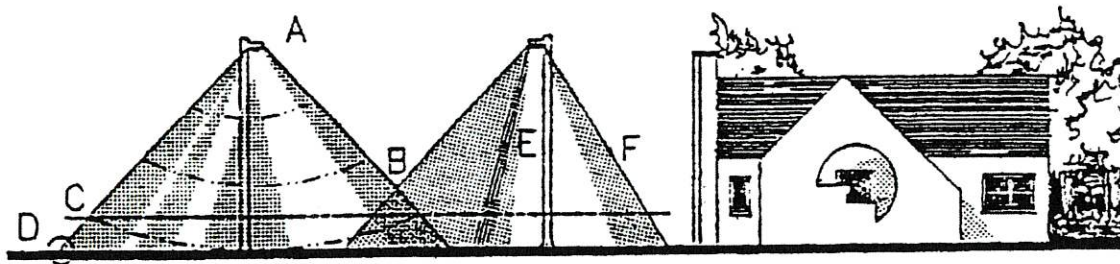


Diagram Notes

- A. Non-glare, color corrected lighting with full cutoff shades for commercial and industrial sites, on daily from a ½ hour after sunset to a ½ hour before sunrise.
- B. Overlapping light pattern at approximately seven feet.
- C. Average minimum light intensity: 0.5 foot-candle, not to exceed a maximum of 20 foot-candles, measured five feet above the surface.
- D. Minimum light intensity at ground level, anywhere on site: 0.3 foot-candle.
- E. Maximum height: Twenty-five feet or height of building, whichever is less, unless modified by planning commission.
- F. Light directed away from adjoining properties. Uses adjacent to residential properties must maintain illumination levels not to exceed 0.1 foot-candles at the property line, and uses adjacent to non-residential properties must maintain levels not to exceed one foot-candle.
- G. For residential uses, churches religious institutions, schools, and child care facilities, all parking lots must maintain illumination levels of at least 0.4 but not exceed 0.6 foot-candles. For non-residential uses, illumination levels shall be a function of the size of the parking lot (see section 78-204(b)(3)b.)

(Ord. of 10-6-03)

### Sec. 78-205. Residential entranceway.

In all residential districts, entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 78-207, provided that such entranceway structures shall comply with all codes of the city, and shall be approved by the building department and a permit issued.

(Ord. of 10-6-03)

### Sec. 78-206. Walls and berms.

- (a) For the use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, a screening wall, fence, landscaped berm or landscape strip as required below. The height of the fence, wall, or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

	Use	Height Requirements
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protect the public health, safety, and welfare and retain the integrity of neighborhoods and the character and aesthetic quality of the community at large. This policy is consistent with the Federal Telecommunications Act of 1996 and PA 110 of 2006, as amended (MCL 125.3514).

- (b) *Authorization.* Wireless telecommunication facilities may be permitted within the City of Plymouth as either a permitted use subject to administrative review, permitted use subject to site plan approval, or as a special land use according to the following regulations:

- (1) Wireless communication equipment as a permitted use subject to administrative review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review by the building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (c), General regulations, with the certification to identify any items of noncompliance. The wireless facility shall also comply with the following:

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
- b. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or ten percent of its original height (as first erected without any later additions), whichever is greater.
- c. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- d. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

- (2) *As a permitted use subject to site plan approval.* In the I-1 and I-2 zoning districts, a wireless communication facility shall be a permitted use subject to the standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:

- a. A proposed collocation upon a wireless communication support structure which has been approved by the city for such collocation but which is not permitted by administrative review under subsection (b)(3).
- b. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.

- (3) *As a special land use.*

- a. A collocation on an existing structure which does any of the following: increases the height of the support structure by more than 20 feet or ten percent of its original height, increase the width of the support structure or increases the area of the equipment compound greater than 2,500 square feet.
- b. Subject to the standards and conditions set forth in this section, new wireless communication facilities shall be considered as a special land use in any areas outside of the I-1 and I-2 zoning districts.
- c. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of I-1 and I-2 districts and that existing structures are not available for collocation in other parts of the city, such wireless communication facilities shall be considered elsewhere in the city as a special land use, subject to the following:



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b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(d) *Application requirements.*

(1) Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review.

(2) A site plan and special land use application shall be required for wireless facilities proposed as a special land use, in accordance with Article XX and Article XXIII.

For wireless facilities subject to special land use application, a site plan shall also include a detailed landscape plan prepared in accordance with section 78-203. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.

(3) An application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement found acceptable by the city manager.

