



# City of Plymouth Planning Commission

## Regular Meeting Agenda

Wednesday, December 10, 2025 – 7:00 p.m.  
City Hall & Online Zoom Webinar

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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

<https://us02web.zoom.us/j/89064751795>

Passcode:960804

Webinar ID: 890 6475 1795

1. CALL TO ORDER
  - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
  - a. Approval of the November 12, 2025 meeting minutes
4. APPROVAL OF THE AGENDA
5. COMMISSION COMMENTS
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.
7. OLD BUSINESS
  - a. Quick Zoning Ordinance Amendments
8. NEW BUSINESS
  - a. Amendment to Zoning Ordinance Sec. 78-409
9. REPORTS AND CORRESPONDENCE
10. ADJOURNMENT

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

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

# City of Plymouth Strategic Plan 2022-2026

## GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

### OBJECTIVES

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

## GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

### OBJECTIVES

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

## GOAL AREA THREE - COMMUNITY CONNECTIVITY

### OBJECTIVES

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

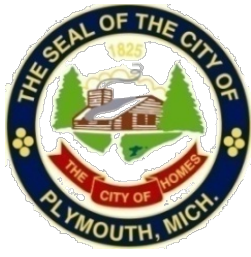
## GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

### OBJECTIVES

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

### 2025 Planning Commission Goals

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



# Plymouth Planning Commission

## Regular Meeting Minutes

### Wednesday, November 12, 2025 - 6:00 p.m.

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

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

#### 1. CALL TO ORDER

Chair Hollie Saraswat called the meeting to order at 6:00 p.m.

Present: Chair Hollie Saraswat, Vice Chair Kyle Medaugh, Marni Schroeder, Trish Horstman, Zach Funk, Dave Scott, Sidney Filippis, and Katie Rossie

Excused: Commissioner Joe Hawthorne

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

#### 2. CITIZEN COMMENTS

There were no citizen comments.

#### 3. APPROVAL OF MEETING MINUTES

Funk moved to approve the minutes of the October 8, 2025 meeting as written. Horstman seconded. The motion carried unanimously.

#### 4. APPROVAL OF THE AGENDA

Filippis made a motion to approve the agenda as written for the November 12, 2025 meeting. Medaugh seconded. The motion carried unanimously.

#### 5. COMMISSION COMMENTS

Chair Saraswat applauded the Commission for the passage of the Master Plan by the City Commission, highlighting the engaging discussions and commending their dedication and hard work put into the document through numerous meetings and sub-committee sessions.

#### 6. OLD BUSINESS

There was no old business.

#### 7. NEW BUSINESS

##### a. Planning Commission Training – Presented by Doug Lewan, Carlisle-Wortman

Planning & Community Development Director Greta Bolhuis introduced Doug Lewan from Carlisle Wortman, who presented training on "Making Sound Zoning Decisions." She noted the training had been well received by the Commission in the past. Commissioners were encouraged to ask questions throughout or wait until the end.

Mr. Lewan introduced himself, mentioning he has been a city resident for 29 years and has worked in planning since 1988, with Carlisle Wortman Associates since 1993.

The training covered several key areas:

**Planning and Zoning Basics in Michigan:**

- Mr. Lewan explained the Michigan Zoning Enabling Act (Public Act 110) and the Planning Enabling Act (Public Act 33)
- He emphasized that planning should always come before zoning decisions ("plan first, zone second")
- He described the history of these laws, which were consolidated in 2006 and 2008 from previous separate acts for cities, townships, and counties
- Mr. Lewan noted that zoning is not required by law but is enabled by state legislation

**Master Plans:**

- Mr. Lewan congratulated the Commission on their recently adopted Master Plan
- He explained that master plans are policy documents, while zoning ordinances are regulatory documents (the law)
- The master plan must be reviewed at least every five years, though it doesn't have to be updated if still valid
- Chair Saraswat asked about the five-year review process and how to evaluate what needs updating
- Bolhuis asked about timing when updates take longer than expected

**Decision-Making Process:**

- Mr. Lewan differentiated between discretionary and non-discretionary approvals:
  - Non-discretionary approvals (must be approved if standards are met): administrative decisions, site plans, amendments
  - Discretionary approvals: special land use permits, PUDs
- Commissioner Horstman asked about balancing community input with ordinance requirements
- The discussion covered how to handle public comments that provide new information versus general opposition

**PUDs (Planned Unit Developments):**

- Chair Saraswat asked about PUD requirements in the law
- Mr. Lewan explained that PUDs are mentioned in Public Act 110, but communities aren't required to have them
- Bolhuis asked about interpreting master plan language when applying it to PUDs
- The commission discussed challenges with "designing from the bench" during PUD reviews

**Legal Issues and Decision-Making Best Practices:**

- Mr. Lewan stressed the importance of making decisions based on standards in the ordinance
- He recommended using model motions to ensure decisions are properly documented
- He explained that motions must include not just the standards but how a project meets or fails to meet them
- Mr. Lewan noted that courts generally defer to local decisions unless there's a poor record or improper conduct

**b. Quick Zoning Ordinance Amendments**

Bolhuis introduced the initial quick zoning ordinance amendments, aimed at aligning with federal and state law requirements. These are the first of numerous amendments the Commission will review in the coming months.

Vice-Chair Medaugh, a sub-committee member, stated they have met since June to address the "easiest" amendments focused on law changes, intentionally dividing the work into sections.

The Commission discussed the process for amendments:

- Bolhuis proposed discussing them at a regular meeting before scheduling public hearings.

- Commissioner Horstman pointed out that the sub-committee began with easier items, with tougher topics ahead.
- Chair Saraswat raised concerns that the timeline could stretch into 2027.
- Vice-Chair Medaugh acknowledged the goal of finishing "quick changes" in a year was ambitious.

The Commission deliberated on grouping amendments for public hearings, aiming to balance necessary public input with efficient progress. Commissioner Filippis recommended having agenda items monthly, while others stressed the importance of thoroughly discussing more complex topics.

Bolhuis offered to create a work plan with timeline and deadlines to help organize the process moving forward.

## **8. REPORTS AND CORRESPONDENCE**

City Commissioner Minton reported that the City Commission approved the Master Plan with a 6-1 roll call vote. He also noted that the next City Commission meeting on Monday would include Nick Moroz and Suzi Deal leaving the commission, with Joe Elliott and Karen Sisolak joining, followed by voting on mayor and mayor pro-tem positions.

Bolhuis distributed printed copies of the newly adopted Master Plan to all Planning Commissioners.

## **9. ADJOURNMENT**

Filippis made a motion to adjourn. Schroeder seconded.

There was a voice vote.

The motion carried unanimously.

The meeting was adjourned at 8:46 p.m.



## Administrative Memorandum

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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

To: Planning Commission  
From: Greta Bolhuis, AICP, Planning and Community Development Director  
Date: December 3, 2025  
Re: Quick Zoning Ordinance Amendments

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

The first batch of eight (8) changes that are presented in the subsequent pages are changes that comply with state, federal, and case law, changes that update obsolete references, changes that allow for modern uses, and deletion of non-used definitions and definitions with regulations. The changes presented are highlighted in yellow. A public hearing has been scheduled for the Planning Commission to consider these changes and recommend them to the City Commission for consideration.

The second batch of four (4) changes that are presented in the subsequent pages are changes that update obsolete references and changes that improve organization and navigability. The changes presented are highlighted in blue.

### Quick Zoning Ordinance Update

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

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

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

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing.
2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font.
3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper.
4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and

examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts.

5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act.

#### *Change outdated references:*

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

#### *Allow for modern uses:*

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

#### *Eliminate suburban standards:*

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

#### *Streamline and clarify processes:*

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

#### *Update definitions:*

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

*Improve organization and navigability:*

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

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

A regular meeting of the Planning Commission will be held on Wednesday, December 10, 2025 at 7:00 p.m. located at City Hall and online via Zoom to consider the following:

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. See below.

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

Publish: Tuesday, November 25, 2025

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

**Sec. 78-281. Special uses.**

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

(b) *Procedures.*

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

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

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

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

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

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

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

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2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font.

## Sec. 78-377. Public hearings.

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

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

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

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

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3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper.

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

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

(Ord. of 10-6-03)

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6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan.

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

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

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

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- g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
  - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on ~~major or collector thoroughfares, major arterials and major collectors~~ as designated on the National Functional Classification designation, maintained by the State of Michigan~~in the city's master plan~~ and shall further be subject to section 78-2847.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.
- (Ord. of 10-6-03)

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

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

- (1) Churches and other facilities normally incidental thereto subject to section 78-~~296~~300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:
  - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance

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permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
  - b. No building shall be closer than 80 feet to any property line.
- (8) Bed and breakfast operations shall be located only on ~~major or collector thoroughfares~~ major arterials and major collectors as designated on the National Functional Classification designation, maintained by the State of Michigan ~~in the city's master plan~~ and shall further be subject to section 78-28~~47~~.
- (9) Accessory buildings and uses customarily incident to any of the above special land uses.

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

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

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

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

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

- b. Non-profit day care centers may be located in a church building as an accessory use to a church.
- (5) Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit.
- (6) Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (7) Uses and buildings of the city (without storage yards).
- (8) Day care home (group) for children subject to the following conditions:
  - a. Such facility shall have received a state license to operate prior to seeking a special use permit under this chapter.
  - b. Not less than 400 square feet of outdoor play area per child shall be provided on the site. The play area shall not occupy a front yard.
  - c. Screening and fencing of outdoor play area shall be provided as required by the planning commission.
  - d. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.
- (9) Day care homes for adults subject to the following conditions:
  - a. Not more than six persons other than the full-time occupants of the dwelling may be cared for in any one dwelling.
  - b. No overnight accommodations shall be provided.
  - c. Such facility shall not provide nursing or medical care.
  - d. Parking shall be provided to allow direct drop-off and pick-up of adults without such adults having to cross public streets.
  - e. Fencing of yards utilized for recreation or outdoor activities shall be provided.
- (10) Private non-commercial recreational areas, institutional or community recreation centers, and non-profit swimming pool clubs, all subject to the following conditions:
  - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or

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organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
  - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (11) Bed and breakfast operations shall be located only on ~~major or collector thoroughfares~~ major arterials and major collectors as designated on the National Functional Classification designation, maintained by the State of Michigan in the city's master plan and shall further be subject to city licensing provisions. Bed and breakfast operations shall further be subject to the following:
- a. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
  - b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
  - c. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
  - d. The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
  - e. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
  - f. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
  - g. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
  - h. An approved fire extinguisher in the common hallway accessible to all occupants.
  - i. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
  - j. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.

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

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

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

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9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere.

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

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

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office, dental office, physical therapy and chiropractic office; including clinics. Professional offices of lawyers, architects, engineers, and similar or allied professions.
- (3) Child care centers and nursery schools.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots and parking facilities.
- (6) Meeting halls and related services.
- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (8) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component. ~~Restaurants not serving alcoholic beverages, including carry-out restaurants and sit-down restaurants.~~
- (9) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five persons shall be employed at any time in the fabrication, repair and other processing of goods.
- (10) Large box retail uses (over 70,000 square feet).
- (11) Home improvement centers.
- (12) Reserved. ~~Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein such establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in, or open front store.~~
- (13) Regional shopping centers containing multi-tenant spaces totaling greater than 50,000 square feet.
- (14) Theaters or assembly halls when completely enclosed.

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

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

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

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

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

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

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

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

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

Permitted uses:

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

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- a. All business establishments shall be retail or service establishments dealing directly with consumers. ~~All goods produced on the premises shall be sold at retail on the premises where produced.~~
  - b. All business, servicing, or processing, except off-street parking or loading, shall be conducted within completely enclosed buildings.
- (15) Accessory structures, uses and signs customarily incident to the above permitted uses and subject to all requirements of this chapter.
- (16) Residential uses shall be permitted provided such living units are located on the second floor or above.
- (Ord. of 10-6-03; Ord. No. 2013-04, § 2, 10-7-13; Ord. No. 2013-06, § 2, 10-21-13)

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

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

Permitted uses:

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

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

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

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

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

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

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

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

(Ord. of 10-6-03)

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20. Remove regulatory language from definitions where possible, such as removing the reference to “one-story” in the convenience grocery store definition and “separated from each other by a “firewall” from the townhome/rowhouse definition.

21. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended).

## **Sec. 78-21. Definitions.**

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

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

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

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

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

- (1) *Adult foster care small group home:* An owner-occupied facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (2) *Adult foster care large group home:* A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (3) *Adult foster care family home:* A private residence with the approved capacity to receive six or fewer adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week and for two or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Adult foster care congregate facility:* An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

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

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

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

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

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

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

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

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

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

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

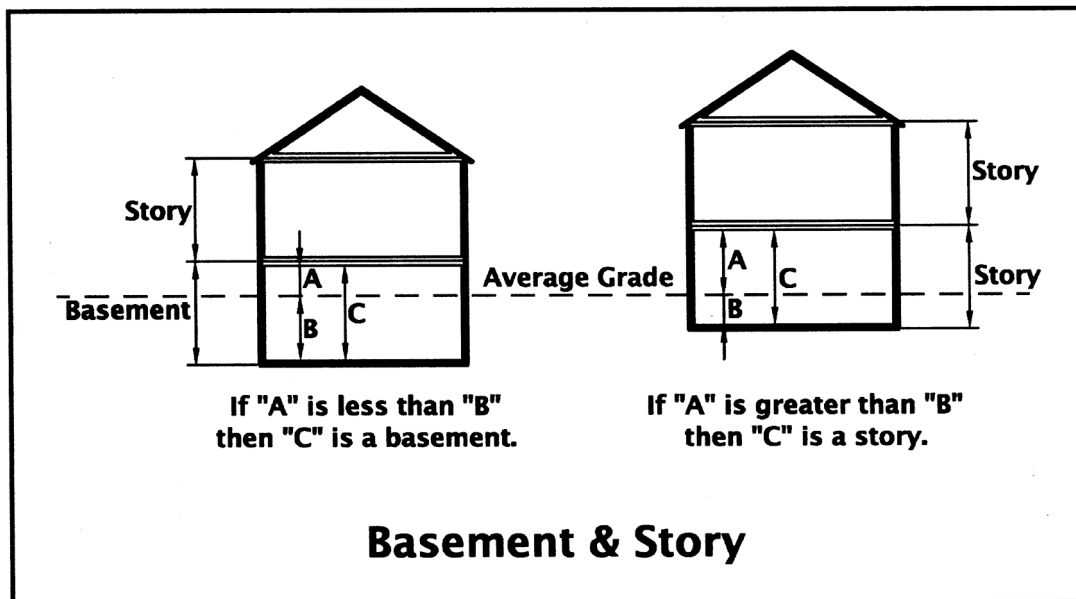
*Automobile convenience mart.* A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to public on the premises or in combination with the retailing of items typically found in a convenience market, carry out restaurant or supermarket.

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

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

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

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



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

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

*Billboard shall mean:*

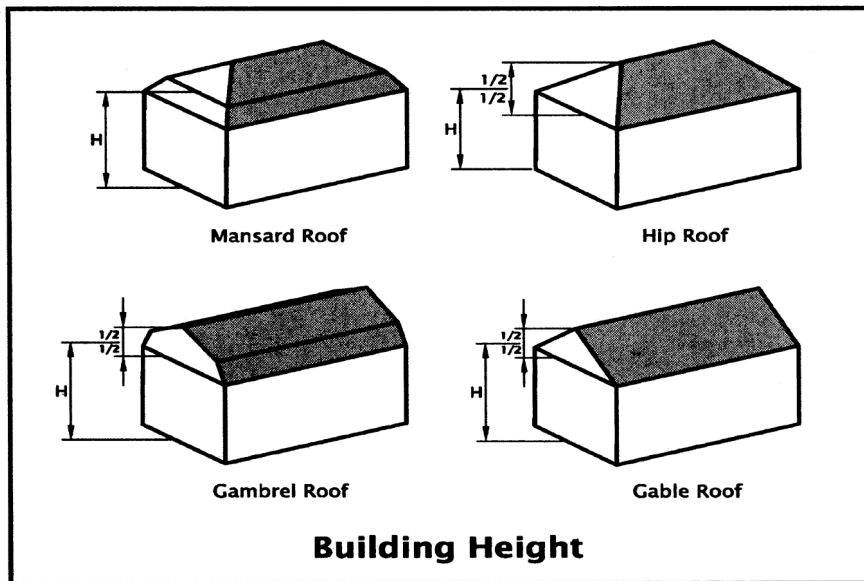
- (1) — A poster panel or painted bulletin and includes any structure panel, board or object designed exclusively to support such poster, panel, or a painted bulletin.

