



City of Plymouth Planning Commission

Regular Meeting Agenda

Wednesday, January 14, 2026 – 7:00 p.m.
City Hall & Online Zoom Webinar

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234

<https://us02web.zoom.us/j/84173598153>

Passcode: 887637
Webinar ID: 841 7359 8153

- 1. CALL TO ORDER**
 - a. Roll Call
- 2. CITIZENS COMMENTS**
- 3. APPROVAL OF THE MINUTES**
 - a. Approval of the December 10, 2025 meeting minutes
- 4. APPROVAL OF THE AGENDA**
- 5. COMMISSION COMMENTS**
- 6. ELECTION OF OFFICERS**
- 7. PUBLIC HEARINGS**
 - a. Amendment to Zoning Ordinance Secs. 78-133; 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333; 78-202, 78-313, 78-314; 78-21, 78-42, 78-52, 78-62, 78-71, 78-163, 78-163, 78-204, 78-242, 78-270, 78-271, 78-296; 78-208, 78-209; 78-6, 78-386.
- 8. OLD BUSINESS**
 - a. Amendment to Zoning Ordinance Secs. 78-91, 78-101, 78-182.
- 9. NEW BUSINESS**
 - a. Amendment to Zoning Ordinance Secs. 78-42, 78-52, 78-62, and 78-296.
- 10. REPORTS AND CORRESPONDENCE**
- 11. 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.

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

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

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

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

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

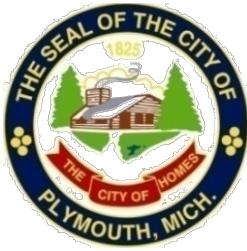
GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

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

2025 Planning Commission Goals

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



Plymouth Planning Commission

Regular Meeting Minutes

Wednesday, December 10, 2025 - 7:00 p.m.

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

www.plymouthmi.gov
734-453-1234

1. CALL TO ORDER

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

Present: Chair Hollie Saraswat, Commissioners Joe Hawthorne, Marni Schroeder, Trish Horstman, Zach Funk, Sidney Filippis, and Katie Rossie

Excused: Vice Chair Kyle Medaugh, Commissioner Dave Scott

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

2. CITIZENS COMMENTS

Two citizens, Scott Lorenz (1310 Maple) and Elizabeth Volaric (216 N Holbrook), raised concerns about the zoning ordinance amendments. They noted the limited time provided for public review and suggested pausing the process for better public engagement.

3. APPROVAL OF MEETING MINUTES

Schroeder moved to approve the minutes of the November 12, 2025 meeting as written. Filippis seconded. The motion carried unanimously.

4. APPROVAL OF THE AGENDA

Schroeder made a motion to approve the agenda as written for the December 10, 2025 meeting. Horstman seconded. The motion carried unanimously.

5. COMMISSION COMMENTS

Horstman invited everyone to visit Old Village on Sunday from 1-3 PM for a free Santa event at Starkweather Park.

Schroeder clarified that the zoning ordinance sub-committee had been meeting since June, with meetings open to the public. She explained they intentionally divided the work into smaller batches for better transparency and noted that the updates were discussed at the November meeting.

Chair Saraswat expressed her hope for continued support from the new City Commission for the Planning Commission's efforts.

Filippis added that there was no intention to rush or dismiss feedback; the commission was simply trying to manage its workload efficiently.

6. PUBLIC HEARINGS

- a. Amendment to Zoning Ordinance Secs. 78-281, 78-377, 78-406, 78-42, 78-52, 78-181, 78-111, 78-91, 78-101, 78-182, and 78-21.

Planning Director Bolhuis provided historical context on the zoning audit project, which began in 2022 at the City Commission's directive. The audit identified inconsistencies and outdated language within the ordinance, resulting in 26 recommended changes to be implemented in batches. A sub-committee of four

planning commissioners has been working on these items since June 2025.

Chair Saraswat opened the public hearing at 7:24 PM.

Elizabeth Volaric (216 N Holbrook) expressed concern about a particular change that might increase density and affect neighborhood compatibility.

David Pierce (1147 Ann Arbor Trail) suggested the commission should provide redlined documents showing changes and explanations of why each change was being made to improve public understanding.

Chair Saraswat closed the public hearing at 7:30 PM.

The commission discussed each proposed amendment in detail. After thorough discussion, the commission made the following considerations with the proposed actions i.e. items outlined in yellow.

Amendments for Tasks # 1, 2, 3, 6, 9, 21 (Secs. 78-281, 78-377, 78-406, 78-42, 78-52, 78-181, 78-111)

Consideration: Straightforward changes aimed at bringing the ordinance in compliance with state law and aligning language to current standards.

Action: Supported for recommendation to the City Commission.

Amendment 10: Inclusion of e-commerce in Commercial Districts (Secs. 78-91, 78-101, 78-182)

Consideration: The amendment highlighted the need for precise language to prevent businesses from becoming small goods factories, thus ensuring they remain compatible with retail and service business models.

Action: Tabled for further discussion in January to ensure a comprehensive understanding and address public concerns.

Amendment 20: One-story requirement for convenience stores and separation by a firewall (Sec. 78-21)

Consideration: Focused on removing regulatory language from definitions to prevent contradictions and align with the zoning ordinance.

Action: After additional discussion, supported for recommendation to the City Commission.

Motion by Schroeder, seconded by Filippis, to recommend to the City Commission **approval of amendments to zoning ordinance sections 78-281, 78-377, 78-406, 78-42, 78-52, 78-181, 78-111, 78-21 as written and discussed.**

There was a roll call vote.

YES: Horstman, Funk, Filippis, Schroeder, Rossie, Chair Saraswat

NO: Hawthorne

The motion carried.

7. OLD BUSINESS

a. Quick Zoning Ordinance Amendments

The commission also discussed four potential amendments that are set to be notified for future public hearings i.e. items outlined in blue. These discussions highlighted the commission's aim to ensure clarity and alignment of the zoning ordinance with the zoning audit findings while considering clarity and ease of use and understanding.

Amendment 7: Convert Section 78-133 to Performance Standards or Require Fire Department Sign-Off

Consideration: Streamline the section title to accurately reflect the need for fire department sign-off, thus aligning with the operational reality and providing clarity for those referencing this section.

Action: Supported for further consideration at a public hearing

Amendment 8: Update Inconsistent Terms

Consideration: Change "special use" to "special land use", "Michigan Department of Environmental Quality" or "MDEQ" to "Michigan Department of Environment, Great Lakes, and Energy" or "EGLE", and "church" to "religious institution" across sections to adhere to current language standards was highlighted. This amendment involves conducting a thorough search and replacement of outdated terms to improve comprehension and regulatory alignment.

Action: Supported for further consideration at a public hearing

Amendment 23: Consolidate Fence Regulations into a Single Section

Consideration: Create a centralized, cohesive section for all fence-related regulations to eliminate fragmentation and assist in both compliance and future amendment processes.

Action: Supported for further consideration at a public hearing

Amendment 24: Merge and Streamline Vested Rights Sections from Articles 1 and 27

Discussion: The current zoning ordinance contains vested rights guidelines in both Articles 1 and 27. Reduce redundancy and enhance the clarity of the vested rights section by consolidating them into one streamlined article.

Action: Supported for further consideration at a public hearing

8. NEW BUSINESS**a. Amendment to Zoning Ordinance Sec. 78-409**

Planning & Community Development Director Bolhuis presented a proposed amendment that would allow the Zoning Board of Appeals to grant variances for special land use conditions specifically in the Ann Arbor Road Corridor District.

After discussion of the implications, the Commission decided to postpone the item to gather more information and context.

Filippis made a motion to **postpone the amendment to Zoning Ordinance Sec. 78-409** to a future meeting. Rossie seconded the motion.

There was a roll call vote.

YES: Horstman, Funk, Filippis, Schroeder, Hawthorne, Rossie, Chair Saraswat
The motion carried unanimously.

9. REPORTS AND CORRESPONDENCE

City Commissioner Minton announced this would be his last meeting as liaison to the Planning Commission. He thanked the members for their service and noted that while leadership positions had been established on the City Commission, a new liaison had not yet been determined.

10. ADJOURNMENT

Funk made a motion to adjourn. Schroeder seconded.

There was a voice vote.

The motion carried unanimously.

The meeting was adjourned at 8:30 p.m.

Quick Zoning Ordinance Update

Based on the Planning Commission workbooks and discussion, the items below from the Zoning Audit are included in a quick Zoning Ordinance update. The page numbers after each task refer to the page number of the 2023 Zoning Audit Report.