(e) *Procedures.*

(1) *Review and administrative actions on special land use and site plan approval applications.*

a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.

b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.

c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.

d. Upon a special land use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (e)(2) below.

e. If the applicant has disclosed professional opinions supporting the application and the building official or planning commission has determined that independent professional review for the city of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by a written notice from the building official as a professional review cost to be paid in accordance with the notice.

(2) *Decisions on special land use and site plan approval applications.*

a. The planning commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.

- b. For all special land use, site plan applications, and applications subject to administrative review, other than new wireless communications support structures, the planning commission shall approve or deny the application not more than 60 days after it is administratively complete.
- (3) *Post-approval costs, fees, and administrative actions.* Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities, shall be issued subject to and conditioned on all of the following:
- Any conditions of the special land use or site plan approval.
  - Payment of any outstanding professional review costs as described in subsection e.1)(e).
  - Payment of permit fees in an amount established by or in accordance with a Resolution of city commission.
- (f) *Removal.*
- A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
  - A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon cessation of operation.

(Ord. of 10-6-03; Ord. No. 2014-03, § 6, 2-17-14)

## **Sec. 78-217. Projections into setbacks.**

Projections into setbacks shall be permitted as follows:

Projection...	...Into Front Yard Setback	...Into Side Yard Setback	...Into Rear Yard Setback
<i>At or Below Grade:</i>			
Egress window/areaway recess*	Not permitted	3 feet from face of structure (interior dimension)	3 feet from face of structure (interior dimension)
Stairs from basement	Not permitted	Not permitted	4 feet (interior dimension)
Patios	4 feet, but no closer than 10 feet from the front property line	Not permitted	10 feet from property line
<i>Above Grade but Below Roof:</i>			
Air conditioning condensers	Not permitted	4 feet	4 feet
Architectural features, as defined	4 inches	4 inches	4 inches
Awning/canopy	3 feet	Not permitted	3 feet
Balcony	4 feet	Not permitted	4 feet

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

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

(Ord. of 10-6-03)

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

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

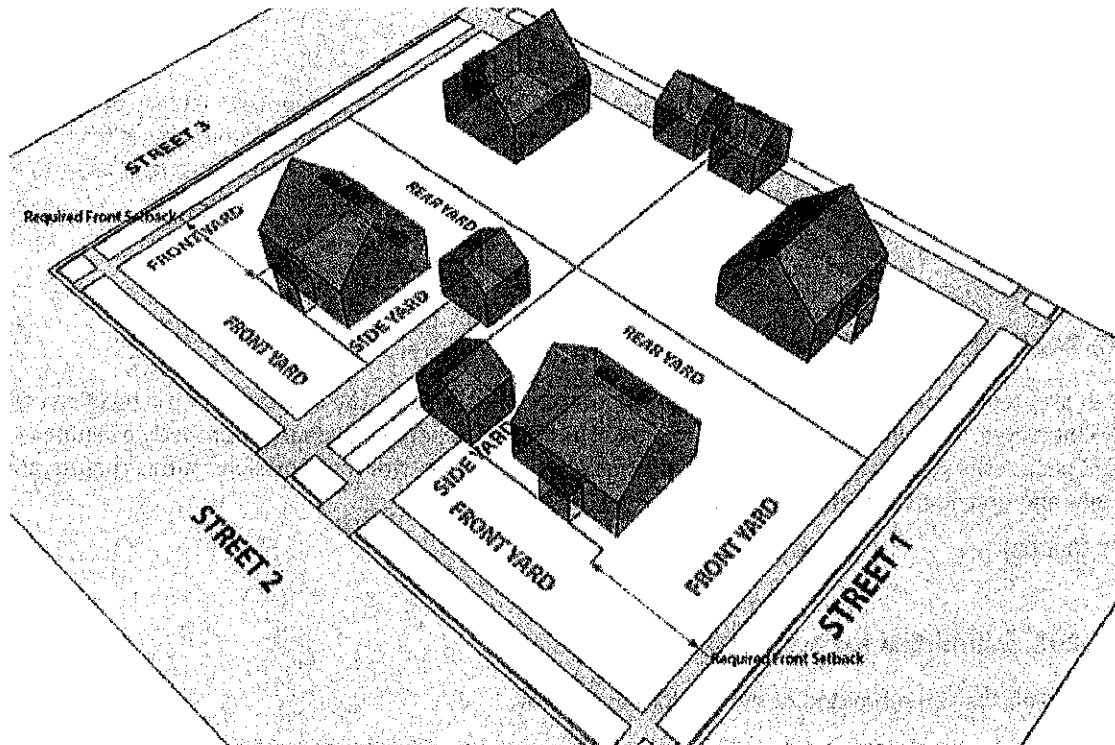
(Ord. of 10-6-03)

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

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

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

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



- (11) Accessory buildings within all other nonresidential districts shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.
- (12) Detached accessory buildings shall not be used as habitable space.
- (13) Detached accessory structures must be located a minimum of ten feet from the principle structure on site.
- (14) Private wind energy conversion systems shall be subject to regulations contained in section 78-261.
- (15) No detached accessory building in any residential district shall be constructed with an attached deck or balcony which exceeds 32 square feet.