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

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

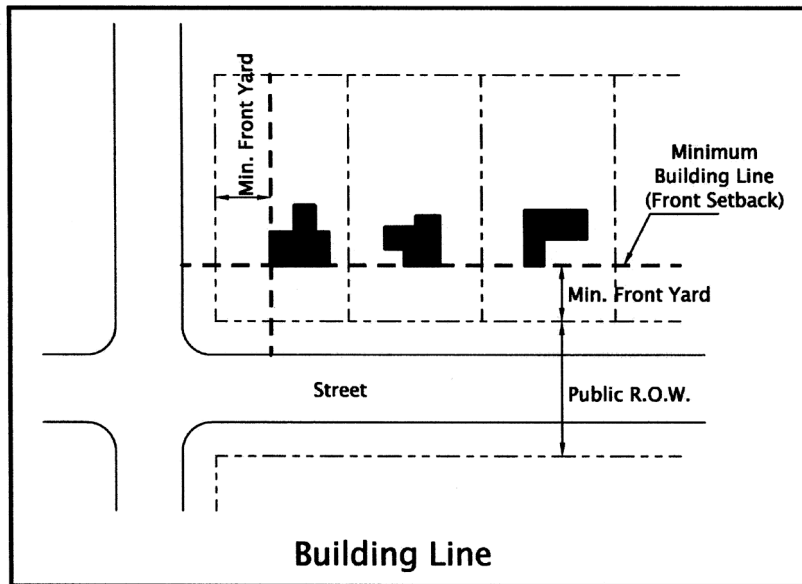
*Building* means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding play structures.

*Building height*



Building Height

*Building line*



### Building Line

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Essential services* means the erection, construction, alteration, or maintenance of underground, surface, or overhead utilities (such as gas, electrical, steam, fuel, water, sewage, or communications) by public utilities or municipal departments. This shall include components of transmission, distribution, collection, supply, and

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disposal systems such as poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, and hydrants in connection herewith, but shall not include buildings which are not necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. Essential services shall not include wireless communication facilities.

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

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

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

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

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

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

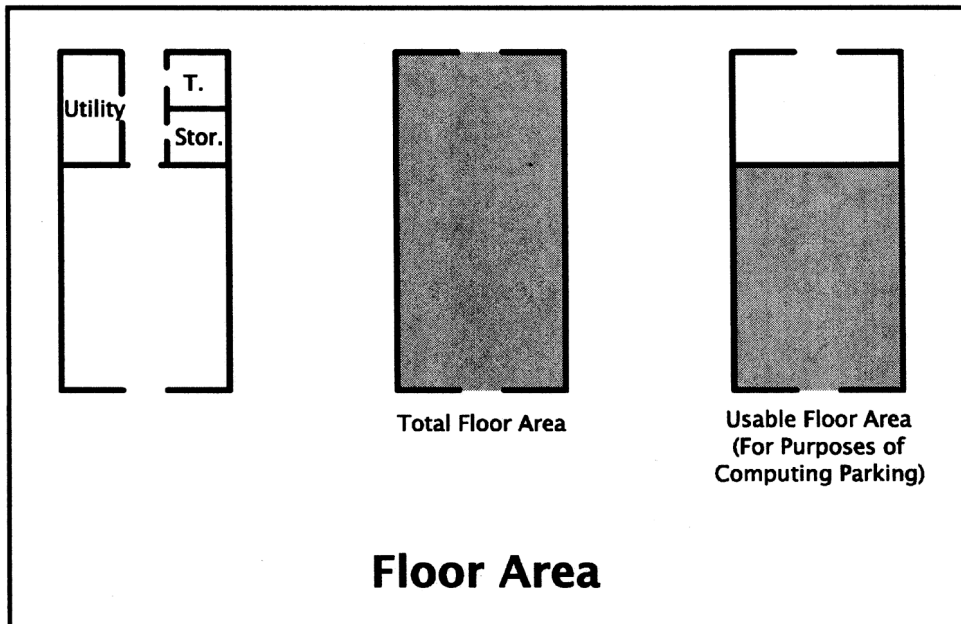
*Floor area ratio (FAR)* means the ratio of the floor area of a building to its lot area. For example: when a floor area ratio of 0.4 is specified, the floor area of the building constructed on a lot of 6,000 square feet in area is limited to a maximum of 2,400 square feet (or  $6,000 \times 0.4$  or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

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

Examples of Architectural Elements Included/Excluded from FAR Calculation

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

Floor area, usable,



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## Floor Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

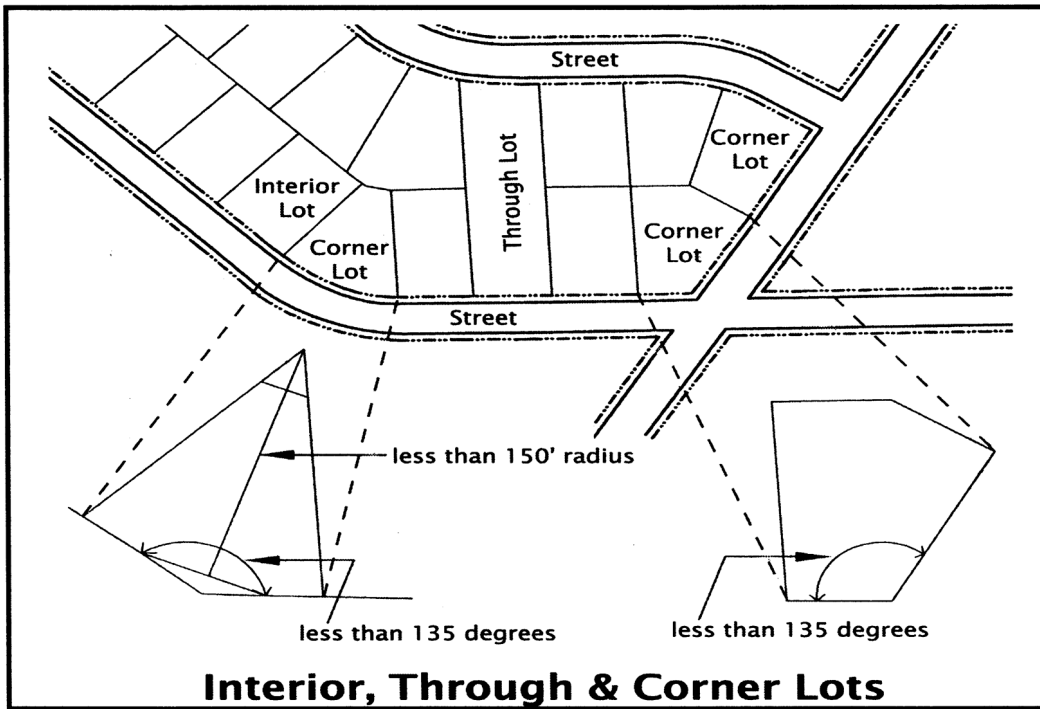
*Landscape area* means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch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

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

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

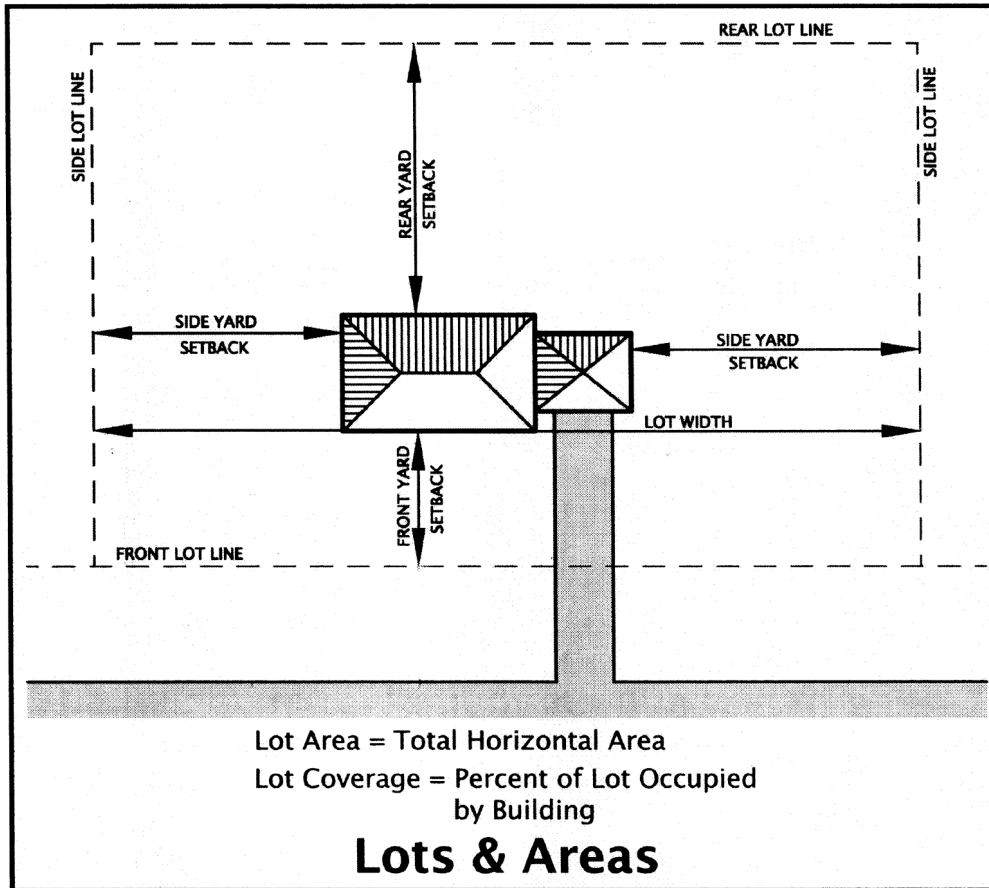
*Loft* means the space between the roof and the floor of the uppermost story. The floor area of a loft is not more than  $\frac{1}{3}$  of the floor area of the story below.

Lot



Interior, Through and Corner Lots

Lot area



### Lots and Areas

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

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

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

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

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

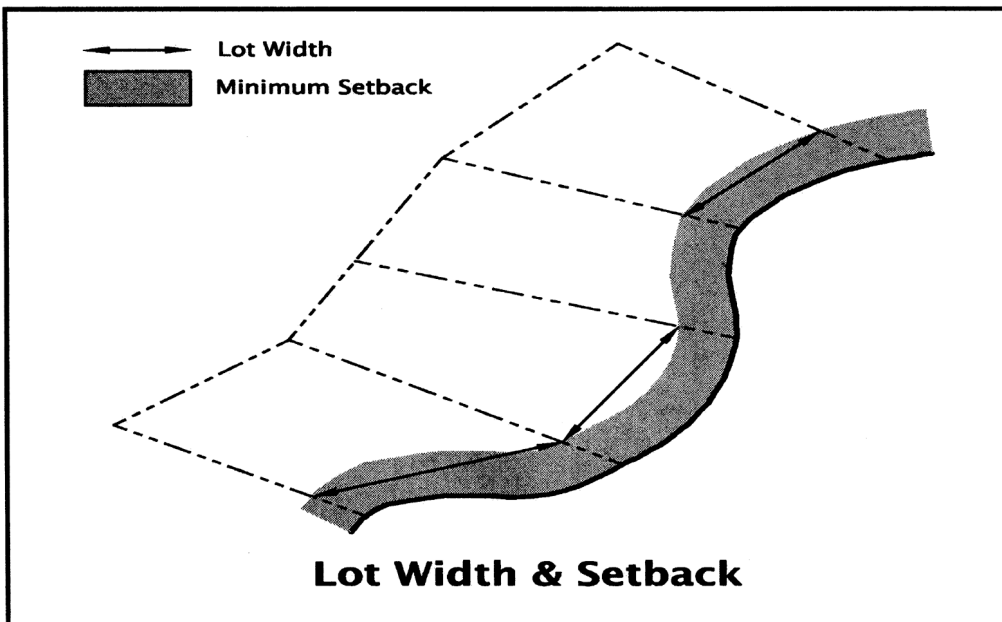
- (1) *Front lot line,* in the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating such lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear,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

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

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

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

*Lot width*



#### Lot width and Setback

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

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

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

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

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

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

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

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

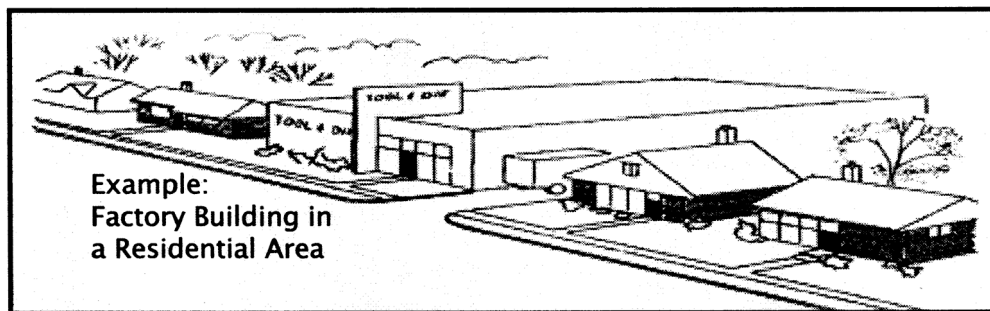
~~*Mobile home/manufactured home* means any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning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

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

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

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

*Nonconforming use*



Nonconforming Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

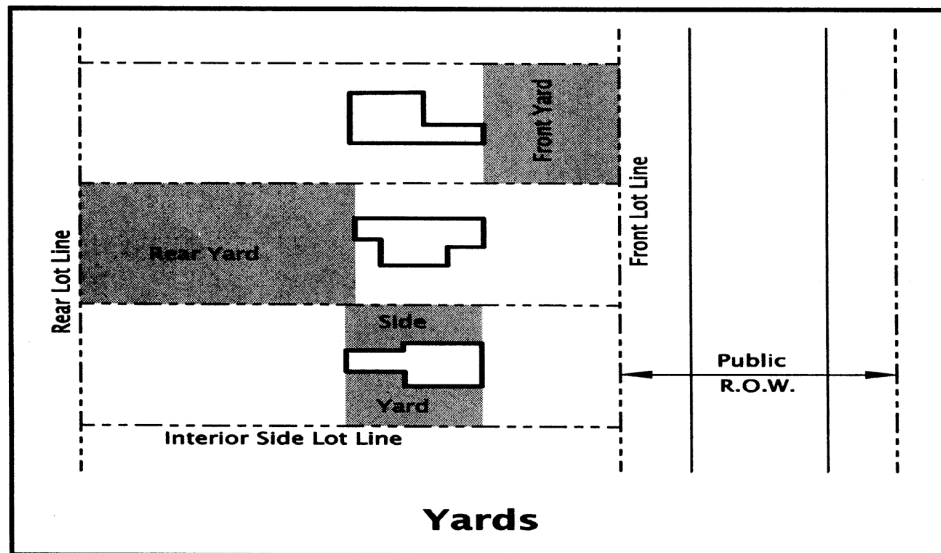
- (1) *Private WECS* shall mean any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS* shall mean any WECS that is designed and built to provide electricity primarily to the electric utility's power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

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

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

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

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



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

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

**Sec. 78-133. Fire department approval required.**

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

8. Update inconsistent or improper terms including: “special land use” instead of “special use”.

See following pages.

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**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)

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**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)

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**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)

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

- (a) *Purpose.* The Ann Arbor Road Corridor Zoning District is intended to establish uniform regulations applicable to the use of land, dimensions for building and site development, parking, landscaping and signage which accommodate and promote land uses which are compatible with the desired character of the corridor, and which conserve property values and long term stability of office, commercial and limited light industrial uses along the Ann Arbor Road Corridor. The Ann Arbor Road Corridor District is intended to accommodate a mixture of office, business and limited light industrial uses designed to serve the commercial needs of the general community in an attractive, well designed and functional environment.
- (b) *Principal uses permitted.* No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this article:
  - (1) Medical and dental offices and clinics and other professional offices.
  - (2) Administrative, executive and editorial offices.
  - (3) Real estate and other general business offices.
  - (4) Banks, credit unions, savings and loan associations, and similar financial institutions.
  - (5) Schools for arts and crafts, photography and studios for music or dancing; training centers, business schools or private schools operated for profit.
  - (6) Private clubs and lodge halls.
  - (7) Mortuaries.
  - (8) Churches, temples, and similar places of worship, 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.

- (1) Any other use not specified as a principal permitted use which the planning commission finds to not be inconsistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.
- (2) Child care centers not including overnight sleeping facilities, subject to the following conditions:
  - a. For each child permitted at the maximum licensed capacity of the facility, there shall be provided and maintained a minimum of 500 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 3,000 square feet and shall be fenced and screened from any adjoining lot in any residential district.
  - b. All child care facilities shall be registered with or licensed by the State of Michigan where required, and shall comply with the minimum state standards for such facilities, in addition to those standards specified in this article. Proof of compliance shall be provided to the city upon request.
  - c. Adequate ingress, egress and circulation shall be provided. Vehicles must be able to easily circulate within and through the site to a designated pick-up/drop-off area without impeding circulation on the site or traffic on nearby roads. Adequate stacking space for the pick-up/drop-off area shall be provided.
- (3) Commercial, medical and dental laboratories, not including the manufacturing of pharmaceutical or other products for general sale or distribution.
- (4) Parochial and private schools.
- (5) Municipal facilities, including municipal or other governmental offices, fire stations, post offices, community buildings, libraries, parks, playgrounds and park-n-ride lots.
- (6) Hospitals and convalescent homes.
- (7) Communication facilities, public utility transformer stations, sub-stations and gas regulator stations without outdoor service or storage yards subject to the following:
  - a. A front yard setback of not less than 50 feet shall be provided and two side yards and a rear yard shall be provided, each shall not be less than 25 feet in width.
  - b. When a transmission or relay tower, etc. is proposed as part of the facility, the tower shall be so located that it does not present a nuisance to abutting residential properties. The tower shall be so located on the subject property that the distance from the base of the tower to all points on each property line shall be not less than one and one-half (1½) times the height of the tower.
  - c. Such use shall be screened and buffered from nearby public rights-of-way and property in accordance with the requirements of this chapter.
- (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.