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.*

- Anticipate introduction to Sub-Committee in February/March 2026

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.*
 - **SEC. 78-281**
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
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.*
 - **SEC. 78-377**
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
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.*
 - **SEC. 78-406**
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
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.*
 - Anticipate introduction to Sub-Committee in January 2026
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.*
 - Anticipate introduction to Sub-Committee in February 2026

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.*
 - **SEC. 78-42, 78-52, 78-181**
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
 - **SEC. 78-133**
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
 - Public hearing 1/14/2026
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.*
 - **Special land use: SEC. 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333**
 - **EGLE: SEC. 78-202, 78-313, 78-314**
 - **Religious institution: SEC. 78-21, 78-42, 78-52, 78-62, 78-71, 78-161, 78-163, 78-181, 78-204, 78-242, 78-270, 78-271, 78-282, 78-296, 78-333**
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
 - Public hearing 1/14/2026
 - Please note that the change from “Building Official” to “Community Development Director” is anticipated to be introduced in January 2026.
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.*
 - **SEC. 78-111**
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025

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.*

- **SEC. 78-91, 78-101, 78-182**
- Introduction to Sub-Committee 6/23/2025
- Discussed by Sub-Committee 9/22/2025
- Discussed by Sub-Committee 10/27/2025
- Introduced to Planning Commission 11/12/2025
- Public Hearing 12/10/2025 – Postponed
- Please note that updating language for e-commerce in the ARC District is currently in discussion with Plymouth Township and will continue into 2026.

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.*

- *Sec. 78-42 (Page 28-29), Sec. 78-52 (Page 34-35), Sec. 78-62 (Page 40-41)*
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Discussed by Sub-Committee 12/17/2025

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.*

- Sec. 78-247 through 78-248 (Page 181-182)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 1/26/2026

13. List those special uses which require site plan review in Article XX. *Page 17.*

- Anticipate introduction to Sub-Committee in January 2026

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.*

- Sec. 78-424 through 78-427 (Page 250-255)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 1/26/2026

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.*

- Anticipate introduction to Sub-Committee in February/March 2026

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.*

- Anticipate introduction to Sub-Committee in February/March 2026

Update definitions:

17. Review all definitions for consistent usage, including “average grade” and “usable floor area.” *Page 19.*
 - Anticipate introduction to Sub-Committee in February/March 2026
18. Review definitions such as “nuisance” to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 19.*
 - Anticipate introduction to Sub-Committee in February/March 2026
19. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated. *Page 19.*
 - Anticipate introduction to Sub-Committee in February/March 2026
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.*
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
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.*
 - Introduction to Sub-Committee 6/23/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 10/27/2025
 - Introduced to Planning Commission 11/12/2025
 - Public Hearing 12/10/2025
22. Use graphics to simplify definitions when possible. *Page 20.*
 - Anticipate discussion by Sub-Committee in February/March 2026

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.*
 - **SEC. 78-208 – 78-209**
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
 - Public hearing 1/14/2026
24. Consolidate the “Vested Right” sections in Article I and Article XXVII. *Page 20.*
 - **SEC. 78-6, 78-386**
 - Introduction to Sub-Committee 7/28/2025
 - Discussed by Sub-Committee 9/22/2025
 - Discussed by Sub-Committee 11/19/2025
 - Introduced to Planning Commission 12/10/2025
 - Public hearing 1/14/2026
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.*
 - Anticipate introduction to Sub-Committee in January 2026



Administrative Memorandum

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Planning Commission
From: [Greta Bolhuis](#), AICP, Planning and Community Development Director
Date: December 26, 2025
Re: Public Hearing for Zoning Ordinance Amendments Secs. 78-133; 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333; 78-202, 78-313, 78-314; 78-21, 78-42, 78-52, 78-62, 78-71, 78-163, 78-163, 78-204, 78-242, 78-270, 78-271, 78-296; 78-208, 78-209; 78-6, 78-386

BACKGROUND:

In 2022, the City contracted with Carlisle Wortman to complete an audit of the city zoning ordinances to identify:

- Inconsistencies with the Master Plan and Future Land Use Map
- Ordinance language that is inconsistent with other laws
- Outdated ordinance language

The audit report was completed in 2023. As part of the audit, 26 quick zoning ordinance amendments were identified. The Zoning Audit Sub-Committee of the Planning Commission has been meeting monthly to review and address these matters. These changes were introduced at the December 10, 2025 Planning Commission meeting, at which time the Commission discussed the changes, and a public hearing was set for January 14, 2026. These changes include the following:

Sec. 78-133. Convert Section 78-133 – Uses Prohibited into performance standards requiring sign off from the Fire Department.

Secs. 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333. Update inconsistent or improper terms to “special land use” instead of “special use”.

Secs. 78-202, 78-313, 78-314. Update inconsistent or improper terms to “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”.

Secs. 78-21, 78-42, 78-52, 78-62, 78-71, 78-163, 78-163, 78-204, 78-242, 78-270, 78-271, 78-296. Update inconsistent or improper terms to “religious institution” instead of “church”. Add definitions from Article 10-Fences into Zoning Ordinance.

Secs. 78-208, 78-209. Consolidate all fence regulations into a single place in the Zoning Ordinance.

Secs. 78-6, 78-386. Consolidate the “Vested Right” sections in Article I and Article XXVII.

The proposed zoning ordinance amendments are attached for your review. A public hearing has been scheduled for the Planning Commission to consider these changes and recommend them to the City Commission for approval.

City of Plymouth
Planning Commission Public Hearing Notice
201 S. Main Street Plymouth, Michigan 48170
Website: www.plymouthmi.gov Phone: (734) 453-1234 ext. 232

A regular meeting of the Planning Commission will be held on Wednesday, January 14, 2026 at 7:00 p.m. located at City Hall and online via Zoom to consider the following:

Amendment to Zoning Ordinance Secs. 78-133; 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333; 78-202, 78-313, 78-314; 78-21, 78-42, 78-52, 78-62, 78-71, 78-163, 78-163, 78-204, 78-242, 78-270, 78-271, 78-296; 78-208, 78-209; 78-6, 78-386

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.

Publish: Tuesday, December 30, 2025

Sec. 78-133. Fire department approval required. Uses prohibited.

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. 78-92. 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. 78-102. 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.
- (3) Sale and service of food and drink out of doors provided such use is incidental to a similar principal use indoors and conducted adjacent to the principal use and subject further to street occupancy permits and all rules and regulations to control such street occupancy, provided the use does not interfere with pedestrian or vehicular traffic.
- (4) Rooftop dining subject to section 78-297.

(Ord. of 10-6-03; Ord. No. 2013-04, § 3, 10-7-13; Ord. No. 2020-04, 9-21-20; Ord. No. 22-04, 12-19-22)

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

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

- (1) New and used automobile sales including outdoor auto sales, paint and bump shops, and auto service subject to the provisions of sections 78-288 and 78-290.
- (2) Motels, and extended stay motels subject to the provisions of section 78-291.
- (3) Drive-in restaurants, or drive-through restaurant or open front restaurants subject to section 78-286.
- (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. 78-161. ARC Ann Arbor Road Corridor District.

[...]

(c) *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the planning commission; and the imposition of special conditions which, in the opinion of the commission, are necessary to fulfill the purposes of this article; and the procedures and requirements set forth in this article for special land use approval, including a public hearing.

[...]

(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.

Sec. 78-181. Principal uses permitted.

(a) In the mixed use district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Home occupation, subject to the following:
 - a. No home occupation shall be permitted that:
 1. Changes the outside appearance of the dwelling and/or property.
 2. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance.
 3. Results in outside storage or display of anything including signs except for nameplate as may otherwise be allowed herein.
 4. Requires the employment of anyone in the home other than the dwelling occupant.
 5. Requires exterior building alterations to accommodate the occupation.
 6. Occupies more than 25 percent of the floor area of the dwelling or utilizes a garage or other accessory building.
 7. Requires parking for customers that cannot be accommodated on the existing driveway and/or not exceeding one parking space at curbside on the street.
 8. Requires the delivery of goods or the visit of customers before 7:00 a.m. or after 8:00 p.m.
 - b. The following are permitted home occupations provided they do not violate any of the provisions of subsection (3)a of this section:
 1. Dressmaking, sewing and tailoring.
 2. Painting, sculpturing, writing or photography.
 3. Telephone answering.
 4. Home crafts, such as model making, rug weaving and lapidary work.
 5. Teaching or music lessons limited to four students at a time.
 6. Computer operations.
 7. Salesperson's office or home office of a professional person.
 8. Laundering and ironing.
 9. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.
 10. Day care home (family).
 - c. The following are prohibited as home occupations:
 1. Barbershops and beauty parlors.
 2. Dance studios.
 3. Private clubs.

- 4. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
- 5. Restaurants.
- 6. Stables or kennels.
- 7. Tourist homes.
- 8. Automobile repair or paint shops.