(Ord. of 10-6-03; Ord. No. 2010-02, § 4, 4-5-10; Ord. No. 2012-04, § 12, 11-5-12; Ord. No. 2014-05, § 4, 6-2-14; Ord. No. 2014-05, § 4, 6-2-14; Ord. No. 16-06, § 3, 10-17-16; Ord. No. 2017-09, § 1, 1-2-18)

### **Sec. 78-261. Wind energy conversion systems.**

- (a) *Intent.* It is the intent of the City of Plymouth to promote the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- (b) *Approval required.* Except where allowed as an accessory use or as a special land use as listed in Article XII and XIII, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the city.
- (c) *Accessory uses.* Private WECS projects located on lots within the city, and within any zoning district shall be allowed as an accessory use. Accessory use private WECS projects shall conform to the regulations of this section, including maximum height and minimum setback standards.



- (3) Unless otherwise provided herein, off-street parking shall not be permitted in any required or non-required front yard, except for use of the driveway. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum five foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties. This requirement may be waived or modified by the planning commission for sites where there is limited land area available to meet the strict requirements of this section or for sites where it is possible to provide additional landscaping or screening to buffer parking from adjoining uses and a public road right-of-way.
- (4) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant a variance from the parking requirements of this chapter.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type as noted in section 78-271 below.

Units and methods of measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- a. *Floor area:* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
  - b. *Employees:* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
  - c. *Places of assembly:* In stadiums, sports arenas, ~~churches~~ religious institutions and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
  - d. *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- (10) Parking requirements within the B-2 central business district.
- a. Within the B-2 central business district only, parking required for principal uses permitted or special land uses permitted (Sections 78-101 and 78-102) shall be based upon a parking rate according to the following schedule:

Residential	Two (2) spaces for each dwelling unit
Retail	One space for each 500 sq. ft. of gross floor area
Office	One space for each 500 sq. ft. of gross floor area

	d.	Housing for the elderly	One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided. A minimum of one visitor space shall be required for each six dwelling units.
	e.	Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
	f.	Rooming houses and rooming units	One for each bedroom or room which could be so used.
(2)	<i>Institutional:</i>		
	a.	<del>Churches, temples, or places of worship.</del> <u>Religious institutions</u>	One for each two seats or four feet of pews in the main unit of worship, plus any additional spaces needed for any day care, school, recreational facilities, meeting rooms, offices, and other uses determined by calculation by other section. An operations plan shall be submitted to support the amount of parking provided.
	b.	Hospitals	Two for each one bed plus parking for related uses.
	c.	Convalescent and/or nursing homes	One for each four beds.
	d.	Municipal recreation centers	Five spaces per 1,000 sq. ft. of floor area, plus parking required for outdoor facilities, or ⅓ parking space per person of permitted capacity whichever is greater.
	e.	Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements of the auditorium.
	f.	Senior high schools trade school, colleges and universities.	One for each one teacher, employee or administrator and one for each ten students, in addition to other applicable requirements, i.e. auditorium, etc.
	g.	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	h.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
	i.	Golf courses, including par-3, open to the general public, except miniature courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use, such as a restaurant or bar.
	j.	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	k.	Stadium, sports arena or similar place of outdoor assembly	One for each three seats six feet of benches, (bleachers), whichever is greater.
	l.	Theaters and auditoriums	One for each three seats plus one for each two employees.



100,001 and over	Five spaces
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- (2) All loading and unloading in the I-1 and I-2 districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard except as follows:
- a. *I-1 districts.* Permit off-street loading and unloading at a front facade truck entrance to a structure, and in the front yard, when the front facade of the industrial operation portion of the structure is set back at least 65 feet from the front property line, and provided further that the office portion of the structure is constructed forward of the industrial operation so as to be situated between the minimum front yard setback line of 50 feet and the industrial operation.
  - b. *I-2 districts.* Permit off-street loading and unloading as a front facade truck entrance to the structure, and in the front yard, when such front facade is set back sufficiently to permit truck maneuvering on the property behind a greenbelt screen planting berm or wall set back at least 40 feet from the front lot line and so constructed as to totally obscure the loading and unloading operation.