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- c. All buildings, structures, and parking and loading areas shall be setback a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of this chapter.
  - d. Traffic from events (including church 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 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.
- (9) Hotels and motels subject to the following:
- a. Each hotel or motel shall provide minimum side yards of not less than 25 feet each; minimum rear yard of not less than 35 feet; minimum front yard of 25 feet except that when parking is provided between the building and a street, the minimum front yard and/or side yard shall be not less than 75 feet.
  - b. When the front yard and/or side yard abuts a street and is used to provide an access road and/or off-street parking, the area shall be screened in compliance with the requirements of this article.
  - c. Each motel or hotel unit shall contain not less than 250 square feet of floor area.
  - d. Kitchen or cooking facilities may be provided in new motels or hotels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been met. No existing motel units shall be converted for use of cooking and/or kitchen facilities unless the applicant can demonstrate compliance with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit being converted.
  - e. Where a unit is provided as a residence for the owner or the manager, the following minimum floor area requirements shall be provided: one bedroom unit, 600 square feet; two bedroom unit, 800 square feet; three bedroom unit, 1,000 square feet; four bedroom unit, 1,200 square feet.
- (10) Sales rooms, and/or sales lots for new and/or used automobiles, recreation vehicles or trucks, subject to the following:

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- a. 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.
  - b. All service and repair facilities shall be contained within an enclosed building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked cars shall be located behind the building and screened in compliance with the requirements of section 78-167 of this chapter.
  - c. An obscuring wall must be provided when abutting or adjacent districts are zoned for residential use, in accordance with section 78-206 of this article.
  - d. No major repair or major refinishing shall be done on the lot.
  - e. Where a sales lot for new and/or used automobiles, or trucks, abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street fronted upon, and shall provide a proper buffer in the determination of planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.
  - f. No loudspeakers for outdoor broadcasting shall be permitted.
  - g. Rental facilities for vehicles shall be permitted only as an accessory use to a permitted vehicle sales use under this section.
  - h. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (11) Motorcycle, motorbike, personal watercraft, snow mobile and all-terrain vehicle sales, service, clubs and rental facilities subject to the following:
- a. No motorcycle or motorbike rental, sales, service or motorcycle or motorbike clubs shall be permitted on a parcel of land which is located within 200 feet of a residential district.
  - b. Motorcycle or motorbike clubs may be operated only between the hours of 6 a.m. and 12 midnight.
  - c. Outdoor storage and/or testing areas shall not be permitted.
  - d. All service and repair facilities shall be contained within an enclosed building.
  - e. Where a sales lot and/or outdoor display area abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street the sales lot or display area abuts, and shall provide a proper buffer in the determination of the planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.
  - f. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.

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- (12) Indoor recreation uses such as bowling establishments, court sport facilities, tennis clubs, pool and billiard halls, roller and ice skating rinks, and other general indoor recreation facilities, subject to the following:
- a. The structure housing such facilities shall be located at least fifty (50) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
  - b. Any vehicles or equipment used for servicing the facilities, such as court cleaners or zambonis, shall be stored only inside a totally enclosed building.
  - c. The use of any electronic or enhanced sound system shall be contained so as to not present an unreasonable disturbance to the neighborhood in which it is located.
- (13) Theaters, assembly halls, concert halls or similar uses, subject to the following:
- a. All operations shall be conducted within a completely enclosed building.
  - b. All buildings shall be set back at least one hundred (100) feet from any residential district.
- (14) Drive-in restaurants and other drive-in establishments excluding outdoor theaters, subject to the following:
- a. 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.
  - b. A setback of at least 60 feet from the future right-of-way or street setback line of any street must be maintained.
- (15) Outdoor cafes and eating areas accessory to a permitted restaurant use, subject to the following:
- a. Pedestrian circulation and access to building entrances (both on and off site) shall not be impaired. A minimum of six (6) feet of sidewalk leading to the entrance to the establishment shall be maintained free of tables and other encumbrances. Planters, posts with ropes or other enclosures shall be used to define the area occupied by the outdoor cafe.
  - b. The outdoor cafe shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved by the planning commission. Preparation of food and beverages is prohibited in the outdoor cafe area.
  - c. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings, subject to planning commission approval.
- (16) Veterinary clinics, animal clinics and animal hospitals subject to the following:
- a. Any building designed or constructed for such uses shall be used for the sole purpose of providing medical care for household pets and shall not be constructed or used as a boarding establishment for household pets.
  - b. If animals eligible for treatment at such establishments are kept overnight on the premises or for a period longer than regular professional business hours, then a full-time, duly qualified attendant shall be stationed in charge of said premises.

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- c. Open or outdoor runs, kennels or pens shall be prohibited.
  - d. In no case shall the disposal of rubbish and litter be conducted in such a manner as to be obnoxious or offensive.
  - e. In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provisions shall be made to confine all noise, confusion and odor, if any, to the premises.
  - f. The building and ventilation system shall be constructed to prevent any noise and odors emanating from the area used for the treatment and temporary keeping of household pets from reaching the building exterior.
- (17) A storage garage for commercial vehicles used by a business or other activity when located on the same contiguous site therewith and not occupying more than 25 percent of the area of such contiguous site.
- (18) Commercial (major repair or body shop) garages subject to the following:
- a. All operations of the commercial garage shall be conducted entirely within the building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked cars shall be screened from view off site in compliance with section 78-296.
  - b. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (19) Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, subject to the following:
- a. The children's amusement park must be fenced on all sides with a four-foot, six-inch wall or fence.
  - b. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot, six-inch high wall or fence where adjacent to the use.
- (20) Open air display and sales areas, including nursery plants and materials; lawn furniture; playground equipment and swimming pools; garden supplies and similar open-air displays, subject to the following conditions:
- a. The storage and/or display of any materials and/or products shall meet all setback requirements applicable to a building, and shall be screened from view off-site.
  - b. All loading and parking shall be provided off-street.
  - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
  - d. Outdoor display and sales of lumber and coal yards, building material sales establishments, junk yards, used auto parts or wrecking establishments shall not be permitted.
  - e. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (21) Auto wash facilities subject to the following:
- a. In the case that an auto wash facility includes the storage and/or sale of gasoline as part of the operation, the requirements of subsection (c)(23) of this section shall also apply.
  - b. All washing facilities shall be completely within an enclosed building.

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- c. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a street, such use shall be screened from the street by one or a combination of the following:
    - 1. A solid wall of at least four feet in height and six to eight-foot wide planting strip on the street side. Such planting strip shall contain as a minimum, one deciduous small ornamental tree for every twenty lineal feet of planting strip required.
    - 2. Mounding or berming of not less than four feet in height with side slopes no steeper than 3:1 (three feet horizontal to one foot vertical). A minimum of one (1) deciduous small ornamental tree shall be planted for every 20 lineal feet of berm or mound.
  - d. Driveway entrances into the auto wash structure shall be from within the lot and no entrance into the building shall be directly from a street or alley. No alley shall be used as a means of serving an auto wash facility. Drains shall be provided at all entrances and exits at the street setback line. Auto wash facilities shall not, in general, be located within 200 feet of an intersection of any two roads when either of the two roads is considered to carry moderate to heavy traffic levels.
  - e. A hard surfaced driveway of either one or more lanes shall be constructed on the site in such a manner as to provide a continuous movement of cars into the wash rack.
  - f. The driveways, so provided, shall be not less than 12 feet wide for a single lane and not less than 12 additional feet, in width, from each additional lane.
  - g. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.
  - h. 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.
  - i. All cars required to wait for access to the facilities shall be provided space off the street right-of-way in accordance with the provisions of section 78-163.
- (22) Minor automotive repair, such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops, minor engine repair and small engine repair, subject to the following conditions:
- a. Access to such use shall be directly to a major or collector street.
  - b. Outdoor storage of parts or materials shall be prohibited.
  - c. Vehicles shall not be allowed to be stored outside the building for more than 24 hours unless awaiting repair for which a work order, authorized by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle and not to exceed seven days. Space for vehicles awaiting repair shall be designated on the site plan and shall be screened as determined necessary by the planning commission.
  - d. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
  - e. All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing shall be conducted within a building.

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- f. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
- (23) Gasoline service stations subject to the following:
- a. Gasoline service stations shall provide a front yard and side yards of not less than 20 feet each. No part of a service station canopy shall extend into a required yard.
  - b. Gasoline service stations, including any part of the facade, and other structure or part of any other structures on the same lot, shall not exceed 25 feet in height.
  - c. Open space on the gasoline service station site may be used for parking or maneuvering of vehicles being serviced, waiting to be serviced or serviced vehicles waiting to be picked up. The use of the open space for parking of vehicles for storage, sale or rental or for any other use other than that defined in the definition of gasoline service station under this chapter is prohibited.
  - d. Hoists or other equipment used in servicing of motor vehicles shall be located within an enclosed building.
  - e. Pump islands shall be setback not less than 25 feet from the street setback line of any street to which the pump island is perpendicular and 19 feet from the street setback line of any street to which the pump island is parallel and not less than 19 feet from any residential boundary line. Additional setback may be required if determined necessary by the planning commission to provide for adequate site circulation and maneuvering. The setback areas shall include a minimum ten-foot planting strip located along and between the street setback line and the pump islands. No servicing shall be permitted on any vehicle while said vehicle is resting wholly or partly on a sidewalk or on a public street or highway right-of-way.
  - f. No gasoline service station, service garage, auto wash facility, or other establishment where gasoline is stored and sold, which because of their nature unavoidably invite vehicle traffic, depend on standing vehicles while awaiting service and route such traffic across curb lines and sidewalks, shall be located—and no property shall be used as such—nearer than 100 feet in any direction as measured from any point on the property line of any church, 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.
- (24) Arcades and any commercial establishment in which the primary purpose of such establishment is the operation of mechanical or electrical amusement devices subject to the following:
- a. All activities shall be conducted entirely within a building.
  - b. No such business shall be open for business between the hours of 12 midnight and 9:00 a.m.
  - c. The building housing such use shall be so constructed and maintained as to insure that all interior noises shall be kept from reaching the building exterior.
  - d. The planning commission shall review the proposed use to determine the need for bicycle parking spaces. Said spaces shall be designed to permit the orderly parking of said bicycles and permit them to be secured. These parking areas shall be so located as to prevent the disruption of on-site and off-site pedestrian and automobile traffic flow.
  - e. Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or private school.
  - f. Locations for any such establishment shall be confined to major thoroughfares as defined in the future land use plan. Access from a street other than a major thoroughfare shall be prohibited.
- (25) Drive-through restaurants or drive-through facilities, accessory to any principal permitted use in the ARC District, subject to the provision of a separate stacking lane designed to accommodate the minimum number of stacking spaces required under section 78-163(a)(11) Table of Parking Requirements. Required stacking shall be positioned in such a manner that stacking will not interfere with vehicular traffic on site, on the adjacent roadway, or entering or leaving the site and the stacking lane shall be striped or otherwise delineated on site. Adequate maneuvering room shall be provided to allow vehicles to by-pass or leave the stacking lane as determined by the planning commission. No eating shall be permitted while on site and in a parked vehicle. A sufficient number of outdoor litter receptacles shall be provided to prevent blowing paper and other material moving off site onto surrounding properties. The drive-through service speaker location and/or amplification shall not cause noise that is audible from adjacent residences.
- (26) Limited uses of a wholesale, warehousing or light industrial nature, subject to the following conditions:
- a. General conditions:
    - 1. External physical effects shall be restricted, so as to protect nearby uses from hazards, noise, and other radiated disturbances.

2. Such uses shall be located only in the general vicinity of the railroad tracks, described as east of the Plymouth City Hall site to the westerly boundary of the railroad right-of-way on the north side of Ann Arbor Road, and east of General Drive to the westerly boundary of Arbor Village Subdivision on the south side of Ann Arbor Road.
3. Each use shall be conducted within a completely enclosed building.
- b. Uses permitted under this classification shall be as follows, and shall be further subject to the specific standards listed:
  1. Wholesale and warehousing businesses, storage buildings, resale shops, commercial laundries, cleaning establishments and frozen food lockers.
  2. The manufacture, assembly, compounding, processing, packaging, treatment or testing of such products as bakery goods, candy, soap (cold mix only), cosmetics, pharmaceutical, toiletries, dairy and food products, hardware and cutlery; tool, die, gauge and machine shops. The manufacturing, processing and assembling from basic raw materials shall be prohibited.
  3. The manufacture, assembly, compounding, processing, packaging, treatment or testing of articles of merchandise from the following previously prepared materials which have been manufactured elsewhere: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals, or stones, sheet metal (excluding large stampings such as automobile body panels), ferrous and non-ferrous metals (excluding large casting and fabrications), shell, textiles, tobacco, wax, wire, yarn, wood (excluding saw and planing mills) and paint (not employing boiling process).
  4. Research, testing, laboratory and office uses related to permitted industrial operations.
  5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  6. Manufacture of musical instruments, toys, novelties and metal or rubber or other small molded rubber products (not including pneumatic tires).
  7. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  8. Laboratories—Experimental, film, or testing.
  9. Communication facilities with buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, communication and relay stations without outdoor storage subject to the following:  
A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirements of the district) and two side yards and a rear yard shall be provided; each of which shall not be less than twenty-five (25) feet in width.
  10. Research and industrial parks subject to the following:
    - (i) The research and industrial park shall be platted as an industrial subdivision.
    - (ii) All permitted uses allowed under subsection 78-161(c)(26)b.1.—9. shall be allowed in an approved research and industrial park without separate special land use approval.
    - (iii) The industrial park shall meet the following area, lot and yard requirements:

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|------------------|----------------|
| Minimum Lot Area | 20,000 sq. ft. |
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|-----------------------------------|---------|
| Minimum Lot Frontage              | 100 ft. |
| Front Yard Depth                  | 40 ft.  |
| Side Yard Width, Each             | 25 ft.  |
| Side Yard Adjacent to Residential | 50 ft.  |
| Side Yard Adjacent to a Street    | 40 ft.  |
| Rear Yard                         | 40 ft.  |
| Rear Yard Adjacent to Residential | 50 ft.  |
| Maximum Height                    | 35 ft.* |
| Maximum Percent Lot Coverage      | 50%     |

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

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

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

(27) Bars and lounges or restaurants serving alcohol subject to the following:

- a. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special [land use](#) permit.
- b. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider this report in their evaluation of the request for special land use approval.

(d) *Development requirements.*

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

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

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- d. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site shall be parked in non-required parking spaces and the rear only. Such vehicles shall not be parked in a manner to be used as an advertisement and shall be screened from view off-site. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.
  - e. Development in the ARC District shall comply with the access and service road requirements in section 78-164.
  - f. All exterior walls of every building hereafter erected, extended or whose exterior is structurally altered, which faces a street or which is adjacent to property zoned or used as residential shall be designed, treated and finished in a uniform manner consistent with the exterior of the front of the building. Such buildings which are erected, extended or structurally altered, shall be designed to compliment the Ann Arbor Road streetscape through means which include but are not limited to use of brick, stone, black wrought iron accents, peaked roof elements, building architectural detail to enhance door and window openings, and other elements approved by the planning commission.
  - g. Compliance with the environmental performance standards of this chapter is required for all uses.
  - h. All yard and open space areas in the ARC District shall be graded in a manner which shall avoid the ponding of stormwater unless said conditions have been designed to occur as part of a storm detention plan which has been approved by the municipality and such grading shall comply with the engineering design standards for the municipality prior to issuance of a permit.
  - i. All structures shall be readily accessible by fire and emergency vehicles and shall comply with the city's fire prevention ordinance.
  - j. Sidewalks shall be provided along all public street frontage and within the interior of the project boundaries. Interior walks shall be a minimum four feet in width except where such walk directly abuts a parking area. In cases where sidewalks abut a parking area, the minimum width required shall be six feet. Sidewalks located along public streets shall be five feet in width. All sidewalks both exterior and interior shall conform to the standards as established by the city.
  - k. The method of trash pick up shall be presented to the planning commission for approval. If dumpsters are proposed they shall be screened in a manner acceptable to the planning commission.
  - l. All fencing and/or screening walls required and approved by the planning commission as part of special land use approval and/or site plan approval shall be permitted.
  - m. Protective or security fencing shall be considered a structure enclosing a piece of land or separating contiguous land either in whole or part, serving the purpose of preventing intrusion onto or across a lot of record or any parcel or tract of unplatted land from without or straying from within. The following shall govern the height, location and placement of protective or security fencing:
    - 1. *Permit required.* In the ARC District, it shall be unlawful for any person to build, repair or relocate a protective or security fence without first having secured a fence permit therefore from the building department.
    - 2. *Maximum height.* The maximum height of a protective or security fence shall be four (4) feet, except as otherwise provided herein. For uses subject to special approval, the planning commission may permit protective or security fencing not to exceed six (6) feet in height.