- d. Any proposed home occupation that is neither specifically permitted by subsection (3)b of this section nor specifically prohibited by subsection (3)c of this section shall be considered a special 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 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 building as an accessory use to a church.

(5) Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit.

(6) Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.

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

(8) Day care home (group) for children subject to the following conditions:

- a. Such facility shall have received a state license to operate prior to seeking a special land use permit under this chapter.
- b. Not less than 400 square feet of outdoor play area per child shall be provided on the site. The play area shall not occupy a front yard.
- c. Screening and fencing of outdoor play area shall be provided as required by the planning commission.
- d. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.

[...]

Sec. 78-216. Wireless communication.

(a) *Purpose and intent.*

(1) It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the city to provide for such authorization in a manner which will 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:
 - 1. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - 2. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.
 - 3. Locations outside of the I-1 and I-2 districts may only be considered at the following locations, subject to application of all other standards contained in this section:
 - i. Municipally-owned sites.
 - ii. Other governmentally owned sites.
 - iii. Religious or other institutional sites.
 - iv. Public or private school sites.
 - v. Public utility sites.
 - 4. If sites are not available in the I-1 or I-2 district, or on parcels identified above in subsection 2(c)(iii), other locations where there is a demonstrated need for service can be considered.
 - 5. All other criteria and standards set forth below in Subsection c. and d. are met as follows:

(c) *General regulations.*

[...]

(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:

- a. Any conditions of the special land use or site plan approval.
- b. Payment of any outstanding professional review costs as described in subsection e.1)(e).
- c. Payment of permit fees in an amount established by or in accordance with a Resolution of city commission.

(f) *Removal.*

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) 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.

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.
- (d) *General standards.* The following standards shall apply to all private and commercial wind energy conversion systems in the city:
 - (1) *Design safety certification.* The safety of the design of all private and commercial WECS structures shall be certified by a the manufacturer.
 - (2) *Controls and brakes.* All private and commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The manufacturer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards.
 - (3) *Setbacks.* All private and commercial WECS structures must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. This shall include WECS structures attached to a garage or residential unit.
 - (4) *Height.* Private WECS structures shall not be greater than forty (40) feet in height. This shall include WECS structures attached to a garage or residential unit. Commercial WECS shall not exceed a height greater than the minimum setback to any property line.
 - (5) *Interference.* All private or commercial WECS structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
 - (6) *Noise levels.* The noise level for a WECS structure shall comply with the standards set forth in Section 34-89 of the City of Plymouth Code of Ordinances.

(Ord. No. 2010-02, § 5, 4-5-10)

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.

- (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 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

- 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 approval land uses 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.

- (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.
- (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. 78-295. 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:

[...]

(Ord. of 10-6-03)

Sec. 78-333. Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church 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. 78-202. 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 Unbrascopic 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 of 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 by 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.
- (4) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) *Fire and explosive hazards.*

- a. In the I-1 and I-2 districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with the performance standards in subsections (1) through (4) of this section.
- b. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards in subsections (1) through (4) of this section, and providing that the following conditions are met:
 - 1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code of the city.
 - 2. All such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
 - 3. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations as established by Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended.

(6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled in accordance with the City of Plymouth Noise Ordinance.

(7) *Odor emissions.* No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured in excess of the following limits:

- a. For areas used predominately for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
- b. In all other land-use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air.
- c. When the source is a manufacturing process, no violation of (7)a., and b., herein shall be cited by the city, provided that the best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and, where applicable, in determining the best practical control methods, the city shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.
- d. For all areas, it is a violation when odors are detected after the odorous air has been diluted with 127 or more volumes of odor-free air, in which case provisions of (7)c. herein shall not be applicable.

(8) *Wastes.*

- a. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.
- b. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.
- c. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 ppm; no fluorides shall be in excess of ten ppm; and shall contain no more than five ppm of

hydrogen sulphide and shall contain not more than ten ppm of sulphur dioxide and nitrates; and shall contain no more than 25 ppm of chromates.

- d. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a number eight standard sieve or have a dimension greater than $\frac{1}{2}$ inch.
- e. Wastes shall not have chlorine demand greater than 15 ppm.
- f. Wastes shall not contain phenols in excess of 0.05 ppm.
- g. Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(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 development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- (n) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed in accordance with section 78-206.
- (o) The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses (measured by stated acreage allocated to each use) of the development by the district regulations of the underlying zoning district.

(Ord. of 10-6-03)

(Supp. No. 66)

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Sec. 78-314. Procedure for review.

- (a) *Pre-application conference.* prior to the submission of an application for planned unit development approval, the applicant shall meet with the building official, together with any staff and consultants the building official deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total size of the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the size of the area to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural features or historic features to be preserved.
- (b) *Preliminary plan.* Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept of the project, and explaining the manner in which the criteria set forth in the preceding design standards has been met. The applicant may request that the planning commission review the preliminary PUD plans under this subsection and final PUD plans under subsection (c) of this section concurrently rather than under two separately phased applications.
 - (1) *Information required.* The preliminary site plan for a PUD shall contain at a minimum the following information:
 - a. One copy of the preliminary PUD site plan, reduced in size to 8½ by 11 inches, on clear acetate or similar material suitable for use with an overhead projector.
 - b. Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics and scale.
 - c. Plans providing:
 - 1. The applicant's name;
 - 2. Name of the development;
 - 3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the state;
 - 4. Date of preparation and any revisions;
 - 5. North arrow;
 - 6. Property lines and dimensions;
 - 7. Complete and current legal description and size of property in acres;
 - 8. Small location sketch of the subject site and area within ½ mile; and scale of no less than one inch equals 1,000 feet;
 - 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 confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the planning commission shall not bind the city commission to approval of the final plan.
- b. *Approval with changes or conditions.* The planning commission may grant conditional approval subject to modifications as performed by the applicant.
- c. *Postpone.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this section, but could meet such criteria if revised, the planning commission may postpone action until a revised preliminary plan is resubmitted.
- d. *Denial.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this section, the planning commission shall deny preliminary approval.

(c) *Final plan.* Within six months following receipt of the planning commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of planning commission comments, the preliminary plan approval becomes null and void.

(1) *Information required.* A final site plan and application for a PUD shall contain the following information:

- a. A site plan meeting all requirements and standards of article XX.
- b. A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this article.
- c. A specific schedule of the intended development and construction details, including phasing or timing.
- d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- e. A specification of the exterior building materials with respect to the structures proposed in the project.
- f. Signatures of all parties having an interest in the property.

(2) *Planning commission final action.* The planning commission shall review the final site plan and shall take one of the following actions:

- a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this article and this section, the planning commission may grant final approval.
- b. *Approval with changes or conditions.* The planning commission may grant conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in the purpose and intent of this article and this section.
- c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the planning commission may postpone action until a revised plan is submitted.
- d. *Denial.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the planning commission shall deny final approval.

(3) *City commission final action.* If the proposed development has been approved or approved with conditions, the planning commission recommendation shall be submitted to and reviewed by the city commission. The city commission shall take one of the following actions:

- a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this article and this section, and any conditions placed by the planning commission, the city commission may grant final approval.
- b. *Approval with changes or conditions.* The city commission may grant approval and attach additional conditions if the plan meets the criteria established in the purpose and intent of this article and this section.
- c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the city commission may postpone action until a revised plan is submitted.

- d. *Denial.* Upon finding that the planning commission has denied the application for final plan and that the application does not meet the criteria set forth in the purpose and intent of this article or this section, the city commission shall deny such application.

(4) *Reasons for action.* All actions on the preliminary plan or final plan by the planning commission and the city commission shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion.

(Ord. of 10-6-03)

Sec. 78-21. Definitions.

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

[...]

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

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 manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon**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.

[...]

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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.

- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

(Ord. of 10-6-03)

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) ChurchesReligious 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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
- b. No building shall be closer than 80 feet to any property line.

(8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.

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

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

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

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

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, and shall not be permitted on a lot or lots of record.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a major thoroughfare.
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
- (2) Convalescent or nursing homes, not to exceed a height of two-stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square-foot requirement is over and above the building coverage area.
 - b. No building shall be closer than 40 feet from any property line.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided for the elderly unit types permitted in subsection (3)a of this section:

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

		Building	35%
		Parking	15%
		Open space (min.)	15%

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

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

- (4) ChurchesReligious 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. 78-71. 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. 78-161. 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.

(c) *Special land uses.* The following uses may be permitted by the planning commission, subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the planning commission; and the imposition of special conditions which, in the opinion of the commission, are necessary to fulfill the purposes of this article; and the procedures and requirements set forth in this article for special land use approval, including a public hearing.

[...]