(Ord. of 10-6-03)

### **Sec. 78-275. Parking of mobile homes and recreational vehicles.**

The parking of a mobile home or recreational vehicle not owned by a resident of the city for periods exceeding 24 hours on lands not approved for said vehicles shall be expressly prohibited, except that the City Police Department may extend temporary permits allowing the parking of such vehicles in a rear yard on private property, not to exceed a period of two weeks. All mobile homes or recreational vehicles owned by residents of the city and stored on their individual lots shall be allowed for periods exceeding 24 hours with no permit required, and shall be stored only within the confines of the rear yard, except for temporary loading and unloading, and shall further respect the requirements applicable to Article XXI, Accessory Buildings, section 78-260, Regulations, insofar as distance from principal structures, lot lines and easements are concerned. For the purpose of this article, the area occupied by the stored mobile home or recreational vehicle shall be computed as lot coverage and shall not exceed the maximum coverage permitted under section 78-190 and 78-191. All such vehicles parked or stored on lands not approved for storage or parking shall not be connected to sanitary facilities or any utilities, except for repair or servicing, and shall not be occupied.

**Secs. 78-276—78-279. Reserved.**

## **ARTICLE XXIII. SPECIAL LAND USES**

### **Sec. 78-280. Intent.**

The intent of this article is to provide for specific regulations which apply to special land uses. The regulations set forth in the article are in addition to the standards and procedures set forth in the various zoning districts.

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

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## Sec. 78-281. Special land uses.

- (a) *Application.* Applications for special land 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 land use permit being requested. Any request for a special land 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 land 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 15 days before the date the application will be considered. The notice shall describe the property in question and the nature of the special land 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 land use permit. Upon approval of a special land 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 land 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 land 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 land 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 land 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 land use permit.* A special land 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~~ land use approval was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special land use; or the approved special land use is not operational within two years of the date of special land use approval; or
    - b. Compliance with the special land use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
    - c. The special land 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 land use permit has created a risk or danger to the public health, safety, or welfare; or

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- e. The special land use is a violation of any provisions of this chapter or other city, county, state or federal regulations.
- (2) If the building official, community development director or designee determines that a condition for suspension or revocation of the special land 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 land 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 land 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 land use permit was granted.

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

### **Sec. 78-282. Adult regulated uses.**

In the development and implementation of this section, it is recognized that there are certain uses, which by their very nature are recognized as having serious objectionable operational characteristics (particularly when several of them are concentrated in a small area), thereby having a deleterious effect on surrounding neighborhoods. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the city's residential neighborhoods or commercial centers. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. It is the intent of this section to provide reasonable regulations for the establishment of adult regulated uses in a viable, accessible location where the adverse impact of their operations may be minimized.

The permitted or special approvalland uses approval permitted in any given zoning district, and listed below, shall be subject, unless otherwise required by the planning commission, to all the following conditions and regulations regarding site development.

- (a) *Definitions for adult regulated uses.* The following uses are regulated by this subsection.



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- (1) *Adult entertainment business.* One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, or adult nightclub.
  - (2) *Adult book or supply store.* An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
  - (3) *Adult motion picture theater.* An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
  - (4) *Adult mini-motion picture theater.* An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
  - (5) *Adult novelty business.* A business which has a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
  - (6) *Adult personal service business.* A business which has as a principle activity a person, while nude or partially nude, providing personal services for a person on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
  - (7) *Adult night club.* A business with the principal activity of providing entertainment by nude or partially nude performers.
  - (8) *Principal activity.* A use accounting for more than 20 percent of a business' stock in trade, display space, floor space, live entertainment time or movie display time per year.
- (b) *Required spacing.* The establishment of the types of adult regulated uses listed in above, shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:
- (1) At least 1,000 feet from any other adult regulated use;
  - (2) At least 500 feet from all ~~churches, convents, temples and similar~~ religious institutions;
  - (3) At least 500 feet from all public, private or parochial nurseries, primary or secondary schools, playgrounds, licensed child care facilities, and hospitals;
  - (4) At 500 feet from any one-family or multiple-family residential district or use;
  - (5) At 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf, dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses frequented by children and teenagers.
- (c) *Special site design standards.*
- (1) Maximum size of the building shall be 3,000 square feet.
  - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.

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- (3) Adult regulated uses shall be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.
  - (4) The color of the building materials shall be subject to approval by the planning commission.
  - (5) A 4½ foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way. The planning commission may permit use of landscaping in place of a wall.
  - (6) No person shall reside in or permit any person to reside in the premises of an adult regulated use.
  - (7) No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.
  - (8) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof and shall be in accordance with this section.