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3. *Material.* Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the building department. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than one-inch by three-inch material and shall have an angle at the top of not less than 90 degrees. The fence shall comply with the requirements of the building code. Cyclone fencing or cyclone fencing with plastic or other types of strips intertwined or otherwise attached to the fence shall be prohibited.
  4. *Placement.* No fence shall be built closer to the street than the front setback line applicable to the premises pursuant to Section 78-162, provided however, that no fence shall be built closer to the street than the established front building line along said street or in front of the building closest to the street on the fenced premise.
- n. Exterior lighting shall be subject to the requirements of section 78-204, exterior lighting.
- (2) *Site plan review.* Site plan review and approval is required for all uses in accordance with the requirements of Article XX, Site Plan Review.
  - (3) *Other development requirements.*
    - a. Unless specifically modified by this article, all uses shall comply with all standards and requirements of this chapter.
    - b. Off-street parking for all uses shall be as specified in section 78-163.
    - c. Off-street loading and unloading shall be as specified in section 78-163.
    - d. Screening and land use buffers for all uses shall be as specified in section 78-206.
    - e. Signs for all uses shall be as specified in section 78-206.
- (Ord. of 6-7-04; Ord. No. 2013-04, § 5, 10-7-13)

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**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.

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- 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.
  - (9) Day care homes for adults subject to the following conditions:
    - a. Not more than six persons other than the full-time occupants of the dwelling may be cared for in any one dwelling.
    - b. No overnight accommodations shall be provided.
    - c. Such facility shall not provide nursing or medical care.
    - d. Parking shall be provided to allow direct drop-off and pick-up of adults without such adults having to cross public streets.

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- e. Fencing of yards utilized for recreation or outdoor activities shall be provided.
- (10) Private non-commercial recreational areas, institutional or community recreation centers, and non-profit swimming pool clubs, all subject to the following conditions:
- a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
  - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
  - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (11) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to city licensing provisions. Bed and breakfast operations shall further be subject to the following:
- a. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
  - b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
  - c. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
  - d. The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
  - e. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.

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- f. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
  - g. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
  - h. An approved fire extinguisher in the common hallway accessible to all occupants.
  - i. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
  - j. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.
  - k. One unlighted wall sign not exceeding six square feet in area may be provided. Such wall sign shall not be an awning, changeable copy or channel letter sign. Bed and breakfast operations shall not be permitted freestanding signs.
  - l. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.
  - m. Such bed and breakfast dwelling shall not be located within two 200 feet as measured from the nearest property lines of another such facility.
- (12) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (b) *Required conditions.* All dwelling units shall be reviewed by the building official subject to the following conditions:
- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
  - (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
  - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
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- (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
  - (7) Any such dwelling shall be anchored by an anchoring system approved by the city.
  - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of subsection 78-181(b). The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

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

## 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.*
- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.
    - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
    - b. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
    - c. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
    - d. The following additional standards shall be met:
      1. The maximum height of the new or modified support structure and antenna shall not exceed height limits provided in Table 216-1, and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure.

Table 216-1  
Support Structure Height Limits by Zoning District

| Zoning District                                          | Height Limit |
|----------------------------------------------------------|--------------|
| R-1, RT-1, RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, ARC, P-1 | 145 feet     |
| I-1, I-2                                                 | 180 feet     |

Additional height over that which is provided in Table 216-1 may be permitted, in the sole discretion of the planning commission, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over that which is provided in Table 216-1 is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

2. The setback of the support structure and accessory structures shall be 200 feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be 100 feet or a distance equal to one hundred and 125 percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.
  3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
  4. The city shall review and approve the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.
  5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.
- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which shall be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:
- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
    1. Proximity to an interstate or major thoroughfare.
    2. Areas of population concentration.

3. Concentration of commercial, industrial, and/or other business centers.
4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
6. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate capacity to accommodate call volume. The city may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.

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

(d) *Application requirements.*

- (1) Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review.
- (2) A site plan and special land use application shall be required for wireless facilities proposed as a special land use, in accordance with Article XX and Article XXIII.

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

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

(e) *Procedures.*

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

- a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.
- b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.
- c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.
- d. Upon a special land use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (e)(2) below.

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

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**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.

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

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

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

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

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

The permitted or special 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.

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- (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)

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

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

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- (17) A multiple-occupancy bedroom shall have at least 70 square feet of usable floor area per person with a maximum of four beds and persons per bedroom.
  - (18) A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
  - (19) Signage shall not be allowed.
  - (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a special land use subject to the requirements and standards of section 78-281 and the following standards:
    - (1) A site plan, prepared in accordance with Article XX shall be required to be submitted.
    - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 sq. ft. per adult, excluding employees and/or caregivers.
    - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in Article XXII shall be met.
    - (4) All landscape requirements set forth in section 78-203 shall be met.
    - (5) Appropriate licenses with the State of Michigan shall be maintained.
- (Ord. of 10-6-03)

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**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)

8. Update inconsistent or improper terms including: “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”.

See following pages.

## Sec. 78-202. Performance standards.

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

- (1) *Smoke.*
  - a. *Density.* It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart.
  - b. *Exception.* Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any 30 minutes shall be permitted.
  - c. *Method of measurement.* For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with Ringlemann's Chart.
  - d. Emission from fireplaces used for non-commercial or purpose shall be exempt.
- (2) *Dust, dirt and fly ash.*
  - a. *Quantity.* No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids 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 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.*

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- 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

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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 ½ 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)



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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.

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- (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.

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- 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)

8. Update inconsistent or improper terms including: “religious institution” instead of “church”.

See following pages.

## Sec. 78-21. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

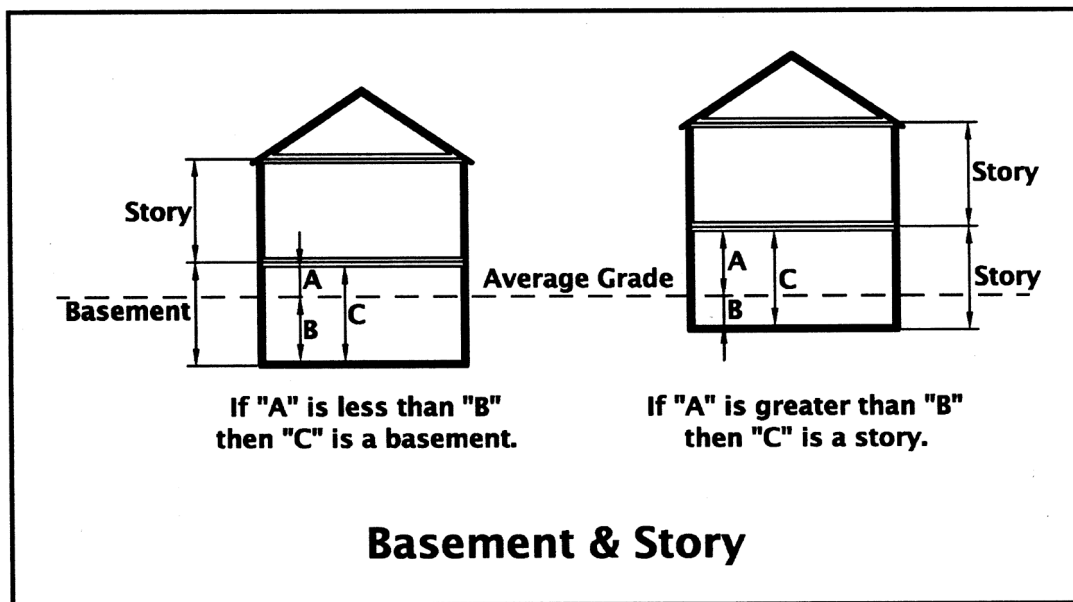
*Automobile convenience mart*. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to public on the premises or in combination with the retailing of items typically found in a convenience market, carry out restaurant or supermarket.

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

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

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

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



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

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

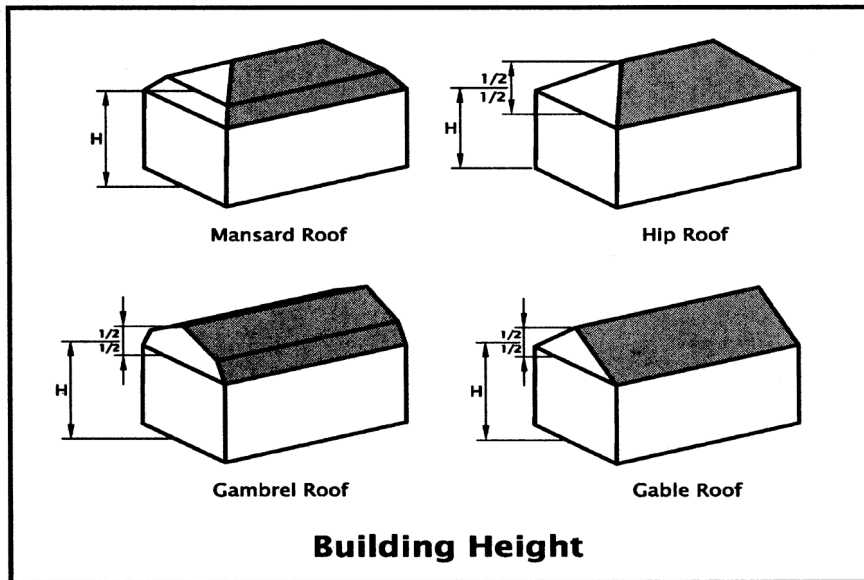
*Billboard* shall mean:

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

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

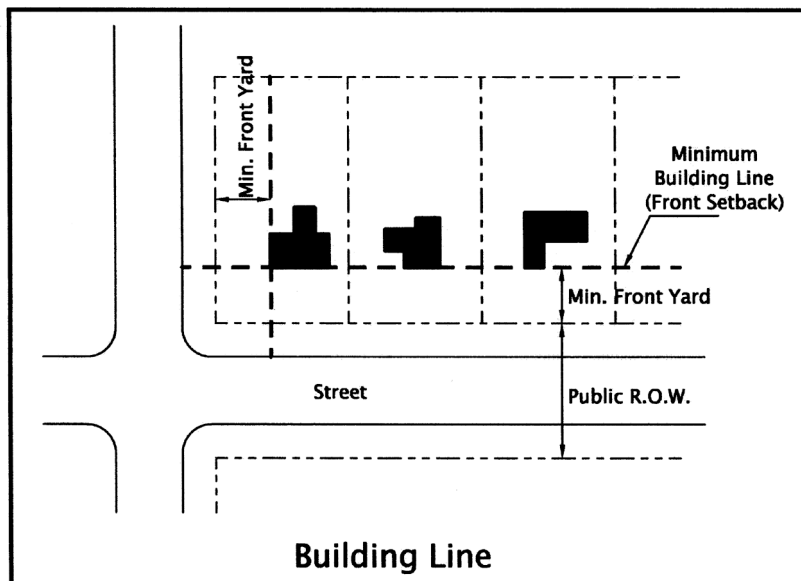
*Building* means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding play structures.

*Building height*



### Building Height

### *Building line*



### Building Line

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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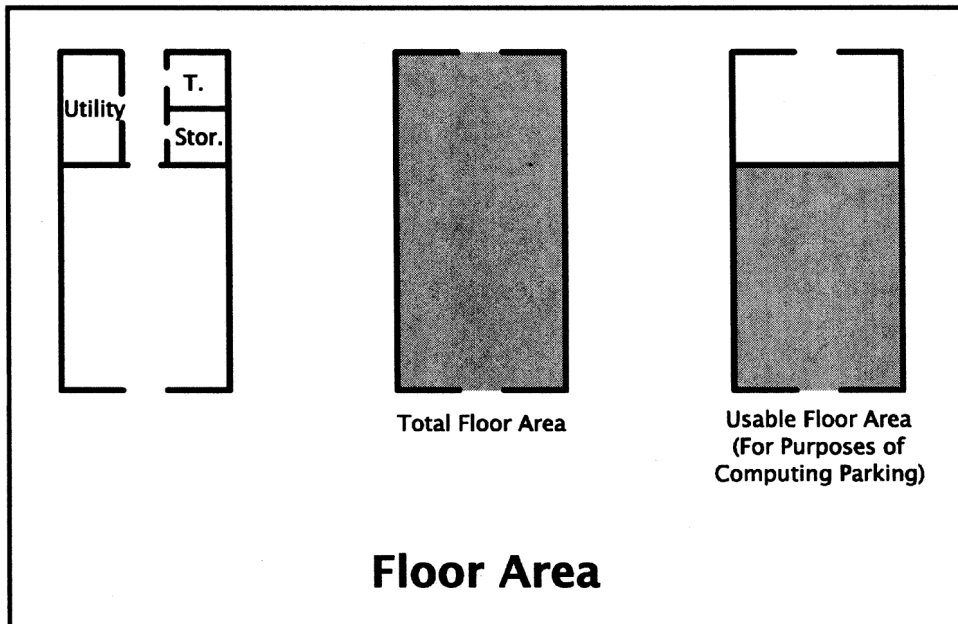
limited to a maximum of 2,400 square feet (or  $6,000 \times 0.4$  or 2,400). The purpose of this ratio is to control the bulk of buildings based on the size of the lot. FAR for residential buildings is calculated using "residential floor area," as defined in this chapter.

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

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

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

Floor area, usable,



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## Floor Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

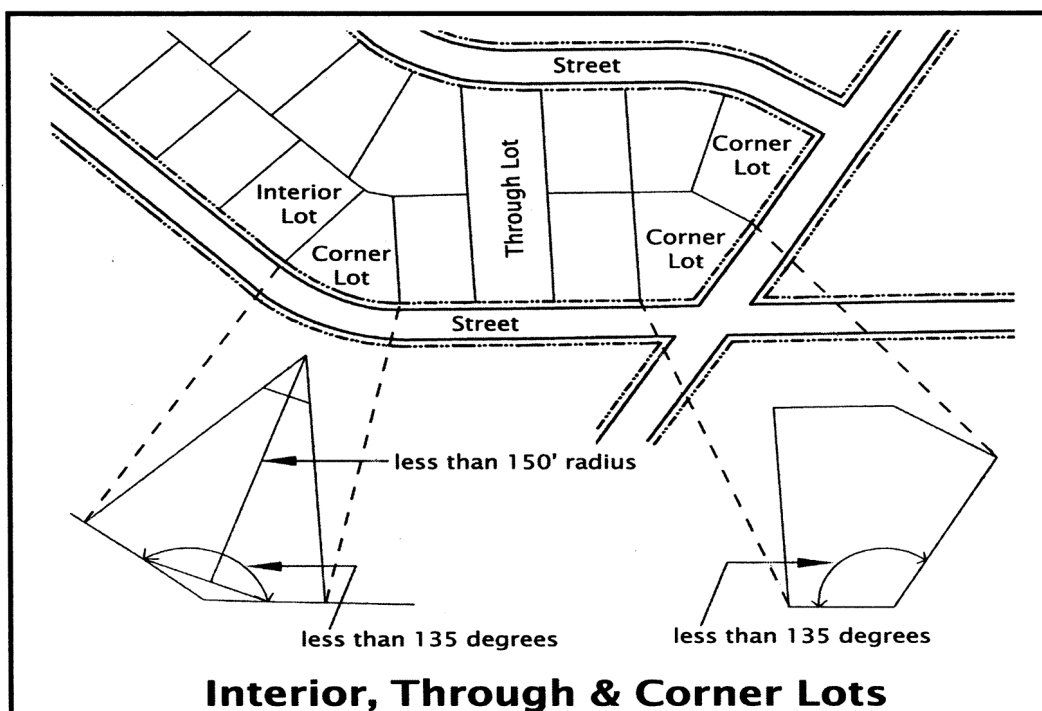
*Landscape area* means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch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

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

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

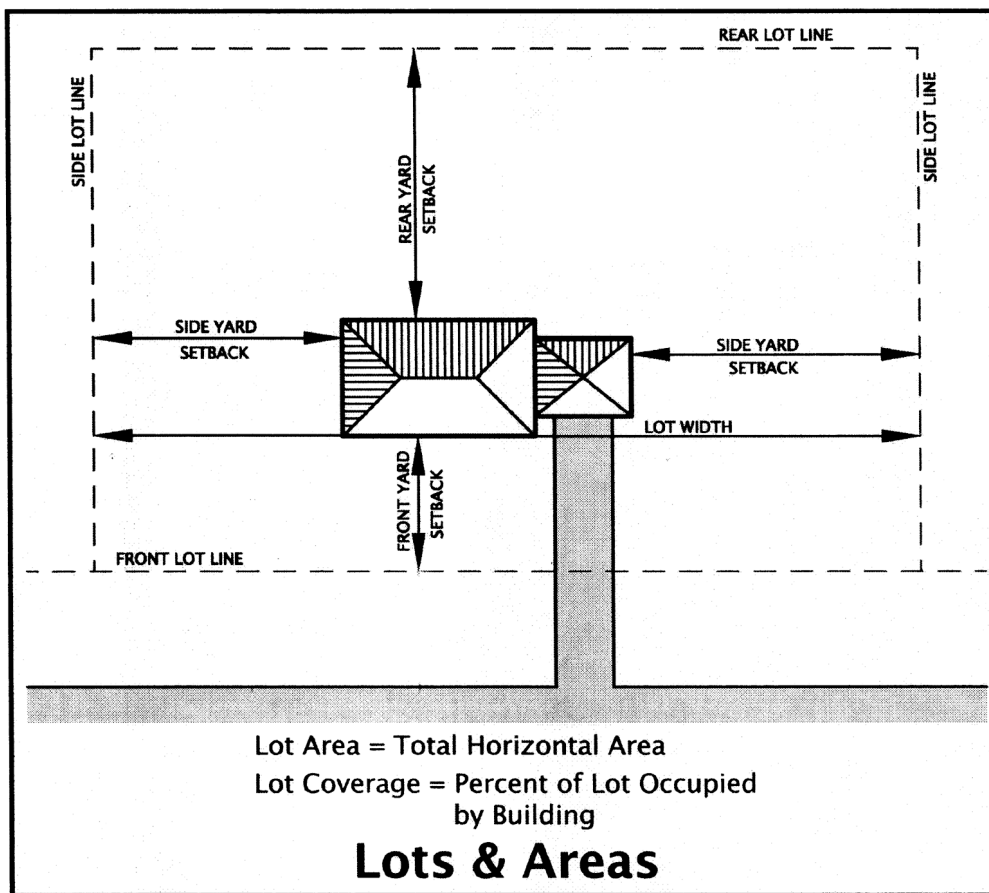
*Loft* means the space between the roof and the floor of the uppermost story. The floor area of a loft is not more than  $\frac{1}{3}$  of the floor area of the story below.