(8) Large scale institutional uses, subject to the following:

- a. The site shall have at least 150 feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than 120 feet. All ingress and egress to the site shall be directly onto such major thoroughfares.
- b. The site shall be located within one half mile of interchange access to I-275, as measured along major thoroughfares.
- 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 and 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.

[...]

(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 halide or other type of lighting approved by the commission which exhibits the same characteristics and qualities of high pressure sodium or metal halide. Outdoor lighting shall be so located and designated as to reflect light away from adjacent single family residential areas and shall comply with the requirements of section 78-204, exterior lighting.
- k. All restroom doors shall be shielded from adjacent streets and residential districts.
- l. Gasoline service stations with restaurant or "fast food" facilities (with or without drive-through) and/or convenience store and/or car wash facilities shall meet all separate chapter standards for these individual uses. Additionally, stacking, service and circulation lanes, and parking for the

individual uses shall be designed and laid-out so as to minimize the potential for traffic circulation and vehicle-pedestrian conflicts. Landscaped islands and buffer strips shall be used to separate and screen stacking and service lanes.

- m. Outside storage and display shall be limited to small quantities of oil and other supplies needed for servicing at the pumps. No retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall be displayed or sold outside. All outdoor storage and display areas must be identified on the site plan and approved by the planning commission.

[...]

Sec. 78-163. Parking requirements, layout, standards, and off-street loading and unloading.

(a) *Off-street parking requirements.* Within the Ann Arbor Road Corridor zoning district, off-street parking facilities for the storage or parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Article, shall be provided and maintained as provided herein and in accordance with subsections (b) and (c). Such space shall be maintained and shall not be encroached upon so long as said main building structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.

[...]

(11) *Table of parking requirements.* The amount of required off-street parking space for new uses or buildings, and additions or alterations to existing buildings, as specified in preceding paragraphs, shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and certificate of occupancy and shall be a continuing obligation of the owner, except as provided in subsection (a)(9) of this section.

Use	Required Number of Parking Spaces per Unit of Measure
<i>Residential</i>	
One-family dwelling, two-family dwelling	Two (2) per dwelling unit
Multiple dwelling, terrace apartment dwellings and efficiency apartments, townhouses and stacked flats	Two (2) per dwelling unit
Elderly housing—Assisted living	One per four units plus One per employee based on the greatest number of employees in any one shift.
Elderly housing—Congregate care	One per two units plus One per employee based on the greatest number of employees in any one shift.
Elderly housing—Independent living	One per unit plus One per employee based on the greatest number of employees in any one shift.
<i>Institutional</i>	
<u>Churches, temples-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.

[...]

Sec. 78-181. Principal uses permitted.

(a) In the mixed use district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Home occupation, subject to the following:
 - a. No home occupation shall be permitted that:
 1. Changes the outside appearance of the dwelling and/or property.
 2. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance.
 3. Results in outside storage or display of anything including signs except for nameplate as may otherwise be allowed herein.
 4. Requires the employment of anyone in the home other than the dwelling occupant.
 5. Requires exterior building alterations to accommodate the occupation.
 6. Occupies more than 25 percent of the floor area of the dwelling or utilizes a garage or other accessory building.
 7. Requires parking for customers that cannot be accommodated on the existing driveway and/or not exceeding one parking space at curbside on the street.
 8. Requires the delivery of goods or the visit of customers before 7:00 a.m. or after 8:00 p.m.
 - b. The following are permitted home occupations provided they do not violate any of the provisions of subsection (3)a of this section:
 1. Dressmaking, sewing and tailoring.
 2. Painting, sculpturing, writing or photography.
 3. Telephone answering.
 4. Home crafts, such as model making, rug weaving and lapidary work.
 5. Teaching or music lessons limited to four students at a time.
 6. Computer operations.
 7. Salesperson's office or home office of a professional person.
 8. Laundering and ironing.
 9. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.
 10. Day care home (family).
 - c. The following are prohibited as home occupations:
 1. Barbershops and beauty parlors.
 2. Dance studios.
 3. Private clubs.

- 4. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
- 5. Restaurants.
- 6. Stables or kennels.
- 7. Tourist homes.
- 8. Automobile repair or paint shops.

- d. Any proposed home occupation that is neither specifically permitted by subsection (3)b of this section nor specifically prohibited by subsection (3)c of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in subsection (3)a of this section and under the procedures specified in section 78-281.
- e. Home occupation permits shall be limited to the applicant who legally resides in the residence.

(4) Churches 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.

[...]

Sec. 78-204. Exterior lighting.

(a) *Residential lighting standards.*

(1) All outdoor lighting in residential use districts used to light the general area of a site shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lights away from all adjacent residential districts or adjacent residences.

(b) *Non-residential lighting standards.*

(1) *Time period.* Required lighting shall be turned off daily from $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset.

(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.

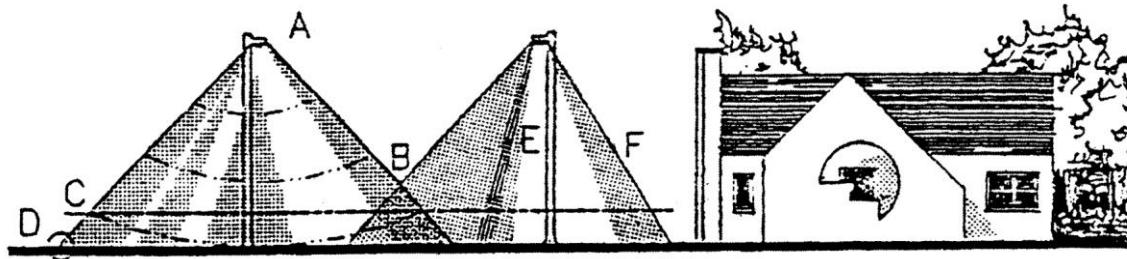


Diagram Notes

- A. Non-glare, color corrected lighting with full cutoff shades for commercial and industrial sites, on daily from a $\frac{1}{2}$ hour after sunset to a $\frac{1}{2}$ 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. 78-242. 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.

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

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

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

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

Sec. 78-270. Off-street parking requirements.

(a) There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

(1) Off-street parking for other than residential use and other than those spaces accommodated by payment in lieu of parking as approved by the city commission shall be either on the same lot or within 300 feet of the building it is intended to serve, measured by public right-of-way from the nearest point of the building to the nearest point of the off-street parking lot. Ownership of the parking lot must be the same as the building. Spaces may be leased from municipal lots or other lots controlled by the city or downtown development authority (DDA), provided such spaces are within 300 feet of the building and the lease is not in default. Rate and terms of the leased spaces shall be determined by the city commission. Default of a parking lease agreement will constitute a violation and enforcement by the city.

(2) Residential off-street parking spaces shall consist of parking spaces, driveways, garage, or combination thereof and shall be located on the premises they are intended to service, and subject to the provisions of section 78-273.

(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
Medical Office	One space for each 250 sq. ft. of gross floor area
Restaurant	One space for each 250 sq. ft. of gross floor area

The above parking schedule and requirements for off-street parking shall be required for all new development. For existing development where there is a proposed intensification of use which requires additional parking, a property owner or developer will be responsible for that portion which is greater than the parking required for the current use. For example, an existing retail use which is being converted to a restaurant use shall require additional parking for that portion of restaurant parking over and above what is previously credited for retail use.

The planning commission and/or city commission may also consider previously assigned parking credits established by payment in lieu of parking or by other previously approved parking arrangements recognized by the city. It is the responsibility of the property owner or applicant to provide written documentation on the existence of prior parking credits. These credits or payments in lieu of parking may be considered for fulfilling all or a portion of the off-street parking requirements of subsection 78-270(10).

- b. Uses other than those listed above shall meet the parking requirements of section 78-271.
- c. The planning commission or city commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable because of the level of current or future employment and/or the level of current or future customer traffic. The planning commission or city commission may also consider parking standards such as the Institute Of Transportation Engineers (ITE) or other documented parking standards or studies, including shared parking/collective parking arrangements and/or peak/non-peak parking demand. The planning commission or city commission may also consider prior arrangements or written agreements established before December 31, 2011, which satisfies required parking for the downtown or B-2 zoning district.

d. Within the B-2 central business district only, for all buildings which include a mix of uses, the total number of parking spaces required by each separate use shall be divided by a sharing factor according to the following matrix:

	Residential	Retail	Office
Residential	1	1.2	1.4
Retail/Restaurant	1.2	1	1.2
Office	1.4	1.2	1

(modified from SmartCode)

For projects involving more than two land uses, the sharing factor shall be based upon the highest sharing factor of all land uses. A minimum floor area of at least twenty-five (25%) percent of the total building area for each shared land use shall be required in order to be eligible for a sharing factor.

e. In the interest of creating a viable central business district and to enhance the goal of separation of pedestrian and vehicular requirements, it is the goal of the City of Plymouth to encourage development of strategically located parking lots. These strategically located parking lots are developed largely out of public support to discourage the indiscriminate location or small dysfunctional parking spaces and the creation of a compatible and aesthetic arrangement of land uses. In keeping with this policy, the provision of off-street parking requirements as herein provided may be waived or modified by resolution of the city commission.