(Ord. of 10-6-03)

### **Sec. 78-283. Drive-in or drive-through restaurants.**

Drive-in or drive-through restaurants subject to the following conditions:

- (1) The main and any accessory building shall be setback 50 feet from any adjacent public right-of-way line or property line.
- (2) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

A six foot high obscuring wall, fence or landscaping shall be provided along any property line adjacent to a residential zoning district.

(Ord. of 10-6-03)

### **Sec. 78-284. Bed and breakfast.**

Bed and breakfast operations shall further be subject to the following:

- (1) Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
- (2) Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
- (3) Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- (4) The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
- (5) 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.
- (6) Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
- (7) Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.



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## **Sec. 78-295. Adult foster care facilities.**

- (a) *Intent.* It is the intent of this section to establish standards for adult foster care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
  - (1) A state licensed adult foster care small family serving six persons or less shall be considered a residential use of property and a permitted use in all residential districts.
  - (2) The city may, by issuance of a special land use permit, authorize the establishment of adult foster care group homes serving more than six persons in the following zoning districts: R-1, RT-1, RM-1, and RM-2. Such facilities shall be prohibited in all other districts.
  - (3) The city may, by issuance of a special land use permit, authorize the establishment of an adult foster care congregate facility in the following zoning districts: RM-1 and RM-2. Such facilities shall be prohibited in all other districts.
- (c) *Standards for adult foster care group homes.* Such homes shall be considered as a special land use subject to the requirements and standards of section 78-281 and the following additional standards:
  - (1) A site plan, prepared in accordance with Article XX shall be required to be submitted.
  - (2) The subject parcel shall meet the minimum width and set back area, requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 sq. ft. per adult, excluding employees and/or care givers.
  - (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (4) One off-street parking space per employee and/or caregiver shall be provided.
  - (5) In its sole discretion, the city may determine that landscape screening in accordance with section 78-206 is required.
  - (6) Appropriate licenses with the State of Michigan shall be maintained.
  - (7) Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
  - (8) The atmosphere and routine shall be that a resident may spend the majority of his non-sleeping hours outside his bedroom.
  - (9) A toilet, lavatory and bathing or showering facility shall be provided for each six persons. At least one toilet and lavatory shall be provided on each floor having resident bedrooms.
  - (10) Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.
  - (11) Provide a living or day room area which affords privacy for use by a resident and his visitors.
  - (12) The living and sleeping areas for each resident shall not be in non contiguous wings, units or buildings.
  - (13) A living room, dining room or other room not designed nor ordinarily used for sleeping shall not be used for sleeping purposes.
  - (14) A room shall not be used as a bedroom where more than ½ of the room height is below grade except where the ceiling of such portion of a building is located five feet or more above grade for more than 25 percent of the perimeter measurement of the room.
  - (15) Bedrooms shall have at least one window with a minimum sash area of eight square feet.
  - (16) A single-occupancy bedroom shall have at least 80 square feet of usable floor area.

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- (17) A multiple-occupancy bedroom shall have at least 70 square feet of usable floor area per person with a maximum of four beds and persons per bedroom.
  - (18) A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
  - (19) Signage shall not be allowed.
  - (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a special land use subject to the requirements and standards of section 78-281 and the following standards:
    - (1) A site plan, prepared in accordance with Article XX shall be required to be submitted.
    - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 sq. ft. per adult, excluding employees and/or caregivers.
    - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in Article XXII shall be met.
    - (4) All landscape requirements set forth in section 78-203 shall be met.
    - (5) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. of 10-6-03)

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

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

(Ord. of 10-6-03)

- (b) An additional density of up to 25 percent greater than specified above may be allowed at the discretion of the planning commission based upon a demonstration by the applicant of design excellence and conformance to the standards listed in section 78-313.
- (c) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units as required in section 78-206.