Lot



Interior, Through and Corner Lots

Lot area



### Lots and Areas

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

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

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

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

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

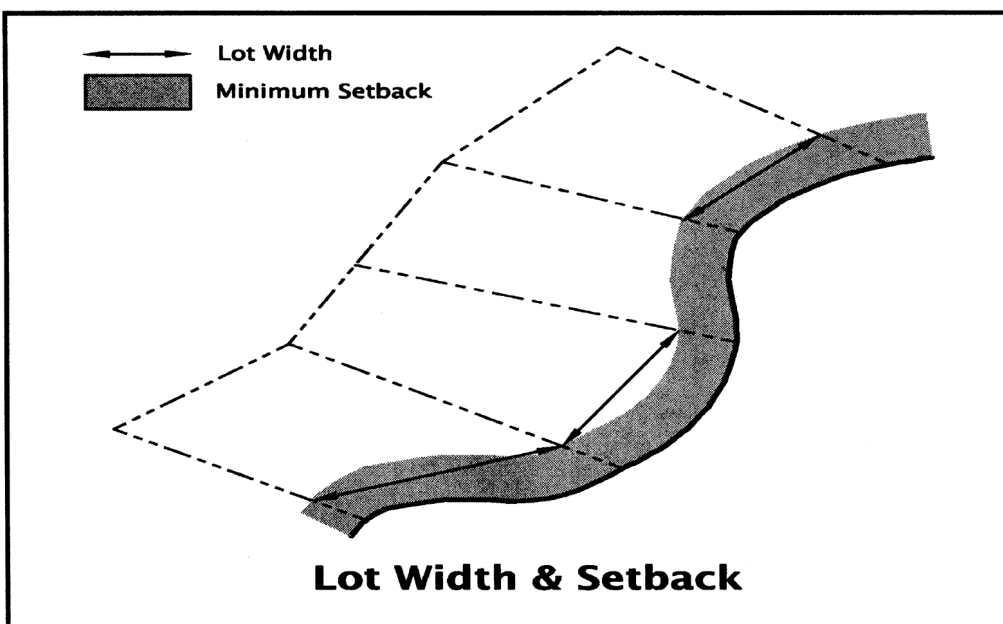
- (1) *Front lot line*, in the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating such lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear,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

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

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

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

#### *Lot width*



#### Lot width and Setback

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

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

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

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

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

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

*Mezzanine* means an intermediate floor in any story occupying not less  $\frac{1}{3}$  of the floor area of such story.

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

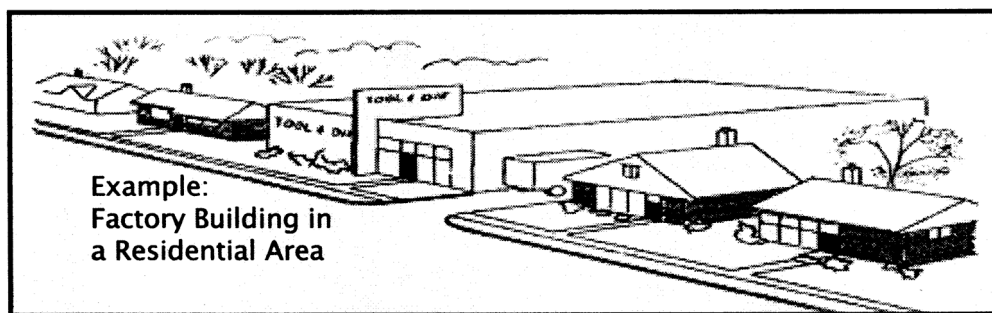
*Mobile home/manufactured home* means any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning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

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

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

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

*Nonconforming use*



Nonconforming Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

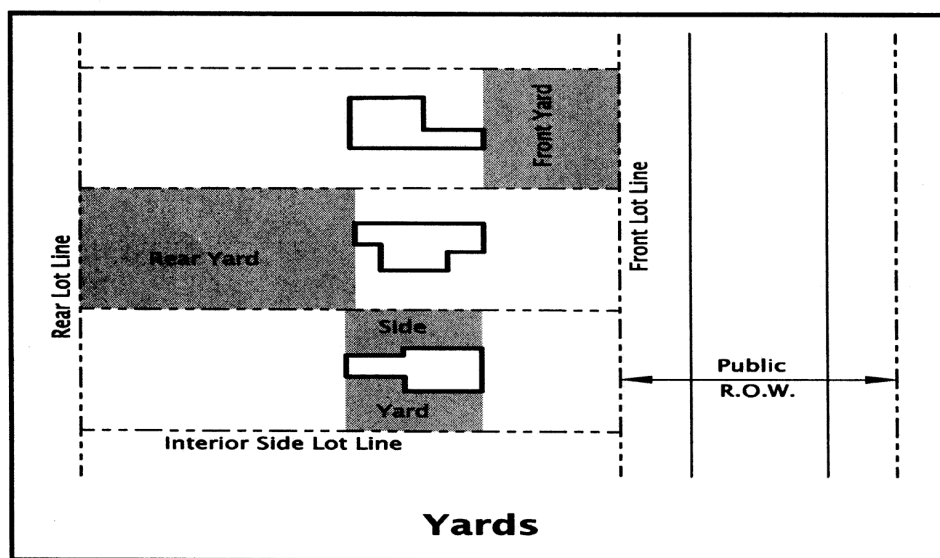
- (1) *Private WECS* shall mean any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS* shall mean any WECS that is designed and built to provide electricity primarily to the electric utility's power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

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

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

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

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



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

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

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

- (1) ~~Churches-Religious institutions~~ and other facilities normally incidental thereto subject to section 78-300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:
  - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
  - 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.

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

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- 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:                                         |                                            |

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

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

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

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

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

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**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.

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- (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.
- (1) Any other use not specified as a principal permitted use which the planning commission finds to not be inconsistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.
  - (2) Child care centers not including overnight sleeping facilities, subject to the following conditions:
    - a. For each child permitted at the maximum licensed capacity of the facility, there shall be provided and maintained a minimum of 500 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 3,000 square feet and shall be fenced and screened from any adjoining lot in any residential district.
    - b. All child care facilities shall be registered with or licensed by the State of Michigan where required, and shall comply with the minimum state standards for such facilities, in addition to those standards specified in this article. Proof of compliance shall be provided to the city upon request.
    - c. Adequate ingress, egress and circulation shall be provided. Vehicles must be able to easily circulate within and through the site to a designated pick-up/drop-off area without impeding circulation on the site or traffic on nearby roads. Adequate stacking space for the pick-up/drop-off area shall be provided.
  - (3) Commercial, medical and dental laboratories, not including the manufacturing of pharmaceutical or other products for general sale or distribution.
  - (4) Parochial and private schools.
  - (5) Municipal facilities, including municipal or other governmental offices, fire stations, post offices, community buildings, libraries, parks, playgrounds and park-n-ride lots.
  - (6) Hospitals and convalescent homes.
  - (7) Communication facilities, public utility transformer stations, sub-stations and gas regulator stations without outdoor service or storage yards subject to the following:
    - a. A front yard setback of not less than 50 feet shall be provided and two side yards and a rear yard shall be provided, each shall not be less than 25 feet in width.
    - b. When a transmission or relay tower, etc. is proposed as part of the facility, the tower shall be so located that it does not present a nuisance to abutting residential properties. The tower shall be so located on the subject property that the distance from the base of the tower to all points on each property line shall be not less than one and one-half (1½) times the height of the tower.
    - c. Such use shall be screened and buffered from nearby public rights-of-way and property in accordance with the requirements of this chapter.
  - (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.

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- c. All buildings, structures, and parking and loading areas shall be setback a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of this chapter.
  - d. Traffic from events (including ~~church~~religious institution-worship services), and other large assemblies shall be controlled by the institution or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including ~~church~~religious institution-worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study 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.
- (9) Hotels and motels subject to the following:
- a. Each hotel or motel shall provide minimum side yards of not less than 25 feet each; minimum rear yard of not less than 35 feet; minimum front yard of 25 feet except that when parking is provided between the building and a street, the minimum front yard and/or side yard shall be not less than 75 feet.
  - b. When the front yard and/or side yard abuts a street and is used to provide an access road and/or off-street parking, the area shall be screened in compliance with the requirements of this article.
  - c. Each motel or hotel unit shall contain not less than 250 square feet of floor area.
  - d. Kitchen or cooking facilities may be provided in new motels or hotels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been met. No existing motel units shall be converted for use of cooking and/or kitchen facilities unless the applicant can demonstrate compliance with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit being converted.
  - e. Where a unit is provided as a residence for the owner or the manager, the following minimum floor area requirements shall be provided: one bedroom unit, 600 square feet; two bedroom unit, 800 square feet; three bedroom unit, 1,000 square feet; four bedroom unit, 1,200 square feet.
- (10) Sales rooms, and/or sales lots for new and/or used automobiles, recreation vehicles or trucks, subject to the following:

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- a. 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.
  - b. All service and repair facilities shall be contained within an enclosed building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked cars shall be located behind the building and screened in compliance with the requirements of section 78-167 of this chapter.
  - c. An obscuring wall must be provided when abutting or adjacent districts are zoned for residential use, in accordance with section 78-206 of this article.
  - d. No major repair or major refinishing shall be done on the lot.
  - e. Where a sales lot for new and/or used automobiles, or trucks, abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street fronted upon, and shall provide a proper buffer in the determination of planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.
  - f. No loudspeakers for outdoor broadcasting shall be permitted.
  - g. Rental facilities for vehicles shall be permitted only as an accessory use to a permitted vehicle sales use under this section.
  - h. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (11) Motorcycle, motorbike, personal watercraft, snow mobile and all-terrain vehicle sales, service, clubs and rental facilities subject to the following:
- a. No motorcycle or motorbike rental, sales, service or motorcycle or motorbike clubs shall be permitted on a parcel of land which is located within 200 feet of a residential district.
  - b. Motorcycle or motorbike clubs may be operated only between the hours of 6 a.m. and 12 midnight.
  - c. Outdoor storage and/or testing areas shall not be permitted.
  - d. All service and repair facilities shall be contained within an enclosed building.
  - e. Where a sales lot and/or outdoor display area abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street the sales lot or display area abuts, and shall provide a proper buffer in the determination of the planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.
  - f. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.

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- (12) Indoor recreation uses such as bowling establishments, court sport facilities, tennis clubs, pool and billiard halls, roller and ice skating rinks, and other general indoor recreation facilities, subject to the following:
- a. The structure housing such facilities shall be located at least fifty (50) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
  - b. Any vehicles or equipment used for servicing the facilities, such as court cleaners or zambonis, shall be stored only inside a totally enclosed building.
  - c. The use of any electronic or enhanced sound system shall be contained so as to not present an unreasonable disturbance to the neighborhood in which it is located.
- (13) Theaters, assembly halls, concert halls or similar uses, subject to the following:
- a. All operations shall be conducted within a completely enclosed building.
  - b. All buildings shall be set back at least one hundred (100) feet from any residential district.
- (14) Drive-in restaurants and other drive-in establishments excluding outdoor theaters, subject to the following:
- a. 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.
  - b. A setback of at least 60 feet from the future right-of-way or street setback line of any street must be maintained.
- (15) Outdoor cafes and eating areas accessory to a permitted restaurant use, subject to the following:
- a. Pedestrian circulation and access to building entrances (both on and off site) shall not be impaired. A minimum of six (6) feet of sidewalk leading to the entrance to the establishment shall be maintained free of tables and other encumbrances. Planters, posts with ropes or other enclosures shall be used to define the area occupied by the outdoor cafe.
  - b. The outdoor cafe shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved by the planning commission. Preparation of food and beverages is prohibited in the outdoor cafe area.
  - c. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings, subject to planning commission approval.
- (16) Veterinary clinics, animal clinics and animal hospitals subject to the following:
- a. Any building designed or constructed for such uses shall be used for the sole purpose of providing medical care for household pets and shall not be constructed or used as a boarding establishment for household pets.
  - b. If animals eligible for treatment at such establishments are kept overnight on the premises or for a period longer than regular professional business hours, then a full-time, duly qualified attendant shall be stationed in charge of said premises.

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- c. Open or outdoor runs, kennels or pens shall be prohibited.
  - d. In no case shall the disposal of rubbish and litter be conducted in such a manner as to be obnoxious or offensive.
  - e. In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provisions shall be made to confine all noise, confusion and odor, if any, to the premises.
  - f. The building and ventilation system shall be constructed to prevent any noise and odors emanating from the area used for the treatment and temporary keeping of household pets from reaching the building exterior.
- (17) A storage garage for commercial vehicles used by a business or other activity when located on the same contiguous site therewith and not occupying more than 25 percent of the area of such contiguous site.
- (18) Commercial (major repair or body shop) garages subject to the following:
- a. All operations of the commercial garage shall be conducted entirely within the building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked cars shall be screened from view off site in compliance with section 78-296.
  - b. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (19) Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, subject to the following:
- a. The children's amusement park must be fenced on all sides with a four-foot, six-inch wall or fence.
  - b. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot, six-inch high wall or fence where adjacent to the use.
- (20) Open air display and sales areas, including nursery plants and materials; lawn furniture; playground equipment and swimming pools; garden supplies and similar open-air displays, subject to the following conditions:
- a. The storage and/or display of any materials and/or products shall meet all setback requirements applicable to a building, and shall be screened from view off-site.
  - b. All loading and parking shall be provided off-street.
  - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
  - d. Outdoor display and sales of lumber and coal yards, building material sales establishments, junk yards, used auto parts or wrecking establishments shall not be permitted.
  - e. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (21) Auto wash facilities subject to the following:
- a. In the case that an auto wash facility includes the storage and/or sale of gasoline as part of the operation, the requirements of subsection (c)(23) of this section shall also apply.
  - b. All washing facilities shall be completely within an enclosed building.