In lieu thereof, the city commission may determine that the number of spaces normally required at the time of erection, enlargement or change of use of any building or structure requiring off-street parking space pursuant to section 78-270(a)(10), may be provided in the form of lease payments, special assessments, or other forms of payment in lieu of parking according to policies established by resolution of the city commission. In establishing such policy, the city commission shall take into account the current inventory and future needs of B-2 parking, as well as the benefit to the private owners and to the public from such parking which would subsequently be provided by the city. In implementing such policy, the city commission shall assure that the future needs for parking in the B-2 shall be adequately met by such alternative fee arrangements in lieu of parking. Payments in lieu of parking requirements are non-refundable.

f. Requirements for off-street parking may be waived or modified as part of a planned unit development (PUD).

g. Parking within the B-2 zoning district shall comply with barrier free/accessible parking requirements of the State Construction Code.

h. Within the B-2 zoning district, a change of use or an intensification of land use which requires additional parking shall not be entitled to the non-conforming use status as provided in section 78-352 or section 78-353 and assumed parking exemptions. Such change of use shall be required to provide parking in accordance with this section.

(b) Off-street parking for other than residential use and other than those spaces accommodated by payment in lieu of parking as approved by the city commission shall be either on the same lot or within 300 feet of the building it is intended to serve, measured by public right-of-way from the nearest point of the building to the nearest point of the off-street parking lot. When any required off-street parking is provided, not upon the same lot, but a lot within 300 feet of the building it is intended to serve, documentation meeting the requirements for recording at the register of deeds, shall be provided reflecting that the ownership of the realty (upon which parking is located) has given to the owner of the realty (upon which the building requiring the parking is located), a permanent right of use for the required number of parking spaces.

(Ord. of 10-6-03; Ord. No. 2007-01, § 6, 5-21-07; Ord. No. 2012-02, §§ 4—6, 1-3-12; Ord. No. 2012-04, § 13, 11-5-12; Ord. No. 23-01, 1-17-23)

Sec. 78-271. Schedule.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use			Number of Minimum Parking Spaces Per Unit of Measure
(1) Residential:			
	a.	Residential, one-family and two-family	Two for each dwelling unit.
	b.	Residential within the B-2 central business district	One for each dwelling unit, plus one for each bedroom in excess of one per unit.
	c.	Residential, multiple-family	Two for each dwelling unit having two or less bedrooms and 2½ for each dwelling unit having three or more bedrooms, plus five for any office building or club house facility.
	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) Institutional:			
	a.	<u>Churches, temples, or places of worship</u> <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 ½ 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.
	m.	Nursery school, day nurseries or child care centers	One for each 150 square feet of usable floor area.
	n.	Library and museums	One for each 150 square feet of usable floor area.
	o.	Post office	One for each 100 square feet of lobby area plus one for each employee.

[...]

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 approval uses 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.

- (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.
- (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 use approval and the continuance thereof and shall be in accordance with this section.

(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)

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 use under section 78-281.

(Ord. of 10-6-03)

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 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.

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(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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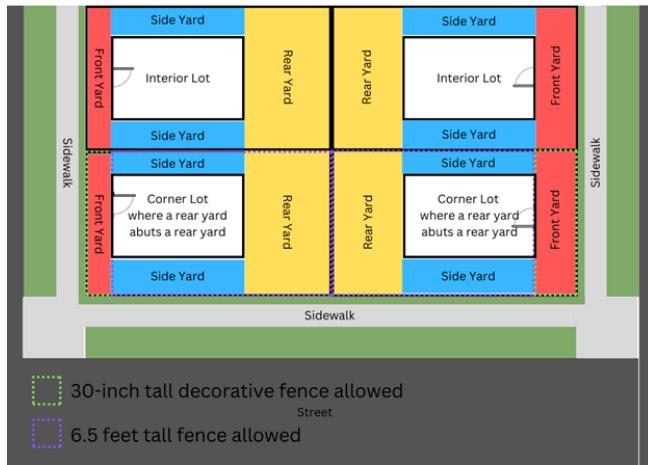
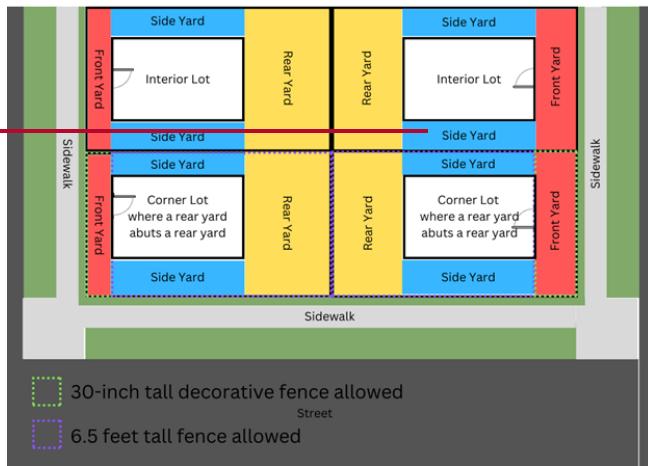


Figure 2.



(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.~~

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- (32) 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.
- (43) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (54) Fences for swimming pools shall comply with the regulations of the state construction code.
- (65) 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.
- (76) 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.~~
- (97) 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)

(Supp. No. 66)

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Sec. 78-209. Industrial fencesFences 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.

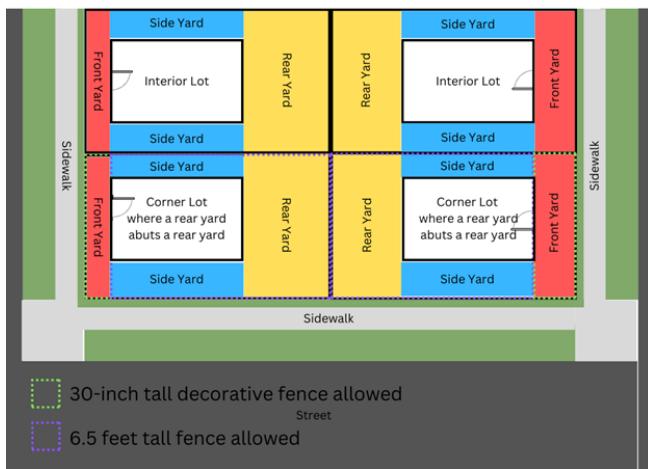
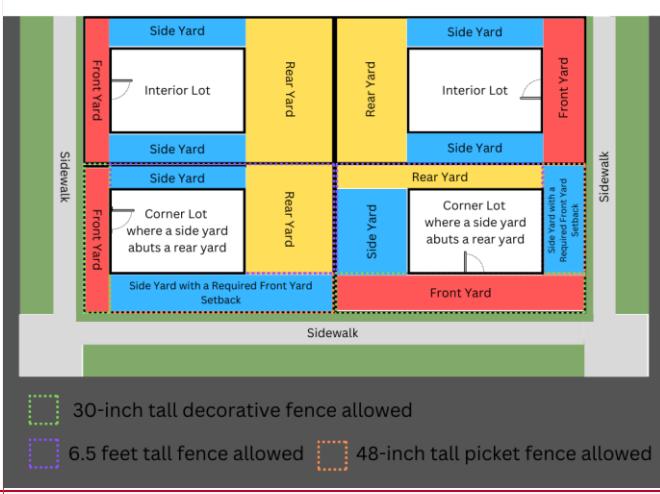


Figure 2.



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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.

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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.

(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:

a. (1) 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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b. 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.

Sec. 78-6. Vested right.

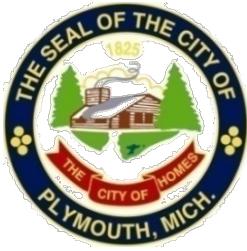
~~It is hereby expressly declared that nothing in this chapter be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit. Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.~~

(Ord. of 10-6-03)

Sec. 78-386. ReservedVested right.