(Ord. of 10-6-03)

### **Sec. 78-313. General design standards.**

- (a) All regulations within the city zoning ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
- (b) Notwithstanding subsection (a) of this section, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the city commission upon the recommendation of the planning commission designed into the project plan for the purpose of achieving the objectives of this section.
- (c) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses.
- (d) The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- (e) The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (f) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the city. However, where warranted by overlapping or shared parking arrangements, the planning commission or city commission may reduce the required number of parking spaces.
- (g) All streets and parking areas within the planning unit development shall meet the minimum construction and other requirements of city ordinances, unless modified by city planning commission.
- (h) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (i) Effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including ~~MDEQ-EGLE~~ regulated and non ~~MDEQ-EGLE~~ regulated wetlands or floodplains.
- (j) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (k) There shall be underground installation of utilities, including electricity and telephone.
- (l) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- (m) Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled



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9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site;
  10. Lot lines and all structures on the property and within 100 feet of the PUD property lines;
  11. Location of any access points on both sides of the street within 100 feet of the PUD site along streets where access to the PUD is proposed;
  12. Existing locations of significant natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, **MDEQ EGLE** designated or regulated wetlands with supporting documentation and a tree survey indicating the location and diameter (in inches, measured four feet above grade) trees greater than 12 inches in diameter;
  13. Existing and proposed topography at five-foot contour intervals, or two-foot contour intervals (two-foot intervals required for final site plan), and a general description of grades within 100 feet of the site;
  14. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
  15. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;
  16. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments: the number, type and density of proposed housing units;
  17. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
  18. Size, type and location of proposed identification signs;
  19. If a multiphase planned unit development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase;
  20. Any additional graphics or written materials requested by the planning commission or city commission to assist the city in determining the appropriateness of the pud such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost;
  21. An explanation of why the submitted planned unit development plan is superior to a plan which could have been prepared under strict adherence to related sections of this chapter.
- (2) *Planning commission action.* The preliminary plan shall be noticed for public hearing before the planning commission in accordance with section 78-377. Following the hearing, the planning commission shall review the preliminary site plan and shall take one of the following actions:
- a. *Approval.* Upon finding that the preliminary plan meets the criteria set forth in the purpose and intent and this section, the planning commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall

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### **Sec. 78-331. Essential services.**

It is the intent of this chapter to place essential services or property owned, leased, or operated by public agencies, including local, state, federal or any other public or governmental body or agency or public utilities under the provisions of this chapter, as follows:

- (1) Where such uses are specifically listed they shall be governed as indicated.
- (2) Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.
- (3) Property owned, leased, or operated by the State of Michigan or the United States shall be exempted from the provisions of this chapter only to the extent that said property may not be constitutionally regulated by the city.
- (4) Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review, or administrative site plan review, it being the intention of the city to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with the applicable regulations that do not affect the basic design or nature of operation of said services.

(Ord. of 10-6-03)

### **Sec. 78-332. Voting place.**

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Ord. of 10-6-03)

### **Sec. 78-333. Height limit.**

The height limitations of this chapter shall not apply to farm buildings, chimneys, ~~church~~religious institution spires, flag poles, public monuments or wireless transmission towers excluding cellular telephone facilities; provided, however, that the zoning board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special land use under section 78-281.

(Ord. of 10-6-03)

### **Sec. 78-334. Lot area.**

Any lot existing and of record at the time this chapter became effective [February 11, 1992] may be used for any principal use, other than uses permitted on special approval for which special lot area requirements are specified in this chapter, permitted in the district in which such lot is located. This provision applies whether or not such lot complies with the lot area requirements of this chapter, provided that all requirements other than lot area requirements prescribed in this chapter are complied with; and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(Ord. of 10-6-03)





PART II - CODE OF ORDINANCES  
Chapter 18 - BUILDINGS AND BUILDING REGULATIONS  
ARTICLE X. FENCES

## ARTICLE X. FENCES

### Sec. 18-371. Purpose, intent.

It is the intent ~~and purpose of this article to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.~~

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(Ord. No. 82-11, § 1(8.21), 8-16-82)

### Sec. 18-372. Definitions.

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

*Border* means a planting area composed of shrubs, trees, etc., which is utilized as a part of the landscaping of a lot.

*Decorative fence* means a permanent barrier not used for enclosure. Any such fence shall be a part of the overall landscape plan and shall be composed of natural materials such as wood (i.e., split rail fence, picket, etc.) or a decorative metal construction (i.e., aluminum, wrought iron, etc.).

*Fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary.

*Gutter grade* means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

*Picket fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary. A picket fence shall have spaced uprights connected by two or more horizontal rails. The uprights shall not exceed four inches in width. The space between uprights shall be a minimum of two and one-half inches and must not exceed four inches.

*Sidewalk line* means the edge of the constructed public sidewalk that is adjacent or closest to the lot line.

*Wall* means a barrier constructed of masonry or other solid materials on a continuous concrete footing for the purpose of controlling entrance, sound and/or view.

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(Ord. No. 82-11, § 1(8.22), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

Cross reference(s)—Definitions generally, § 1-2.