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- c. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a street, such use shall be screened from the street by one or a combination of the following:
    - 1. A solid wall of at least four feet in height and six to eight-foot wide planting strip on the street side. Such planting strip shall contain as a minimum, one deciduous small ornamental tree for every twenty lineal feet of planting strip required.
    - 2. Mounding or berming of not less than four feet in height with side slopes no steeper than 3:1 (three feet horizontal to one foot vertical). A minimum of one (1) deciduous small ornamental tree shall be planted for every 20 lineal feet of berm or mound.
  - d. Driveway entrances into the auto wash structure shall be from within the lot and no entrance into the building shall be directly from a street or alley. No alley shall be used as a means of serving an auto wash facility. Drains shall be provided at all entrances and exits at the street setback line. Auto wash facilities shall not, in general, be located within 200 feet of an intersection of any two roads when either of the two roads is considered to carry moderate to heavy traffic levels.
  - e. A hard surfaced driveway of either one or more lanes shall be constructed on the site in such a manner as to provide a continuous movement of cars into the wash rack.
  - f. The driveways, so provided, shall be not less than 12 feet wide for a single lane and not less than 12 additional feet, in width, from each additional lane.
  - g. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.
  - h. 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.
  - i. All cars required to wait for access to the facilities shall be provided space off the street right-of-way in accordance with the provisions of section 78-163.
- (22) Minor automotive repair, such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops, minor engine repair and small engine repair, subject to the following conditions:
- a. Access to such use shall be directly to a major or collector street.
  - b. Outdoor storage of parts or materials shall be prohibited.
  - c. Vehicles shall not be allowed to be stored outside the building for more than 24 hours unless awaiting repair for which a work order, authorized by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle and not to exceed seven days. Space for vehicles awaiting repair shall be designated on the site plan and shall be screened as determined necessary by the planning commission.
  - d. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
  - e. All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing shall be conducted within a building.

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

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.
- (24) Arcades and any commercial establishment in which the primary purpose of such establishment is the operation of mechanical or electrical amusement devices subject to the following:
- a. All activities shall be conducted entirely within a building.
  - b. No such business shall be open for business between the hours of 12 midnight and 9:00 a.m.
  - c. The building housing such use shall be so constructed and maintained as to insure that all interior noises shall be kept from reaching the building exterior.
  - d. The planning commission shall review the proposed use to determine the need for bicycle parking spaces. Said spaces shall be designed to permit the orderly parking of said bicycles and permit them to be secured. These parking areas shall be so located as to prevent the disruption of on-site and off-site pedestrian and automobile traffic flow.
  - e. Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or private school.
  - f. Locations for any such establishment shall be confined to major thoroughfares as defined in the future land use plan. Access from a street other than a major thoroughfare shall be prohibited.
- (25) Drive-through restaurants or drive-through facilities, accessory to any principal permitted use in the ARC District, subject to the provision of a separate stacking lane designed to accommodate the minimum number of stacking spaces required under section 78-163(a)(11) Table of Parking Requirements. Required stacking shall be positioned in such a manner that stacking will not interfere with vehicular traffic on site, on the adjacent roadway, or entering or leaving the site and the stacking lane shall be striped or otherwise delineated on site. Adequate maneuvering room shall be provided to allow vehicles to by-pass or leave the stacking lane as determined by the planning commission. No eating shall be permitted while on site and in a parked vehicle. A sufficient number of outdoor litter receptacles shall be provided to prevent blowing paper and other material moving off site onto surrounding properties. The drive-through service speaker location and/or amplification shall not cause noise that is audible from adjacent residences.
- (26) Limited uses of a wholesale, warehousing or light industrial nature, subject to the following conditions:
- a. General conditions:
    - 1. External physical effects shall be restricted, so as to protect nearby uses from hazards, noise, and other radiated disturbances.

2. Such uses shall be located only in the general vicinity of the railroad tracks, described as east of the Plymouth City Hall site to the westerly boundary of the railroad right-of-way on the north side of Ann Arbor Road, and east of General Drive to the westerly boundary of Arbor Village Subdivision on the south side of Ann Arbor Road.
3. Each use shall be conducted within a completely enclosed building.
- b. Uses permitted under this classification shall be as follows, and shall be further subject to the specific standards listed:
  1. Wholesale and warehousing businesses, storage buildings, resale shops, commercial laundries, cleaning establishments and frozen food lockers.
  2. The manufacture, assembly, compounding, processing, packaging, treatment or testing of such products as bakery goods, candy, soap (cold mix only), cosmetics, pharmaceutical, toiletries, dairy and food products, hardware and cutlery; tool, die, gauge and machine shops. The manufacturing, processing and assembling from basic raw materials shall be prohibited.
  3. The manufacture, assembly, compounding, processing, packaging, treatment or testing of articles of merchandise from the following previously prepared materials which have been manufactured elsewhere: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals, or stones, sheet metal (excluding large stampings such as automobile body panels), ferrous and non-ferrous metals (excluding large casting and fabrications), shell, textiles, tobacco, wax, wire, yarn, wood (excluding saw and planing mills) and paint (not employing boiling process).
  4. Research, testing, laboratory and office uses related to permitted industrial operations.
  5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  6. Manufacture of musical instruments, toys, novelties and metal or rubber or other small molded rubber products (not including pneumatic tires).
  7. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  8. Laboratories—Experimental, film, or testing.
  9. Communication facilities with buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, communication and relay stations without outdoor storage subject to the following:  
A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirements of the district) and two side yards and a rear yard shall be provided; each of which shall not be less than twenty-five (25) feet in width.
  10. Research and industrial parks subject to the following:
    - (i) The research and industrial park shall be platted as an industrial subdivision.
    - (ii) All permitted uses allowed under subsection 78-161(c)(26)b.1.—9. shall be allowed in an approved research and industrial park without separate special land use approval.
    - (iii) The industrial park shall meet the following area, lot and yard requirements:

|                  |                |
|------------------|----------------|
| Minimum Lot Area | 20,000 sq. ft. |
|------------------|----------------|

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

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

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

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

(27) Bars and lounges or restaurants serving alcohol subject to the following:

- a. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special use permit.
- b. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider this report in their evaluation of the request for special land use approval.

(d) *Development requirements.*

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

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

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- d. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site shall be parked in non-required parking spaces and the rear only. Such vehicles shall not be parked in a manner to be used as an advertisement and shall be screened from view off-site. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.
  - e. Development in the ARC District shall comply with the access and service road requirements in section 78-164.
  - f. All exterior walls of every building hereafter erected, extended or whose exterior is structurally altered, which faces a street or which is adjacent to property zoned or used as residential shall be designed, treated and finished in a uniform manner consistent with the exterior of the front of the building. Such buildings which are erected, extended or structurally altered, shall be designed to compliment the Ann Arbor Road streetscape through means which include but are not limited to use of brick, stone, black wrought iron accents, peaked roof elements, building architectural detail to enhance door and window openings, and other elements approved by the planning commission.
  - g. Compliance with the environmental performance standards of this chapter is required for all uses.
  - h. All yard and open space areas in the ARC District shall be graded in a manner which shall avoid the ponding of stormwater unless said conditions have been designed to occur as part of a storm detention plan which has been approved by the municipality and such grading shall comply with the engineering design standards for the municipality prior to issuance of a permit.
  - i. All structures shall be readily accessible by fire and emergency vehicles and shall comply with the city's fire prevention ordinance.
  - j. Sidewalks shall be provided along all public street frontage and within the interior of the project boundaries. Interior walks shall be a minimum four feet in width except where such walk directly abuts a parking area. In cases where sidewalks abut a parking area, the minimum width required shall be six feet. Sidewalks located along public streets shall be five feet in width. All sidewalks both exterior and interior shall conform to the standards as established by the city.
  - k. The method of trash pick up shall be presented to the planning commission for approval. If dumpsters are proposed they shall be screened in a manner acceptable to the planning commission.
  - l. All fencing and/or screening walls required and approved by the planning commission as part of special land use approval and/or site plan approval shall be permitted.
  - m. Protective or security fencing shall be considered a structure enclosing a piece of land or separating contiguous land either in whole or part, serving the purpose of preventing intrusion onto or across a lot of record or any parcel or tract of unplatted land from without or straying from within. The following shall govern the height, location and placement of protective or security fencing:
    - 1. *Permit required.* In the ARC District, it shall be unlawful for any person to build, repair or relocate a protective or security fence without first having secured a fence permit therefore from the building department.
    - 2. *Maximum height.* The maximum height of a protective or security fence shall be four (4) feet, except as otherwise provided herein. For uses subject to special approval, the planning commission may permit protective or security fencing not to exceed six (6) feet in height.

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3. *Material.* Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the building department. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than one-inch by three-inch material and shall have an angle at the top of not less than 90 degrees. The fence shall comply with the requirements of the building code. Cyclone fencing or cyclone fencing with plastic or other types of strips intertwined or otherwise attached to the fence shall be prohibited.
  4. *Placement.* No fence shall be built closer to the street than the front setback line applicable to the premises pursuant to Section 78-162, provided however, that no fence shall be built closer to the street than the established front building line along said street or in front of the building closest to the street on the fenced premise.
- n. Exterior lighting shall be subject to the requirements of section 78-204, exterior lighting.
- (2) *Site plan review.* Site plan review and approval is required for all uses in accordance with the requirements of Article XX, Site Plan Review.
  - (3) *Other development requirements.*
    - a. Unless specifically modified by this article, all uses shall comply with all standards and requirements of this chapter.
    - b. Off-street parking for all uses shall be as specified in section 78-163.
    - c. Off-street loading and unloading shall be as specified in section 78-163.
    - d. Screening and land use buffers for all uses shall be as specified in section 78-206.
    - e. Signs for all uses shall be as specified in section 78-206.
- (Ord. of 6-7-04; Ord. No. 2013-04, § 5, 10-7-13)

### 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.
- (1) *Parking space versus loading space and stacking space.* Loading space as required in subsection (c) of this section, stacking spaces as required per this article and parking spaces as required in subsection (a) of this section shall be considered separate and distinct requirements and as such shall be considered as separate components on the proposed site plan. In no case shall facilities provided to satisfy the requirements of this article or chapter for one component to be construed as meeting the requirements for another required component.
- (2) *Fractional requirements.* When units or measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction up to one-half shall be disregarded and fractions including one-half and over shall require one (1) parking space.
- (3) *Barrier free parking spaces.* Barrier free parking spaces shall be required and included as part of the total parking space requirement of subsection (a)(11) of this section. A barrier free space shall mean a parking space eight feet wide with a five-foot aisle and shall be marked off in blue handicapper paint. A sign located approximately six feet above grade inscribed with the international wheelchair symbol or a reasonable facsimile thereof shall identify the handicapper space.

Barrier free parking space requirements shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. A summary of parking space requirements is listed below:

| Total Parking Spaces Provided | Required Number of Barrier Free Spaces<br>(include barrier free spaces within total required parking) |
|-------------------------------|-------------------------------------------------------------------------------------------------------|
| Up to 25                      | 1                                                                                                     |
| 26 to 50                      | 2                                                                                                     |
| 51 to 75                      | 3                                                                                                     |
| 76 to 100                     | 4                                                                                                     |
| 101 to 150                    | 5                                                                                                     |
| 151 to 200                    | 6                                                                                                     |
| 201 to 300                    | 7                                                                                                     |
| 301 to 400                    | 8                                                                                                     |
| 401 to 500                    | 9                                                                                                     |
| 501 to 1,000                  | 2% of total                                                                                           |
| Over 1,000                    | 20, plus 1 per each 100 total spaces over 1,000                                                       |

Barrier free spaces shall be located as close as possible to elevators, ramps, walkways and entry areas. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.

- (4) *Existing use—Increase in floor area.* When a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this ordinance,

additional parking space for the additional floor area shall be provided and maintained in amounts hereinafter specified for that use.

- (5) *Usable floor area.* For the purpose of applying the requirements of subsection (a)(11) of this section, "usable floor area" shall be as follows:
- a. In the case of office, merchandising or service types of uses excluding shopping centers, usable floor area, shall equal the sum of the gross horizontal floor area of the several floors of the building measured from the exterior walls used or intended to be used by tenants, or for service to the public or customers, patrons, clients or patients. This shall include areas occupied by fixtures and equipment used for display or sales of merchandise.
  - b. Usable floor area shall not include area used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, shop windows, offices incidental to the management or maintenance of stores or buildings toilets or restrooms, utilities or areas for dressing, fitting or alterations.
  - c. Applications for approval of required parking shall clearly indicate through the use of floor plans and calculations the area designated as "usable area" above and the use of areas not considered as "usable floor area". If such information is not submitted, parking requirements shall be based on eighty (80) percent of the sum of the gross horizontal floor area of the several floors of the building measured from the exterior faces of the exterior walls.
  - d. In the case of shopping centers, usable floor area shall be based on eighty (80) percent of the sum of the gross horizontal floor area of the several floors of the buildings occupied by the shopping center measured from the exterior faces of the exterior walls. However, if floor plans and calculations of usable floor area are submitted which demonstrate otherwise, usable floor area may be adjusted accordingly.
- (6) *Parking location.*
- a. *One and two family dwellings.* Parking facilities for one (1) and two (2) family dwellings shall be located on the same lot or parcel as the dwelling they are intended to serve. Said facilities shall consist of a driveway, parking strip, parking space and/or private garage. No parking shall be permitted elsewhere on the lot or abutting public right-of-way except upon a paved street where such parking is otherwise permitted.
  - b. *Other residential uses including multiple family.* The off-street parking facilities for other residential uses including multiple family shall be located on the same lot or parcel as the building they are intended to serve. In the case of multiple family residential and similar uses where there are several buildings on one parcel, the required parking shall generally be located within three hundred (300) feet of the building that it is intended to serve.
  - c. *All other uses.*
    1. Off-street parking for other than residential use shall be either on the same lot or within three hundred (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 on a lot within three hundred (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 parcel (upon which parking is located) has given to the owner of the parcel (upon which the building requiring the parking is located), a permanent right of use for the required number of parking spaces.

2. Whenever the township board or city commission shall establish off-street parking facilities by means of a special assessment district or other means, or the board or city commission approves, after recommendation by the planning commission, of a joint off-street parking facility cooperatively developed by a number of property owners, the board or city commission may determine upon completion of said facility that all buildings erected or uses established thereafter within the special assessment district or districts or on properties owned by the cooperating property owners at the time of completion of the facility, shall be exempt from the requirements of this section for supplying off-street parking facilities on their individual lot, parcel or site.
- (7) *Use not mentioned.* In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, as determined by the planning commission, shall apply.
- (8) *Collective parking facilities.* Nothing in this section shall be construed to prevent collective provisions of off-street parking or loading facilities for two (2) or more buildings or uses, provided collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- (9) *Extension of building into existing parking lot.* Nothing in this section shall prevent the extension of, or an addition to, a building into an existing parking area, which is required or the original building, when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking lot, or an additional area located on the same lot or parcel as the building said facility is intended to serve.
- (10) *Continuing character of parking obligation.* The requirements for off-street parking applicable to newly erected or substantially altered structures, shall be a continuing obligation of the owner of the parcel on which any such structure is located so long as the structure is in existence.
- a. It shall be unlawful for an owner of any building affected by this article to discontinue, change or dispense with, or to cause the discontinuance, sale or transfer of such structure, without establishing alternate parking space which meets with the requirements of and is in compliance with this article and chapter.
- b. It shall be unlawful for any person, firm or corporation to use such building without acquiring such land for vehicle parking which meets the requirements of and is in compliance with this article and chapter.
- (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<br>plus<br>One per employee based on the greatest number of employees in any one shift. |

|                                                                                                                           |                                                                                                                                                                                |
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| Elderly housing—Congregate care                                                                                           | One per two units<br>plus<br>One per employee based on the greatest number of employees in any one shift.                                                                      |
| Elderly housing—Independent living                                                                                        | One per unit<br>plus<br>One per employee based on the greatest number of employees in any one shift.                                                                           |
| <i>Institutional</i>                                                                                                      |                                                                                                                                                                                |
| <del>Churches, temples</del> Religious institutions or auditoriums incidental to schools                                  | One per three seats<br>or<br>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<br>plus<br>Two for manager                                                                                                                                |
| Libraries, museums                                                                                                        | One per 500 square feet of gross floor space<br>plus<br>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<br>plus<br>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<br>plus<br>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<br>plus<br>One per two employees based on the greatest number of employees in any one shift. |
| <i>Commercial</i>                                                                                                         |                                                                                                                                                                                |
| Beauty parlor and barber shops                                                                                            | Two per chair or station<br>plus<br>One per each employee based on the greatest number of employees in any one shift.                                                          |
| Bowling alleys                                                                                                            | Seven (7) per alley<br>plus<br>Requirements for accessory uses                                                                                                                 |
| Dance halls, pool or billiard parlors, roller and skating rinks, exhibition halls, and assembly halls without fixed seats | One per three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes                                        |
| Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments                      | One per two persons allowed within the maximum occupancy load and/or maximum seating capacity as established by local, county or state fire, building or                       |