~~Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.~~

(Ord. of 10-6-03)



Administrative Memorandum

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Planning Commission
From: [Greta Bolhuis](#), AICP, Planning and Community Development Director
Date: January 7, 2026
Re: Zoning Ordinance Amendments Secs. 78-92, 78-101, 78-182

BACKGROUND:

In 2022, the City contracted with Carlisle Wortman to complete an audit of the city zoning ordinances to identify:

- Inconsistencies with the Master Plan and Future Land Use Map
- Ordinance language that is inconsistent with other laws
- Outdated ordinance language

The audit report was completed in 2023. As part of the audit, 26 quick zoning ordinance amendments were identified. The Zoning Audit Sub-Committee of the Planning Commission has been meeting monthly to review and address these matters. A public hearing was held on December 10, 2025 Planning Commission meeting. At the conclusion of the public hearing, the Planning Commission requested changes to clarify the allowance of online retail through e-commerce in the B-1, B-2, and MU Zoning Districts.

Secs. 78-92, 78-101, 78-182. Allow for e-commerce options in the B-1, B-2, and MU Zoning Districts.

The proposed zoning ordinance amendments are attached for your review.

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

Sec. 78-91. Principal uses permitted.

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

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office and dental office, including clinics.
- (3) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots.
- (6) Meeting halls and related services.
- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: convenience grocery stores, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (8) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
- (9) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component.
- (10) Video rental establishments.
- (11) Veterinary clinic.
- (12) Neighborhood retail plaza containing multi-tenant spaces totaling less than 50,000 square feet.
- (13) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
- (14) Other uses similar to the above and subject to the following restrictions:

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

(15) Accessory structures, uses and signs customarily incident to the above permitted uses and subject to all requirements of this chapter.

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

(Ord. of 10-6-03; Ord. No. 2013-04, § 2, 10-7-13; Ord. No. 2013-06, § 2, 10-21-13)

Sec. 78-101. Principal uses permitted.

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

Permitted uses:

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

- a. All businesses establishments shall be retail or personal service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced or online through e-commerce.
- b. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- c. Outdoor storage of commodities shall be expressly prohibited.

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

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

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

- (a) The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:
 - (1) Multiple-family dwellings.
 - (2) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
 - (3) Medical office or dental office, including clinics.
 - (4) Facilities for human care such as convalescent homes.
 - (5) Banks, credit unions, savings and loan associations, including drive-through facilities, and similar uses.
 - (6) Private clubs and lodge halls.
 - (7) Off-street parking lots.
 - (8) Business schools or private schools operated for profit.
 - (9) Clinics and veterinary facilities provided there are no outdoor animal runs or other outdoor facilities for animals.
 - (10) Meeting halls and related services.
 - (11) Other uses similar to the above uses.
 - (12) Accessory structures and uses customarily incident to the above permitted uses.
 - (13) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
 - (14) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops, banks and savings and loan offices. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic

reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five persons shall be employed at any time in the fabrication, repair and other processing of goods.

- (15) Restaurants, or other places serving food, except those having the character of a drive-in.
- (16) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
- (17) Other uses similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or personal service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced or online through e-commerce.
 - b. All business, servicing or processing except off-street parking or loading, shall be conducted within completely enclosed buildings.
- (18) Accessory structures, uses and signs customarily incidental to the above permitted uses and subject to all requirements of this chapter.

(Ord. of 10-6-03)



Administrative Memorandum

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Planning Commission
From: [Greta Bolhuis](#), AICP, Planning and Community Development Director
Date: January 7, 2026
Re: Zoning Ordinance Amendments

BACKGROUND:

In 2022, the City contracted with Carlisle Wortman to complete an audit of the city zoning ordinances to identify:

- Inconsistencies with the Master Plan and Future Land Use Map
- Ordinance language that is inconsistent with other laws
- Outdated ordinance language

The audit report was completed in 2023. As part of the audit, 26 quick zoning ordinance amendments were identified. The Zoning Audit Sub-Committee of the Planning Commission has been meeting monthly to review and address these matters. The next set of changes include:

Secs. 78-42 and 78-52. Special land uses permitted after review and approval. Change the private recreational areas, institutional or community recreation centers, and personal use swimming pool clubs to be located on major collector, minor arterial, or principal arterial roads (see map); decrease the required setbacks from 80-feet (front, side, rear) to 25 feet (front), 6 feet or 15 feet (side), 35 feet (rear) and allow the Planning Commission to modify in unusual circumstances; allow building heights to be 25 feet or two stories; clarify that the Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Remove language that allows colleges, universities and other such institutions of higher learning to be considered for special land use in R-1 and RT-1. Change bed and breakfast operations to be located on major collector, minor arterial, or principal arterial roads (see map). Remove language for accessory buildings.

Sec. 78-62. Special land uses permitted after review and approval. Change general hospitals to be located on principal arterial roads (see map). Remove land to building ratio requirements and 40-foot setbacks for nursing homes and homes for the aged. Clarify that adult dependent housing and assisted living facilities be constructed in a multi-family housing form, that the minimum open space is 15% of the property, and delete redundant regulations that are listed in other sections of the zoning ordinance. Add special land use regulations for private recreational areas, institutional or community recreation centers, and personal use swimming pool clubs.

Sec. 78-296. Religious institutions. (*In districts where religious institutions are a special land use.*)

Remove language outlining specific types of religious institutions. Remove requirements for minimum lot width and minimum lot area. Prohibit parking in the required front yard setback. Change building setbacks from 50 to 25 feet (front), 30 to 15 feet (side), 50 to 35 feet (rear). Change religious institutions to be located on major collector, minor arterial, or principal arterial roads (see map). Remove language requiring religious institutions to be the sole use of the site and redundant reference to parking lot landscaping requirements.

The proposed zoning ordinance amendments are attached for your review.

Task #11 of 26

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.

- Sec. 78-42, Sec. 78-52, Sec. 78-62, Sec. 78-296
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Discussed by Sub-Committee 12/17/2025

From the Zoning Audit Page 10-11:

"In several instances, the Zoning Ordinance requires a larger minimum lot size and/or setbacks for specific uses than those in the Schedule of Regulations. While an effective method to minimize negative impacts, especially to adjacent residential uses, the dimensions required are often large and suburban in nature. While Plymouth has areas with a suburban character, it also has areas where the character is much more urban. Also, the minimum lot size may be prohibitively large. We recommend evaluating the required lot sizes and setbacks for the following uses:

- Private non-commercial recreational areas, institutional or community recreation centers or nonprofit swimming pool clubs
- Universities
- Hospitals
- Convalescent or nursing homes
- Religious Institutions"

Sub-Committee Discussion Summary:

The sub-committee considered each use and the potential impact of that use on the streets where these uses could be established. They discussed the reduction in setbacks and what was reasonable to protect adjacent residential uses. Definitions were also discussed and which land uses are regulated by the State. Those definitions will be brought forward at a later date.

Current Ordinance:

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

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

- (1) Churches and other facilities normally incidental thereto subject to section 78-300.
- (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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

Proposed Ordinance (Redlined):

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-~~296200~~.
- (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 ~~personal use 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 collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation, major thoroughfare as designated on the major thoroughfare plan.~~
 - b. ~~The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the section.~~ Front, side and rear yards shall be at least 90 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 ~~one-half (½)~~ of the member families and/or individual members. The planning commission may ~~modify 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 ~~confirming 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 section~~, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. ~~Buildings erected on the premises shall not exceed one story or 14 feet in height.~~
 - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~, so as to ensure that contiguous residential areas will be adequately protected.
- (7) ~~Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~
 - a. ~~Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~
 - b. ~~No building shall be closer than 80 feet to any property line.~~

Commented [GB1]: Redundant. The requirement for site plan review is spelled out in article 23.

Commented [GB2]: Redundant. This requirement for a public hearing is spelled out in article 23.

Commented [GB3]: This change is related to Task #9.

Commented [GB4]: Update to reference the correct section number.

Commented [GB5]: This is related to Task #7.

Commented [GB6]: By deleting this, the Planning Commission solely may modify the off-street parking requirements.

Commented [GB7]: Again, deleting this allows the Planning Commission to make these decisions.

Commented [GB8]: The schedule of regulations would allow a building to be a maximum of 2 stories/25 feet tall.

Commented [GB9]: This is redundant. The Planning Commission already has the ability to impose restrictions, conditions, and safeguards as necessary (See Sec. 78-281 (d)).

Commented [GB10]: Deleting as this land use is not prudent for this district.