### Sec. 18-373. Prevention of hazards.

- (a) ~~No fence, border or wall shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall.~~

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(b) ~~Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.~~

(Ord. No. 82-11, § 1(8.26), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

#### Sec. 18-374. Line fences and walls.

~~All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.~~

(Ord. No. 82-11, § 1(8.27), 8-16-82)

#### Sec. 18-375. Electric fences.

~~It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.~~

(Ord. No. 82-11, § 1(8.28), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

#### Sec. 18-376. Appeals.

~~If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.~~

(Ord. No. 82-11, § 1(8.29), 8-16-82)

#### Sec. 18-377. Permits.

(a) ~~It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.~~

(b) ~~Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.~~

(Ord. No. 82-11, § 1(8.23), 8-16-82)

#### Sec. 18-378. Establishing lot lines.

~~The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.~~

(Ord. No. 82-11, § 1(8.30), 8-16-82)

#### Sec. 18-379. Borders.

~~Borders may be planted in any yard area subject to the following provisions:~~

- ~~(1) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.~~
- ~~(2) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.~~
- ~~(3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.~~

(Ord. No. 82-11, § 1(8.24), 8-16-82; Ord. No. 2011-02, 1-17-11)

#### Sec. 18-380. Fences and walls.

- ~~(a) All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.~~
- ~~(b) Fences shall be setback a minimum of one foot away from the sidewalk line.~~
- ~~(c) Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.~~
- (d) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.
- (e) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater (see figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see figure 2).

Figure 1.



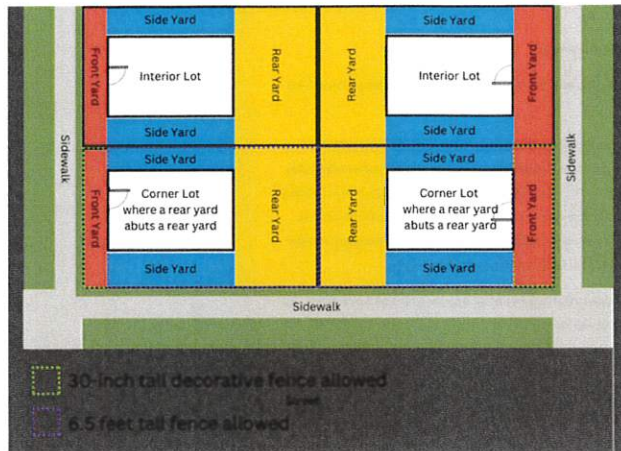
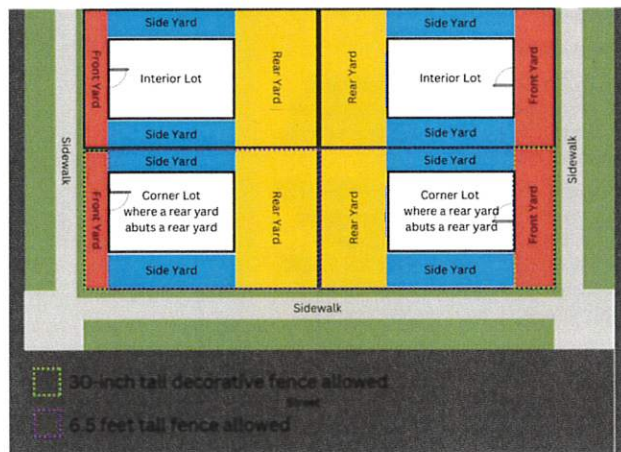


Figure 2.



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- (f) In business-zoned areas, fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.
- (g) In industrial-zoned areas, fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted within the triangular area formed at the intersection of any street right-of-

way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.

(Ord. No. 82-11, § 1(8.25), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

Secs. 18-381—18-400. Reserved.

#### Sec. 78-208. ~~Residential fences~~General Fence Requirements.

Fences or walls are permitted, ~~subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail.~~ It is the intent and purpose of this section to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous, however, ~~that the following provisions be construed harmoniously with the fence ordinance where possible.~~

##### (1) General fence requirements and provisions.

- a. No fence, border or wall shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall.
- b. Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.
- c. All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.
- d. It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.
- e. It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.
- f. Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.
- g. The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector

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may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

h. Borders may be planted in any yard area subject to the following provisions:

(1) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.

(2) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.

(3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.

i. All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.

j. Fences shall be setback a minimum of one foot away from the sidewalk line.

k. Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.

l. If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.

m.