|                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                        |
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|                                                                                                                                                                                         | health codes<br>—or—<br>One per two seats<br>plus<br>One per each employee based on the greatest number of employees in any one shift, whichever is greater                                                                                                                                                                            |
| Furniture and appliance, household equipment repair shops, showroom of plumber, decorator, electrician or similar trade, clothing and shoe repair, wholesale stores and machinery sales | One per 800 square feet usable floor area<br>plus<br>One per each employee based on the greatest number of employees in any one shift.                                                                                                                                                                                                 |
| Gasoline filling stations                                                                                                                                                               | One for each vehicle fueling position,<br>plus<br>One per lubrication, stall, rack or pit,<br>plus<br>One per 350 square feet of usable floor area in any convenience store area. Requirements for fast food shall be calculated separately.<br>plus<br>One per employee based upon the greatest number of employees in any one shift. |
| Laundromats and coin operated dry cleaners                                                                                                                                              | One per each washing and/or dry cleaning machines                                                                                                                                                                                                                                                                                      |
| Miniature golf courses                                                                                                                                                                  | Two (2) for each one hole<br>plus<br>One for each employee based on the greatest number of employees in any one shift.                                                                                                                                                                                                                 |
| Mini storage rental units                                                                                                                                                               | One for each employee<br>plus<br>One for each 50 storage units to be located at the office                                                                                                                                                                                                                                             |
| Hospitals                                                                                                                                                                               | One per 2 beds<br>plus<br>One (1) per employee including staff doctors and nurses based on the greatest number of employees in any one shift.                                                                                                                                                                                          |
| Sanitariums, extended care facilities, nursing and convalescent homes or similar uses                                                                                                   | One per 4 beds<br>plus<br>One per employee including staff doctors and nurses based on the greatest number of employees in any one shift.                                                                                                                                                                                              |
| Elementary and junior high schools                                                                                                                                                      | 1½ per teacher, employee and administrator<br>plus<br>Requirements for an assembly hall, stadium or sports arena. If no auditorium or assembly hall is provided, two spaces per classroom shall be provided in addition to the above                                                                                                   |
| High schools, trade schools, commercial or vocational schools or colleges                                                                                                               | 1½) per teacher, employee and administrator<br>plus<br>One per ten students<br>plus                                                                                                                                                                                                                                                    |

|                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                                                     | Requirements for an assembly hall, stadium or sports arena                                                                                                                                      |
| Private clubs and lodge halls                                                                                                                                                                                                                                                                                       | One per three persons allowed within the maximum occupancy load established by local, county or state fire, building or health codes                                                            |
| Private golf clubs, swimming pool clubs, tennis clubs or other similar uses                                                                                                                                                                                                                                         | One per two member families or individual members                                                                                                                                               |
| Stadiums, sport arenas or similar place of outdoor assembly                                                                                                                                                                                                                                                         | One per three seats<br>or<br>One per 6 feet of bench                                                                                                                                            |
| Theaters and auditoriums (other than incidental to schools)                                                                                                                                                                                                                                                         | One per three seats based on maximum seating capacity<br>plus<br>One per two employees based on the greatest number of employees in any one shift.                                              |
| Mortuaries or funeral homes                                                                                                                                                                                                                                                                                         | One per 50 square feet of floor space in the parlors or individual funeral service rooms                                                                                                        |
| Motel, hotel, or other commercial lodging establishments                                                                                                                                                                                                                                                            | One per unit<br>plus<br>One per each employee based on the greatest number of employees in any one shift<br>plus<br>Parking required for accessory uses such as restaurant or bar               |
| Motor vehicle sales and service establishment                                                                                                                                                                                                                                                                       | One per 200 square feet of sales room floor space,<br>plus<br>One per one (1) automobile service stall,<br>plus<br>One per employee based on the greatest number of employees in any one shift. |
| Quick oil change facility                                                                                                                                                                                                                                                                                           | One per employee based on the greatest number of employees in any one shift<br>plus<br>Four stacking spaces per service stall or lane.                                                          |
| Service garages, auto salesrooms, auto repair, collision or bumping shops                                                                                                                                                                                                                                           | One per employee based on the greatest number of employees in any one shift<br>plus<br>Two spaces for each grease rack or stall for servicing automobiles                                       |
| Shopping centers—For the purpose of this Section shopping centers shall be defined as a structure or group of structures located on the same zoning lot or parcels which provide a variety of commercial uses and also provide common off-street parking facilities, pedestrian areas, and vehicular movement areas | One per 200 square feet of usable floor area                                                                                                                                                    |
| Retail stores except as otherwise specified herein                                                                                                                                                                                                                                                                  | One per 200 square feet of usable floor area                                                                                                                                                    |
| Drive-in restaurants and roadside stands                                                                                                                                                                                                                                                                            | One per 15 square feet of usable floor area<br>plus                                                                                                                                             |

|                                                                                                                                                                  |                                                                                                                                                                                                                                                                                        |
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|                                                                                                                                                                  | One per each employee based on the greatest number of employees in any one shift.                                                                                                                                                                                                      |
| Drive-through restaurant facilities; i.e. establishments with service windows or similar arrangements for the purpose of serving customers in their vehicles     | Five stacking spaces per window<br>plus<br>Required off-street parking space per designated use                                                                                                                                                                                        |
| Drive through facilities, other than for restaurants or "fast food," such as pharmacies                                                                          | Five stacking spaces per window<br>plus<br>Required off-street parking per designated use                                                                                                                                                                                              |
| Automobile wash                                                                                                                                                  | One per employee based on the greatest number of employees in any one shift<br>plus<br>Off-street stacking spaces at the rate of 12 spaces per bay for a fully automatic car wash; 15 for a semi-automatic (motorist must leave auto); three spaces per bay for a self-serve car wash. |
| <i>Office</i>                                                                                                                                                    |                                                                                                                                                                                                                                                                                        |
| Banks, business or professional offices of lawyers, landscape architects, architects, engineers, or similar or allied professions                                | One per 200 square feet of usable floor area                                                                                                                                                                                                                                           |
| Professional office of doctors and dentists                                                                                                                      | One per twenty (20) square feet of floor space in waiting room<br>plus<br>One per examining room, patient treatment station dental chair or similar use<br>plus<br>One per each employee based on the greatest number of employees in any one shift.                                   |
| Medical clinics, outpatient care centers, 24 hour medical stations, urgent care centers and similar facilities                                                   | Two per exam, procedure or operating room<br>plus<br>One per laboratory or recovery room                                                                                                                                                                                               |
| Drive-through facilities; i.e. establishments with service windows or similar arrangements for the purpose of serving customers in their vehicles, such as banks | Five stacking spaces per window<br>plus<br>Required off-street parking space per designated use                                                                                                                                                                                        |
| <i>Industrial</i>                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| Industrial establishments including manufacturing research and testing etc.                                                                                      | 400 square feet of usable floor area.                                                                                                                                                                                                                                                  |
| Warehouse and storage buildings                                                                                                                                  | One per 400 square feet of usable floor space area                                                                                                                                                                                                                                     |
| <i>Recreation Facilities</i>                                                                                                                                     |                                                                                                                                                                                                                                                                                        |
| Indoor tennis or racquetball facility                                                                                                                            | Six for each court<br>plus<br>Spaces as required for each accessory use such as a full service bar or restaurant                                                                                                                                                                       |
| Amusement arcade                                                                                                                                                 | One for each game table<br>plus<br>One for each amusement device                                                                                                                                                                                                                       |
| Municipal recreation centers                                                                                                                                     | Five per 1,000 square feet of usable floor area,<br>plus<br>Any required spaces for outdoor courts, fields and                                                                                                                                                                         |

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|                                                                                                         | facilities,<br>—or—<br>One per three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes, whichever is greater                                                            |
| Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses | One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes plus<br>One space per employee, or one space for each 1½ clothing lockers, whichever is greater |
| Batting Cage                                                                                            | Three per cage                                                                                                                                                                                                                                |

- (b) *Requirements for the development, maintenance and layout of parking facilities.* In all instances, except private residences, where off-street parking facilities are required or where vehicular parking is provided as an accessory to the lawful use of property, such off-street parking facilities shall be designed, constructed and maintained subject to the following regulations:
- (1) An application for site plan approval to construct a parking lot shall be submitted to the municipality, in compliance with Article XX, which shall issue a permit for said lot after necessary reviews and the following mandatory provisions have been provided for:
    - a. Adequate ingress and egress shall be provided to meet approval of the planning commission and the agency having jurisdiction of the road right-of-way. Additionally, driveway location, spacing and design shall meet the standards of section 78-164, access management and driveway standards, and this chapter.
    - b. The lots shall be graded and proper drainage facilities provided to dispose of all surface water to meet the approval of the building department or municipal engineer.
    - c. Such parking lot, including areas for ingress and egress, shall be constructed in compliance with the standards as adopted by the building department. This minimum specification shall not be construed as a substitute for sufficient pavement thickness where traffic conditions and/or soil conditions require more substantial pavement designs.
  - (2) Screening and land use buffers are provided as specified in sections 78-165, 78-166 and 78-167.
  - (3) Such parking lots shall be used solely for parking private passenger vehicles for periods of less than one (1) day and no commercial activity, such as washing, greasing, sale or merchandise, repair work or servicing or any kind, shall be done thereon.
  - (4) Lighting shall be provided and so arranged and designed as to reflect light away from any residential use adjacent to the area and in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. Lighting shall further comply with the standards of the municipality and this chapter for exterior lighting. Parking lot lighting shall be extinguished no later than one-half hour after the closing of business transacting hours. This shall exclude minimum lighting levels required for parking lot security. When such property is closed at night so that no vehicles may enter or leave, then no lighting need be provided. Lighting fixtures shall use high pressure sodium lamps or other lighting methods approved by the planning commission. Where the proposed project is part of a larger project, the type of lighting (high-pressure sodium, metal halide or approved equivalent) should be consistent throughout the project.
  - (5) Concrete curbs or other features as approved by the planning commission shall be provided and maintained to protect against damage to adjoining properties and planting areas.

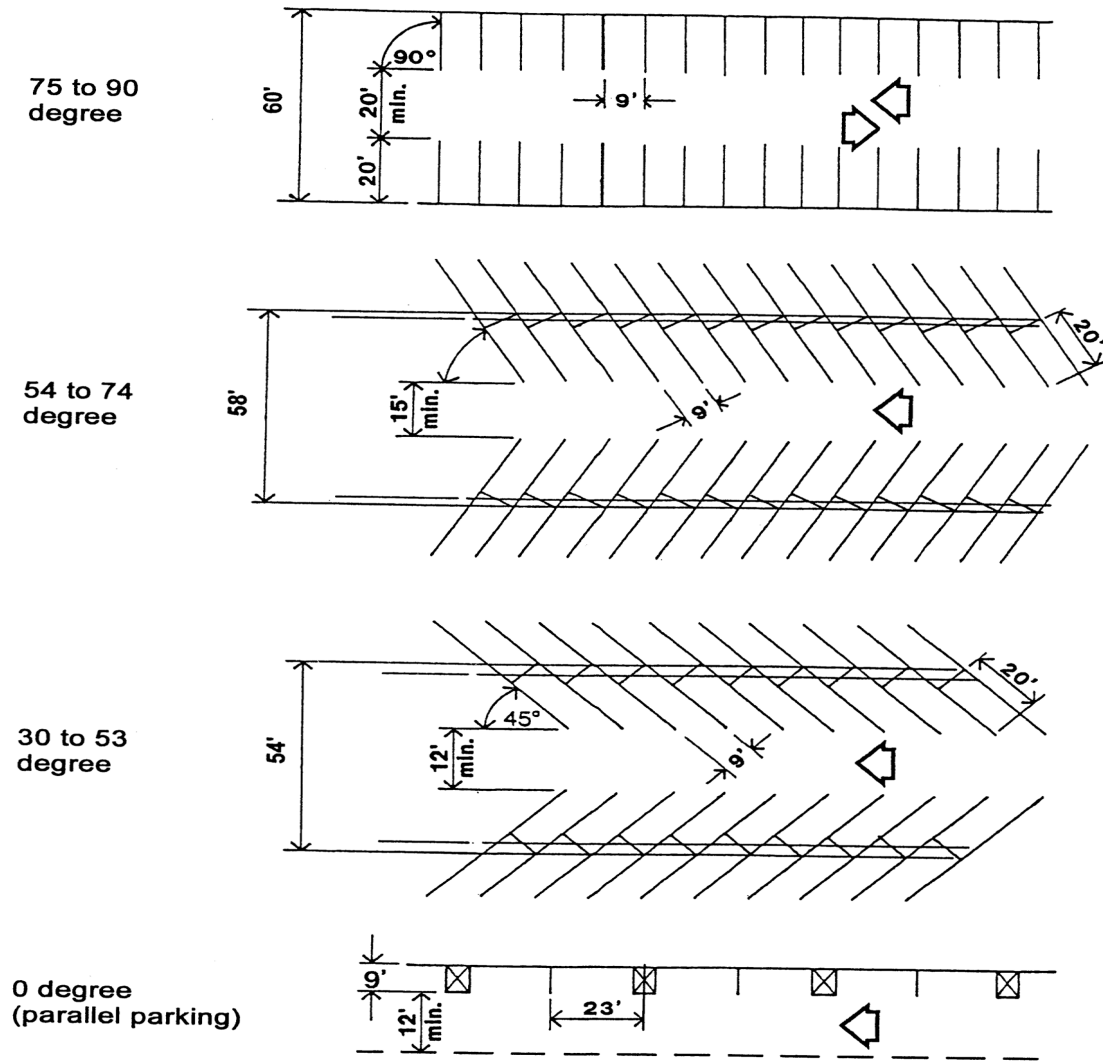
- (6) All parking spaces shall be provided adequate access by means of maneuvering lanes. Maneuvering directly onto a street shall be prohibited.
- (7) Ingress and egress to a parking lot located in an area zoned for nonresidential uses shall not be across land zoned for single family residential uses.
- (8) Plans for the development of any such parking lot must be approved by the building department before construction is started.
- (9) All parking areas shall be maintained so that the surface of the lot shall be safe and clean. Cracks, pot holes or litter found on the lot shall be repaired and/or removed after notification by the building inspector.
- (10) All parking facilities and business establishments shall keep the exterior lot and grounds free of debris and flying paper.
- (11) No land shall be used for parking purposes until approved by the building department; provided whenever the lot does not meet the specifications and/or regulations set forth in this article, the building department shall give notice to the property owner to correct the same within a specified time, and if such corrections are not made in accordance with such notice, he shall order the lot closed forthwith; and such land or lot shall not be used for parking until corrections have been made and approved by the building department.
- (12) All parking lots shall be striped and maintained showing the individual parking bays. Said stripes shall conform with the minimum layout requirement as found in subsection (b)(13) of this section and the approved layout plan.
- (13) Plans for the layout and striping of off-street parking lots shall comply with the following minimum requirements:

Parking Lot Dimension Regulations

| Parking Pattern in degrees | Maneuvering Lane Width | Parking Space Width | Parking Space Length | Total Width of 1 Tier of Parking Spaces Plus Maneuvering Lane | Total Width of 2 Tiers of Parking Spaces Plus Maneuvering Lane |
|----------------------------|------------------------|---------------------|----------------------|---------------------------------------------------------------|----------------------------------------------------------------|
| 0 (parallel parking)       | 12 ft.                 | 9 ft.               | 23 ft.               | 21 ft.                                                        | 30 ft.*<br>38 ft.**                                            |
| 30 to 53                   | 12 ft.                 | 9 ft.               | 20 ft.               | 33 ft.                                                        | 54 ft.                                                         |
| 54 to 74                   | 15 ft.                 | 9 ft.               | 20 ft.               | 35 ft. 6 in.                                                  | 58 ft.                                                         |
| 75 to 90                   | 20 ft.                 | 9 ft.               | 20 ft.               | 40 ft.                                                        | 60 ft.**                                                       |

|                |                 |
|----------------|-----------------|
| Footnotes:     |                 |
| *One way aisle | **Two-way aisle |

- (14) Stacking spaces shall be ten feet wide by 20 feet long.



## Parking Layouts

### Parking Layouts

- (c) *Off-street loading and unloading.* On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods, display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading, and unloading services in order to avoid undue interferences with public use of the streets or alleys and parking areas. Such space, unless otherwise adequately provided for in the determination of the planning commission as provided below, shall include a ten (10) foot by fifty (50) foot loading space, with a fourteen (14) foot height clearance and shall be provided according to the following table:

### Required Loading Spaces

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| Ground Floor Area<br>Square Feet | Loading and Unloading Spaces                                                            |
|----------------------------------|-----------------------------------------------------------------------------------------|
| 1—2,000                          | None required                                                                           |
| 2,000—20,000                     | One space                                                                               |
| 20,000—100,000                   | One space plus one space for each 20,000 square feet in excess of 20,000 square feet    |
| 100,000—500,000                  | Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet |
| Over 500,000                     | Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000          |

The planning commission may modify the above dimensions and requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use as demonstrated on the site plan.

The location of loading and unloading areas shall be reviewed at the time of site plan submission to ensure that adequate protection is afforded to adjacent districts, in particular, residential districts from noise and other disruptive elements normally associated with such facilities.

(Ord. of 6-7-04)

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**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.

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

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- d. Parking shall be provided to allow direct drop-off and pick-up of adults without such adults having to cross public streets.
  - e. Fencing of yards utilized for recreation or outdoor activities shall be provided.
- (10) Private non-commercial recreational areas, institutional or community recreation centers, and non-profit swimming pool clubs, all subject to the following conditions:
- a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
  - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
  - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (11) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to city licensing provisions. Bed and breakfast operations shall further be subject to the following:
- a. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
  - b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
  - c. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
  - d. The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.