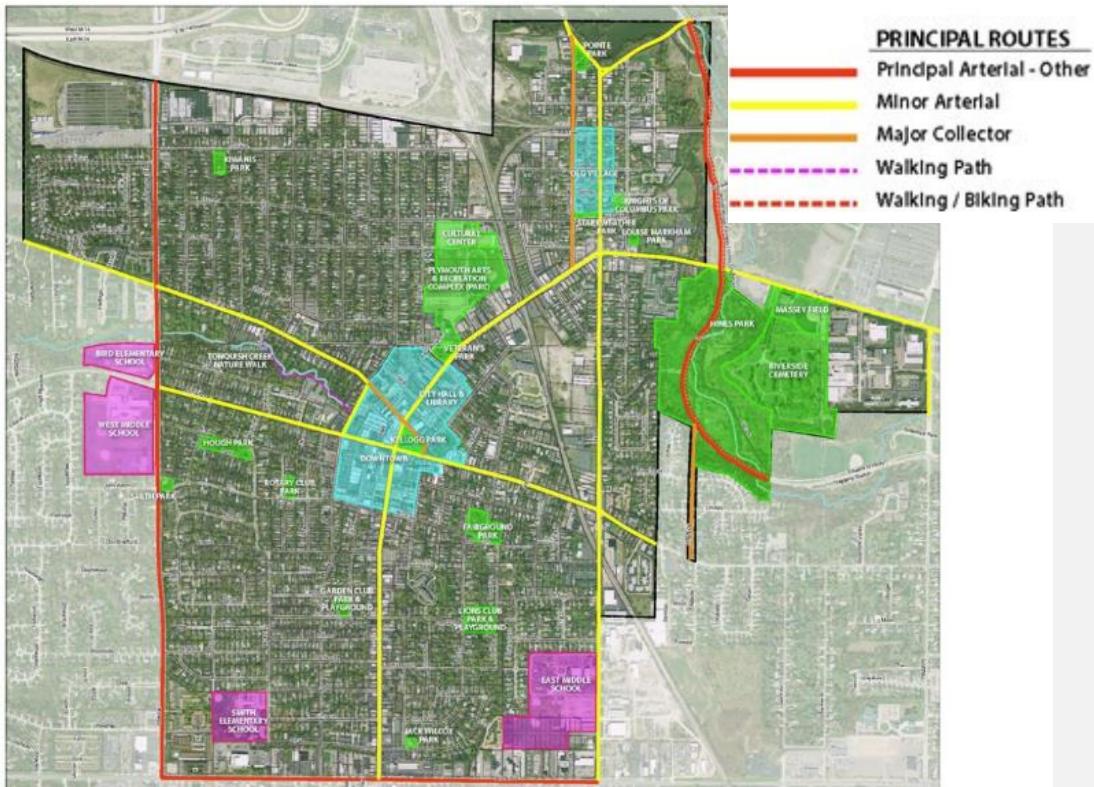
(87) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-2847.

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

Commented [GB11]: This is related to Task #7.

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

Commented [GB12]: This section should only pertain to the land use. Accessory building regulations are covered in another section.



Proposed Ordinance (Clean Copy):

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

The following uses may be permitted by the planning commission subject to section 78-281, 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:

- (1) Religious institutions and other facilities normally incidental thereto subject to section 78-296.
- (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 recreational areas, institutional or community recreation centers or personal use 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 collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards 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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements 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 shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
 - e. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, so as to ensure that contiguous residential areas will be adequately protected.
- (7) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation and shall further be subject to section 78-284.
- (8) Accessory uses customarily incident to any of the above special land uses.

Current Ordinance:

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

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

- (1) Churches and other facilities normally incidental thereto subject to section 78-300.
- (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.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-287.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

Proposed Ordinance (Redlined):

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

The following uses may be permitted by the planning commission subject to ~~section 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-~~296300~~.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit ~~section~~.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private ~~non commercial~~ recreational areas, institutional or community recreation centers or ~~personal use 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 ~~collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation thoroughfare as designated on the major thoroughfare plan~~.
 - b. ~~The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article.~~ 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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements ~~to the zoning board of appeals~~ in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization ~~as determined by the zoning board of appeals~~ shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
 - e. ~~Buildings erected on the premises shall not exceed one story or 14 feet in height.~~
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~ so as to ensure that contiguous residential areas will be adequately protected.
- (7) ~~Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~
 - a. ~~Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~

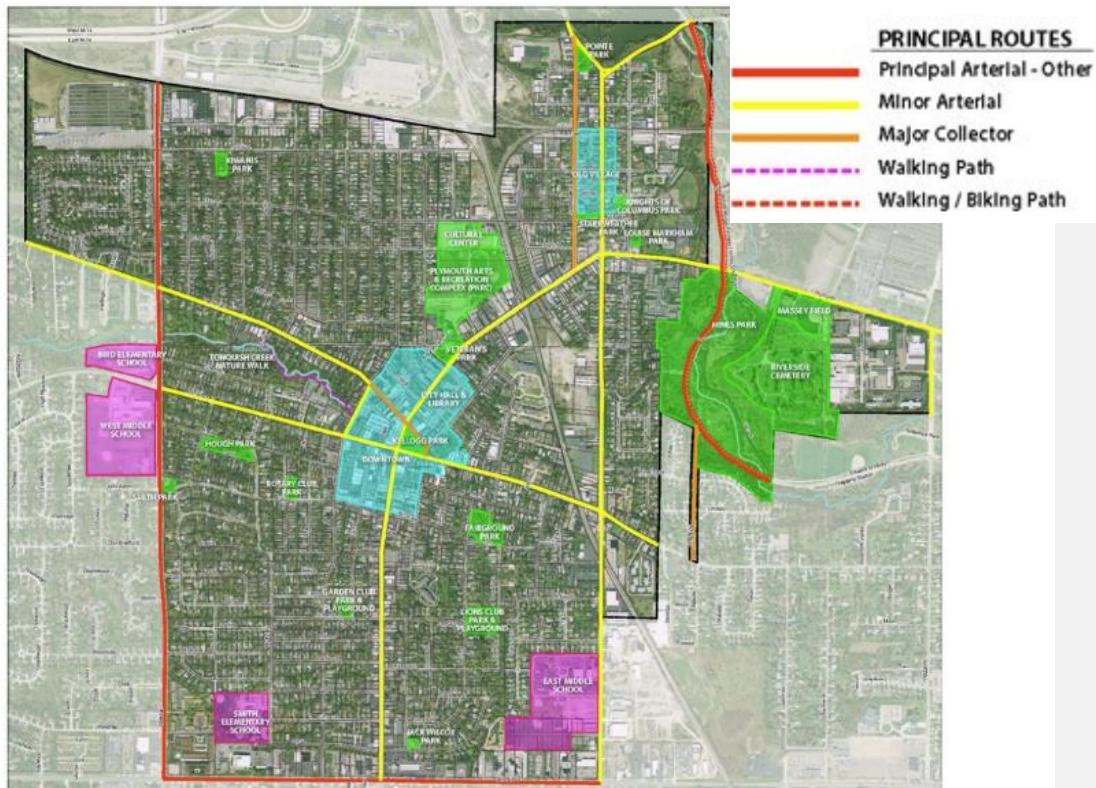
Commented [GB13]: The correct reference is to "article 23".

Commented [GB14]: This requirement is included in 78-42 and to be consistent, should be included here too.

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

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

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



Proposed Ordinance (Clean Copy):

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

The following uses may be permitted by the planning commission subject to article 23, 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:

- (1) Religious institutions and other facilities normally incidental thereto subject to section 78-296.
- (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 recreational areas, institutional or community recreation centers or personal use 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 collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards 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 $\frac{1}{2}$ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements 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 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. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission so as to ensure that contiguous residential areas will be adequately protected.
- (7) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation and shall further be subject to section 78-284.
- (8) Accessory uses customarily incident to any of the above special land uses.

Current Ordinance:

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

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

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, and shall not be permitted on a lot or lots of record.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a major thoroughfare.
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
- (2) Convalescent or nursing homes, not to exceed a height of two-stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square-foot requirement is over and above the building coverage area.
 - b. No building shall be closer than 40 feet from any property line.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided for the elderly unit types permitted in subsection (3)a of this section:

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

6. Proposed housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.
7. All spacing shall meet the requirements of section 78-191, footnote (d).

(4) Churches and other facilities subject to section 78-300.

- (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.

Proposed Ordinance (Redlined):

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

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

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, ~~and shall not be permitted on a lot or lots of record.~~
 - b. The proposed site shall have at least one property line abutting a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
- (2) ~~Convalescent or nursing homes~~ ~~and homes for the aged~~, ~~not to exceed a height of two stories, when the following conditions are met:~~
 - a. ~~The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square foot requirement is over and above the building coverage area.~~
 - b. ~~No building shall be closer than 40 feet from any property line.~~
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing ~~or assisted living facilities shall be constructed provided for~~ in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided ~~for the elderly unit types permitted in subsection (3) of this section:~~

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

Commented [GB15]: This is redundant and can be deleted.

Commented [GB16]: This land use is specifically licensed by the State.

Commented [GB17]: The zoning district regulations will restrict the height, landscaping/open space, parking, and setbacks. The 800 sf ratio is confusing and adds little regulatory value.