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

~~Figure 1.~~

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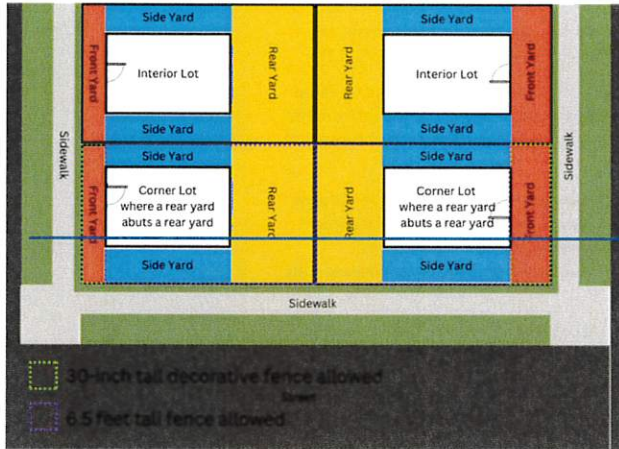
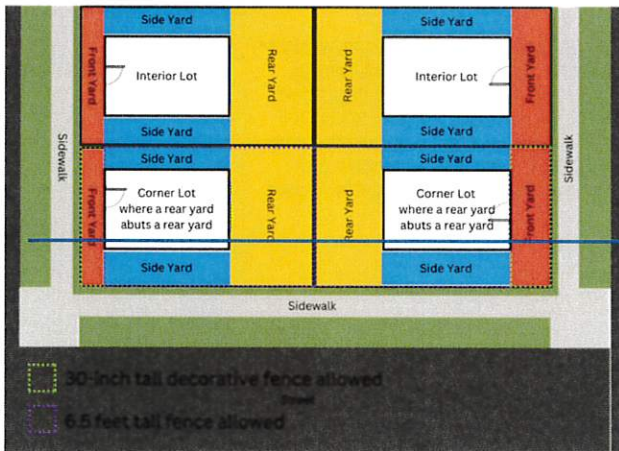


Figure 2.



- (2) ~~Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.~~
- (3) All fences or walls shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- (4) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.

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- (5) Fences for swimming pools shall comply with the regulations of the state construction code.
  - (6) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, or plantings shall comply with the corner clearance requirements of section 78-207.
  - (7) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
  - (8) ~~Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.~~
  - (9) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11; Ord. of 8-7-23)

#### Sec. 78-209. ~~Industrial fences~~Fences and Walls.

(1) Fences are permitted in residential districts as follows:

- a. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

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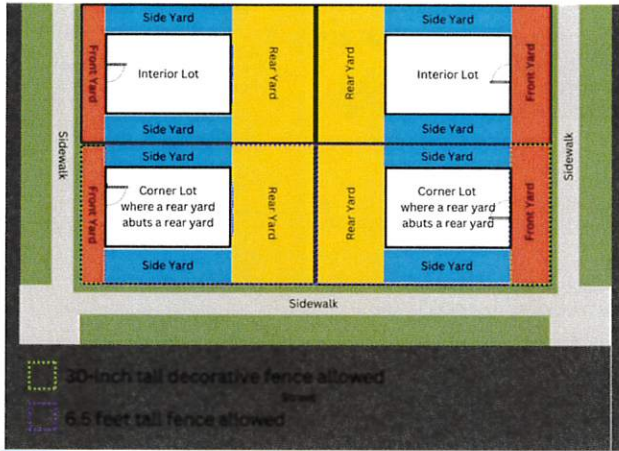
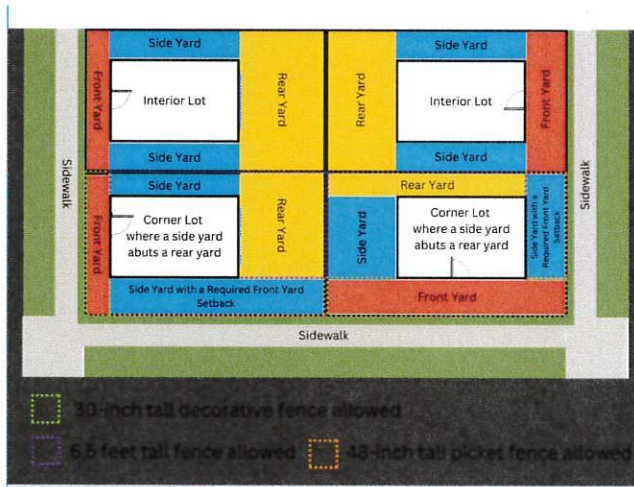


Figure 2.



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b. Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.

c. Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.

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(2) Fences are permitted in business districts as follows:

(a) Fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.

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(3) Fences are permitted in industrial districts as follows:

(1a) Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.

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(2b) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.

(c) Fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.

(Ord. of 10-6-03)