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- e. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
  - f. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
  - g. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
  - h. An approved fire extinguisher in the common hallway accessible to all occupants.
  - i. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
  - j. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.
  - k. One unlighted wall sign not exceeding six square feet in area may be provided. Such wall sign shall not be an awning, changeable copy or channel letter sign. Bed and breakfast operations shall not be permitted freestanding signs.
  - l. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.
  - m. Such bed and breakfast dwelling shall not be located within two 200 feet as measured from the nearest property lines of another such facility.
- (12) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (b) *Required conditions.* All dwelling units shall be reviewed by the building official subject to the following conditions:
- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
  - (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
  - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
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- (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
  - (7) Any such dwelling shall be anchored by an anchoring system approved by the city.
  - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of subsection 78-181(b). The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

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

## 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 ½ hour before sunrise to ½ 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.

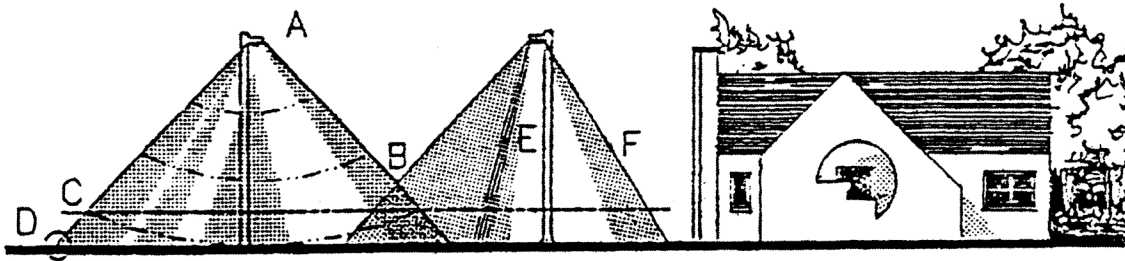


Diagram Notes

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

(Ord. of 10-6-03)

## Sec. 78-242. 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)

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## 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.

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(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<br>Per Unit of Measure                                                                                                                                                                                                                                                                           |
|-----|-----------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | <i>Residential:</i>   |                                                                                      |                                                                                                                                                                                                                                                                                                                                   |
|     | 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) | <i>Institutional:</i> |                                                                                      |                                                                                                                                                                                                                                                                                                                                   |
|     | a.                    | <del>Churches, temples, or places of worship</del><br><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.                                                                                                                                                                                                                                                                                             |
| (3) | <i>Business and commercial:</i> |                                                                                     |                                                                                                                                                                                                                                                                                                                                                                    |
|     | a.                              | Planned commercial or shopping center                                               | One for each 100 square feet of usable floor area for the first 15,000 square feet.                                                                                                                                                                                                                                                                                |
|     |                                 |                                                                                     | One for each 125 square feet for the next 15,001 to 450,000 square feet of usable floor area.                                                                                                                                                                                                                                                                      |
|     | b.                              | Club warehouse                                                                      | One for each 150 square feet for that area in excess of 450,000 square feet of usable floor area.                                                                                                                                                                                                                                                                  |
|     |                                 |                                                                                     | Six spaces per 1,000 square feet of usable floor area.                                                                                                                                                                                                                                                                                                             |
|     | c.                              | Auto wash (automatic)                                                               | One for each one employee. In addition, reservoir parking spaces equal in number to ten times the minimum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20. |
|     | d.                              | Auto wash (self-service or coin-operated)                                           | Four for each washing stall in addition to the stall itself.                                                                                                                                                                                                                                                                                                       |
|     | e.                              | Beauty parlor or barbershop                                                         | Three spaces for each of the first two beauty or barber stations, and 1½ spaces for each additional station.                                                                                                                                                                                                                                                       |
|     | f.                              | Bowling alleys                                                                      | Five for each one bowling lane plus parking for accessory uses.                                                                                                                                                                                                                                                                                                    |

|  |    |                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                 |
|--|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | g. | Dance halls, pool or billiard parlors, rolling skating rinks, exhibition halls and assembly halls without fixed seats                                             | One for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.                                                                                                                                                                                                                                     |
|  | h. | Drive-in restaurant                                                                                                                                               | One for each employee and one for each 25 square feet of usable floor area.                                                                                                                                                                                                                                                                                                     |
|  | i. | Drive-thru restaurant                                                                                                                                             | One for each employee and five stack-up spaces for each drive through window or station.                                                                                                                                                                                                                                                                                        |
|  | j. | Carry-out restaurant (with no eating on premises)                                                                                                                 | One for each employee and one for each 30 square feet of usable floor area with a minimum of six spaces.                                                                                                                                                                                                                                                                        |
|  | k. | Establishment for sale and consumption on the premises of beverages, food and refreshments                                                                        | Outside of the downtown development district: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.                                                                                                           |
|  |    |                                                                                                                                                                   | Within the downtown development district: Effective May 1, 1994: One for each 150 square feet of usable floor space; and effective January 1, 1997: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater. |
|  | l. | Furniture and appliance or household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses | One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein).                                                                                                                                                                                                      |
|  | m. | Gasoline service stations (full service)                                                                                                                          | Two for each lubrication stall, rack or pit; and one for each gasoline pump stand; and one for each vehicle used as part of the equipment of the gasoline service station and one for each employee.                                                                                                                                                                            |
|  | n. | Gasoline filling stations (self-service)                                                                                                                          | 1½ for each fuel nozzle. In addition, one parking space shall be provided for each 50 square feet of usable floor area in the cashier's and office areas. In no instance shall such a facility provide less than three parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.              |
|  | o. | Convenience store, with or without gasoline service.                                                                                                              | Four spaces per 1,000 square feet of usable floor area, plus spaces required for an auto service station activities or gasoline sales.                                                                                                                                                                                                                                          |

|  |     |                                                                                            |                                                                                                                                                                                                                              |
|--|-----|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | p.  | Custom workshops such as furniture refinishing or custom designed furniture manufacturing. | One space for each 800 square feet of gross floor area.                                                                                                                                                                      |
|  | q.  | Dry cleaners.                                                                              | Two spaces per each 1,000 square feet of usable floor area plus two stacking spaces for each drive-through lane.                                                                                                             |
|  | r.  | Food stores.                                                                               | One space for each 250 square feet of gross floor area.                                                                                                                                                                      |
|  | s.  | Furniture/carpet store.                                                                    | 1½ spaces per 1,000 square feet of usable floor area.                                                                                                                                                                        |
|  | t.  | Motor vehicle sales and service establishments.                                            | One space for each 200 square feet of usable floor space of salesroom and two spaces for each one auto service stall in the service room.                                                                                    |
|  |     |                                                                                            | The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose. Parking space is exclusive of the requirement for new vehicle storage and display. |
|  | u.  | Oil change facility.                                                                       | A minimum of three spaces for employees, but not less than two for each lubrication stall, rack, pit, or similar service area. In addition, two waiting spaces for each service area shall be provided.                      |
|  | v.  | Swimming pool.                                                                             | One space per each three persons of capacity authorized by the building code.                                                                                                                                                |
|  | w.  | Video rental establishments.                                                               | 15 spaces per 1,000 square feet of usable floor area, with a minimum of six spaces provided.                                                                                                                                 |
|  | x.  | Ice skating or roller rink                                                                 | One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is greater.                                                                                                             |
|  | y.  | Laundromats and coin-operated dry cleaners                                                 | One for each two washing and dry-cleaning machines.                                                                                                                                                                          |
|  | z.  | Miniature golf courses                                                                     | Two for each one hole plus one for each one employee.                                                                                                                                                                        |
|  | aa. | Mini-storage rental units                                                                  | One space for each employee and one space for each 50 storage rental units.                                                                                                                                                  |
|  | bb. | Mortuary establishments                                                                    | One for each 50 square feet of viewing room floor area.                                                                                                                                                                      |
|  | cc. | Motel, hotel or other commercial lodging establishments, including bed and breakfast inn.  | One for each one occupancy unit plus one for each one employee plus one space for each three seats used for food, beverage, banquet and/or meeting room area.                                                                |
|  | dd. | Retail stores except as otherwise specified herein                                         | One for each 200 square feet of usable floor space.                                                                                                                                                                          |
|  | ee. | Public utility structures                                                                  | One for each employee on the maximum work shift.                                                                                                                                                                             |

|     |                                     |                                                                                                         |                                                                                                                                                                                                                                                                                            |
|-----|-------------------------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | ff.                                 | Indoor tennis or racquetball facility                                                                   | Four for each court plus spaces as required for each accessory use such as a full service bar or restaurant.                                                                                                                                                                               |
|     | gg.                                 | Amusement arcade                                                                                        | One for each one game table and one for each amusement device.                                                                                                                                                                                                                             |
|     | hh.                                 | Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses | One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one space per employee, or one space for each 1½ clothing lockers, whichever is greater.                                   |
| (4) | <i>Offices:</i>                     |                                                                                                         |                                                                                                                                                                                                                                                                                            |
|     | a.                                  | Branch bank, credit union or savings and loans.                                                         | One space per each 200 square feet of usable floor area plus two spaces per each 24-hour teller, plus two stacking spaces for each drive-up teller.                                                                                                                                        |
|     | b.                                  | Business offices or professional offices, except as indicated in subsection (4)d of this section.       | One for each 300 square feet of usable floor space.                                                                                                                                                                                                                                        |
|     | c.                                  | Professional offices of doctors, dentists or similar professions                                        | One for each 75 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area plus one for each one employee.                                                                               |
|     | d.                                  | Courts (city, county, district or state)                                                                | One space for each two seats in court rooms, plus four spaces for each conference room, plus one space per employee.                                                                                                                                                                       |
| (5) | <i>Industrial:</i>                  |                                                                                                         |                                                                                                                                                                                                                                                                                            |
|     | a.                                  | Industrial or research establishments and related accessory offices                                     | Five plus one space for every 1½ employees in the largest working shift or one for each 450 square feet of usable floor area in those instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction. |
|     | b.                                  | Wholesale and warehouses establishments and related accessory offices (non-retail warehouse)            | One for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.                                                                                                                                                   |
| (6) | <i>Handicapped (all districts):</i> |                                                                                                         | Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended.                                                                      |

(Ord. of 10-6-03)

## 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)

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**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)

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**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)

## 23. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City's Fence Ordinance.

### Sec. 78-208. General Fence Requirements.

Fences or walls are permitted, subject to the provisions of this section. 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.

#### (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 is 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 persons 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 placement of permanent stakes located by a licensed surveyor. Such lot lines 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 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.
- (1) 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.
- (2) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (3) Fences for swimming pools shall comply with the regulations of the state construction code.
- (4) 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.
- (5) 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.
- (6) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

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

## Sec. 78-209. Fences and Walls.

- (1) Fences are permitted in residential districts as follows:
- a. Fences on all lots of record 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 of 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.

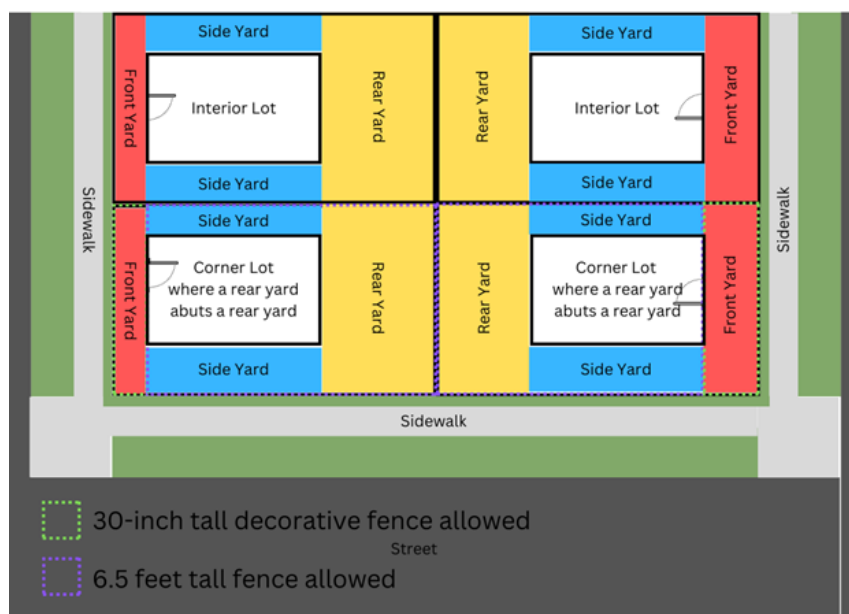
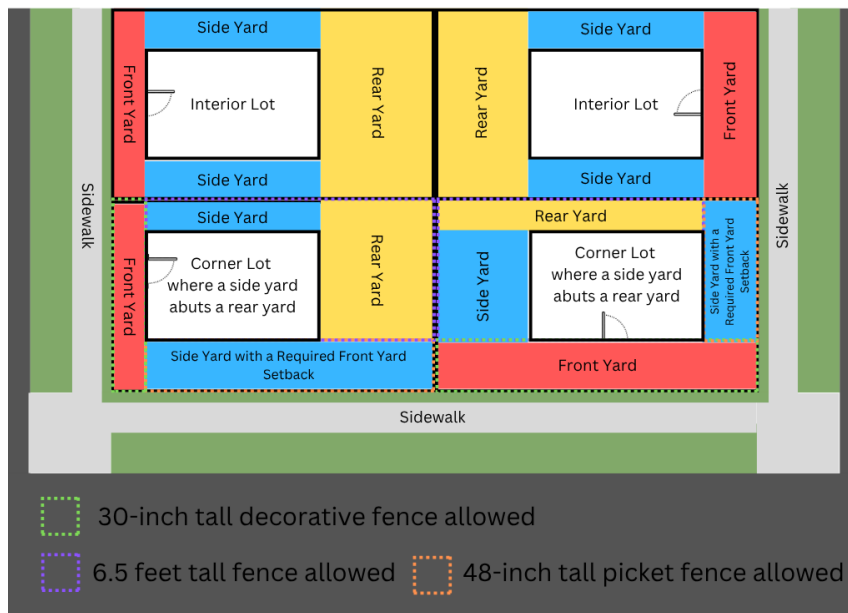


Figure 2.



- b. Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.
  - c. Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.
- (2) Fences are permitted in business districts as follows:
- (3) 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. Fences are permitted in industrial districts as follows:
  - a. Fences shall not be allowed within the front hard 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.
  - 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.

24. Consolidate the “Vested Right” sections in Article I and Article XXVII.

**Sec. 78-6. Vested 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.

**Sec. 78-386. Reserved.**



## Administrative Memorandum

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City of Plymouth  
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Plymouth, Michigan 48170

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Phone 734-453-1234  
Fax 734-455-1892

To: Planning Commission  
From: Greta Bolhuis, AICP, Planning and Community Development Director  
Date: December 5, 2025  
Re: Amendment to Zoning Ordinance

As you may recall, over the summer the City Attorney affirmed the finding that Plymouth's Zoning Ordinance does not allow for special land use conditions to be eligible for a variance request. This means that all special land use conditions must be met in order for that land use to be eligible for establishment in the city. The city received two special land use applications that were unable to meet the conditions outlined in the ordinance. The applicants have approached the city to amend the related ordinances. Staff has been actively working with Plymouth Township to amend the Ann Arbor Road Corridor District. The Plymouth Township Planning Commission has been receptive to these changes; however, they are in the middle of their Master Plan update and have been very busy reviewing other development projects. As such, staff is presenting an ordinance amendment which would allow the ZBA to grant variances for special land use conditions only in the Ann Arbor Road Corridor District to the Planning Commission for your consideration.

### *Amendment to Zoning Ordinance 78-409 Exceptions*

As you are aware, the Ann Arbor Road Corridor (ARC) District is a joint Zoning Ordinance with Plymouth Township. Any amendments or changes to the district require support and approval by both communities. This ordinance was adopted in the late 1990s and has been amended once in those 30 years. The ordinance is starting to show its age in some instances, particularly related to some of the special land use conditions.

Therefore, the Planning Commission may wish to allow the Zoning Board of Appeals to evaluate variance requests for deviations from Ann Arbor Road Corridor special land use conditions. Currently the only avenue for relief from the Ann Arbor Road Corridor special land use conditions would be a text amendment adopted by both communities. Allowing the ZBA permission to grant a variance for the ARC special land use conditions would allow a path forward for those applications where adherence to the conditions is impossible or impracticable. The proposed changes are attached to this memo. If the Planning Commission is interested in adopting this amendment, the next step is to schedule a public hearing.

If you have any questions, please don't hesitate to contact me directly.

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## Sec. 78-409. Exceptions.

The ~~board of~~ zoning board of appeals shall hear and decide in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board to pass. Any exception shall be subject to such conditions as the board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter including the following:

- (1) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- (2) Permit the erection and use of a building or use of premises for public utility purposes; provided the board shall seek the review and recommendation of the planning commission prior to taking any action.
- (3) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- (4) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- (5) Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.
- (6) Permit the reduction or elimination of special land use conditions required of properties located in the Ann Arbor Road Corridor (ARC) District.

(Ord. of 10-6-03)