Commented [GB18]: Delete for redundancy.

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).~~

Commented [GB19]: Redundant.

(4) Churches, Religious institutions -and other facilities subject to section 78-~~296300~~.

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

(6) Uses and buildings of the city or government.

(7) Bed and breakfast operations subject to section 78-28~~47~~.

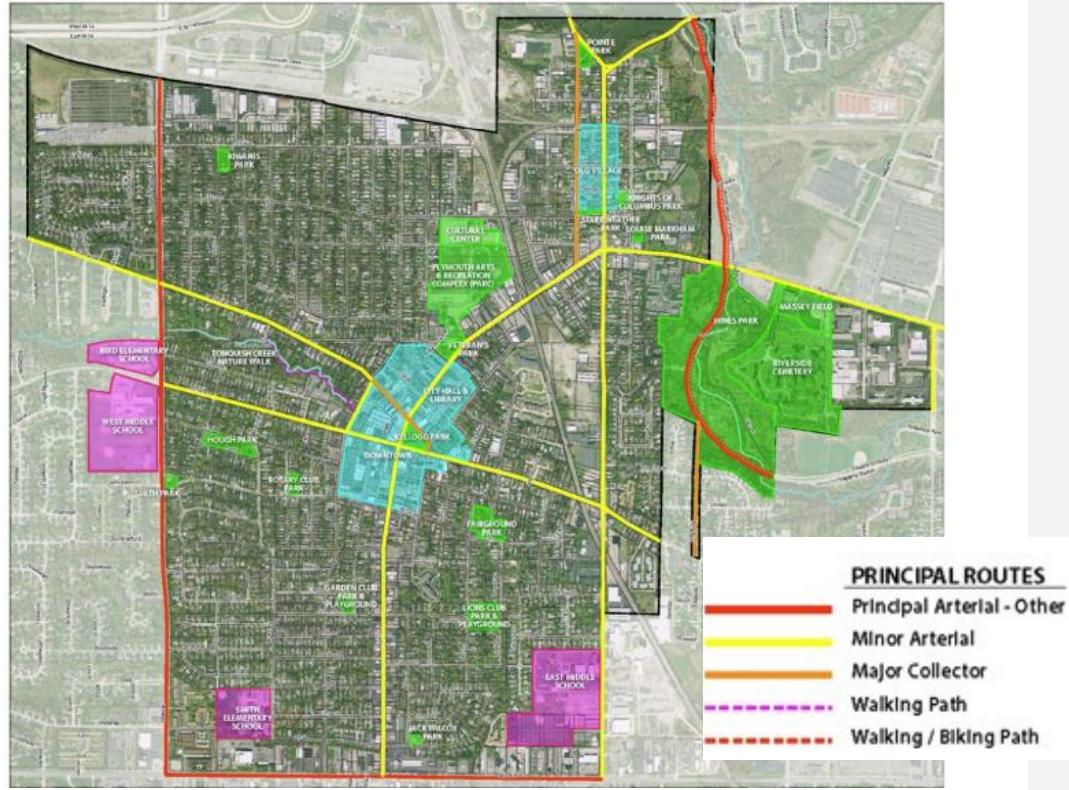
(8) Adult foster care large group home.

(9) Adult foster care congregate facility.

(10) Private recreational areas, institutional or community recreation centers or personal use 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 collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
- b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards 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 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 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. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
- f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
- g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission so as to ensure that contiguous residential areas will be adequately protected.

Updated definitions including new definitions for "Assisted Living Facility" and "Home for the Aged" are forthcoming.



Proposed Ordinance (Clean Copy):

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

The following uses may be permitted by the planning commission subject to article 23, 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:

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area.
 - b. The proposed site shall have at least one property line abutting a principal arterial – other as designated by the Michigan Department of Transportation.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation
- (2) Convalescent or nursing homes and homes for the aged.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
 - a. Adult dependent housing or assisted living facilities shall be constructed in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
 - b. The following minimum requirements shall be provided:

1.	Minimum usable floor area, one- and two-bedroom		200 sq. ft. per person occupying each unit
2.	Off-street parking:		
	Residents		0.5 space/unit
	Guests		0.25 space/unit
3.	Maximum coverage:		
	Building		35%
	Parking		15%
4.	Minimum coverage:		
	Open space		15%

- (4) Religious institutions and other facilities subject to section 78-296.
- (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 78-284.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

Current Ordinance:

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.

Proposed Ordinance (Redlined):

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 required 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: 25-50 feet

Side Yards: 15-30 feet

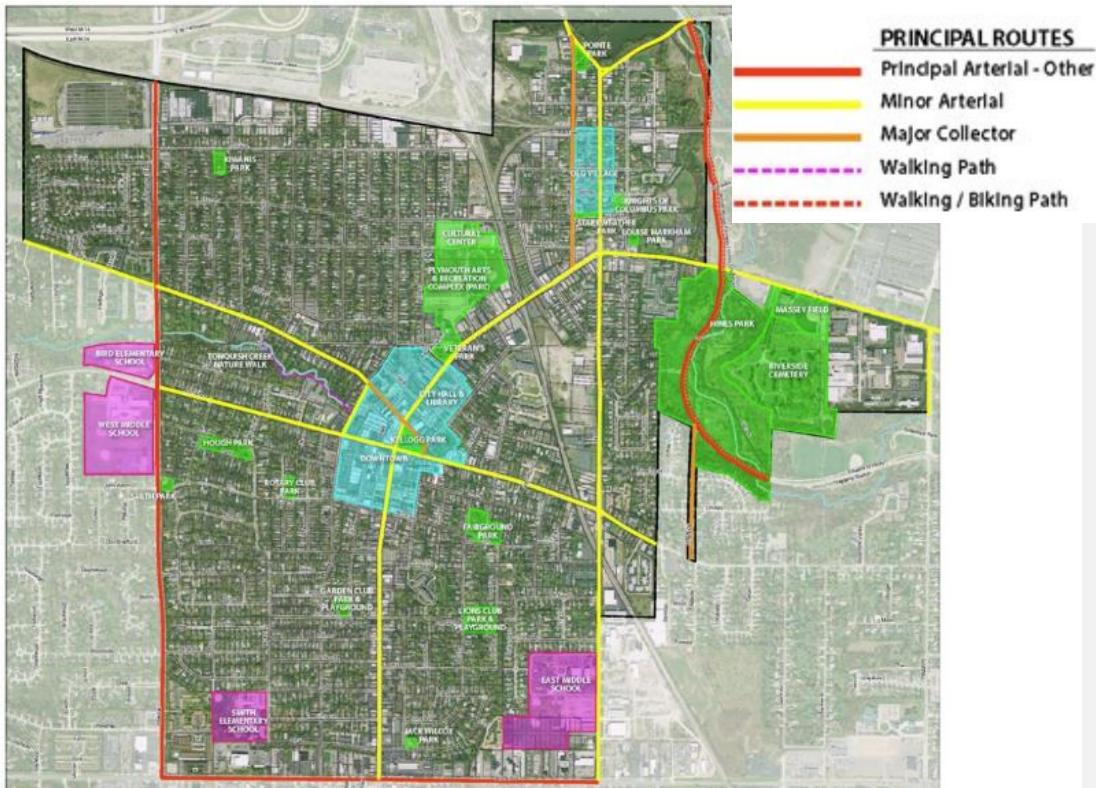
Rear yards: 35-50 feet

(5) Frontage and access. Religious institutions shall be located on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation 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.

Commented [GB20]: References the parking lot landscaping requirements of Sec. 78-203, which is already required as part of the site plan review.



Please note that Sec. 78-296 only applies to religious institutions as a special land use. Religious institutions are special land uses in R-1, RT-1, and RM-1 and RM-2, as shown in the zoning matrix below:

Zoning District	R-1	RT-1	RM-1 RM-2	O-1	O-2	B-1	B-2	B-3	ARC	MU	I-1	I-2
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Assembly

Private clubs and lodge halls				P		P		P		S		
Meeting halls and related services				P	P	P						
Theaters or assembly halls							P	P	S			
Churches	S	S	S	P					P	P		

Proposed Ordinance (Clean Copy):

Sec. 78-296. Religious institutions.

- (a) The following regulations shall apply to all religious institutions and any associated structures utilized for educational purposes:
 - (1) Off-street parking shall be prohibited in the required front setback area.
 - (2) Religious institutions shall comply with the following building setback requirements:
 - Front yard:* 25 feet
 - Side Yards:* 15 feet
 - Rear yards:* 35 feet
 - (3) Religious institutions shall be located on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.
 - (4) Religious institutions shall comply with the landscaping requirements set forth in this chapter.