



**CITY OF MADISON HEIGHTS**

**FIRE STATION #1 TRAINING ROOM - 31313 BRUSH STREET**

**PLANNING COMMISSION MEETING AGENDA**

**JUNE 21, 2022 AT 5:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS TO AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) May 17th, 2022 Draft Minutes

**PUBLIC HEARING**

**MATTERS FOR CONSIDERATION**

- [2.](#) Presentation from McKenna - Zoning Ordinance Rewrite Technical Review Report

**MEETING OPEN TO THE PUBLIC: Items not listed on agenda**

**MEMBER UPDATES**

**PLANNER UPDATES**

**ADJOURNMENT**

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: [clerks@madison-heights.org](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



# CITY OF MADISON HEIGHTS

## PLANNING COMMISSION MEETING MINUTES

May 17th, 2022

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

### 1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:34 p.m.

### 2. ROLL CALL

Present: Mayor Pro Tem Mark Bliss  
Chairperson Josh Champagne  
Member Bruce Conn  
Member Eric Graettinger  
Mayor Roslyn Grafstein  
City Manager Melissa Marsh

Absent: Member Kalnasy, Member Oglesby, Member Sylvester

Also Present: City Planner Matt Lonnerstater  
Assistant City Attorney Tim Burns  
Business Services Coordinator Mary Daley

Motion by Commissioner Marsh, seconded by Commissioner Graettinger to excuse Commissioner Sylvester and Commissioner Kalnasy.

Motion carries unanimously.

### 3. APPROVAL OF AGENDA

There were no additions or deletions to the agenda

### 4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Marsh, to approve the minutes of the regular Planning Commission meeting of April 19th, 2022.

Motion carries unanimously.

### 5. PUBLIC HEARING:

#### a. Rezoning PRZN 22-01: 30151, 30171 and 30183 Dequindre Rd.

Planner Lonnerstater introduced the Rezoning request by Hudson Madison II LLC to rezone three (3) parcels of land at 30151, 30171 and 30183 Dequindre Road from R-3, One-Family Residential, to R-M, Multiple-Family Residential.

The applicant requests a rezoning to R-M in order to construct a senior living, assisted living and memory care facility on site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. Planner Lonnerstater wanted to remind the Commission that the request today is only for the rezoning. The client would still have to go in front of Council for special use and Site Plan Review Committee for site plan approval.

Planner Lonnerstater asked the Planning Commission to consider compatibility with adjacent land uses and the future land use map as laid out in the Master Plan. The Planning Commission should also consider all potential uses permitted in R-M district including one/two family dwellings, multiple-family developments, rental management offices, and memory/dependent care as a special use.

Staff finds that the proposed R-M district is generally compatible with the adjacent multi-family Reserve at Red Run project under construction, and is compatible with adjacent single-family uses to west, and furthers the Master Plan's housing goals. Therefore, staff recommends approval of requested rezoning from R-3 to R-M.

There are three landlocked parcels directly behind this request. They have different property owners. There would be no development on these parcels.

Applicant presentation:

The applicant, Jeff Buck of Hudson Madison II, was there to present to the Commission and take questions. Mr. Buck expressed that there is a strong need for higher level care while residents age in place. They currently have three parcels under contract to build an assisted living medical building. The preliminary design is 35,000 square feet and it doesn't require a lot of parking because the majority of the residents in the building will not be driving, so parking will mainly be for visitors and staff.

**Chair Champagne opened the public hearing at 5:44 p.m. to hear comments on PRZN 22-01.**

A resident, who lives directly behind the properties, addressed the Commission. She expressed her concern for the area behind the Reserve at Red Run and states she feels it has been sorely neglected. She says that her concern is regarding the landlocked parcels and overgrown vegetation and if this requested rezoning is granted, these parcels will have no future.

Randall Carlisle, member of the Knights of Columbus, spoke on behalf of the property at 30191 Dequindre road. He mentioned that the group at that location received a waiver in 1989 to use this property for non-residential. His concern is potential turmoil in the future pertaining to being sold out or relocated.

A resident spoke against this rezoning request. She stated she does not want memory care in her neighborhood and Madison Heights does not have enough single family homes.

**Chair Champagne closed the public input portion of this rezoning request at 6:06 pm.**

For clarification, Chair Champagne requested Planner Lonnerstater review the list of principal uses allowed by right under the proposed R-M zoning. Planner Lonnerstater responded that the following uses could be permitted by right in the R-M district:

1. One/two family dwellings
2. Multiple-family developments
3. Rental management offices accessory to multiple-dwelling unit developments
4. Memory/dependent care as a special use

Attorney Burns suggests the Commission should take into consideration that the rezoning could be for any of those uses the City Planner mentioned and not specifically for any proposed use on that site.

Discussion continues amongst the Commission members. Commissioner Bliss asks the applicant if they have engaged in any public outreach to neighbors pertaining to this case. Developer explains that they have not but are open to have conversation with neighbors.

Motion by Commissioner Bliss, seconded by Commissioner Conn, to recommend to City Council to approve rezoning request PRZN 22-01 by Hudson Madison II LLC to rezone three parcels of land at 30151, 30171, and 30183 Dequindre from R-3 one family residential, to R-M Multiple-Family residential.

Ayes: Graettinger, Grafstein, Marsh, Bliss, Conn, Champagne

Nays: None

Absent: Kalnasy, Oglesby, Sylvester

Motion carries.

b. **Rezoning PRZN 22-02: 29022 Stephenson Highway**

Planner Lonnerstater introduced the rezoning request from EWM-Miller Wash, LLC, to rezone three (3) parcels of land at 29022 Stephenson Highway Road from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange.

The site consists of 3 parcels of land with total area of approximately 1.14 acres. The petitioner does eventually wish to apply for special use for an auto car wash facility but Planner Lonnerstater reminds the Commission that approval of this rezoning does not constitute site plan approval.

Staff believes that the uses permitted within the proposed B-3 district are consistent the existing land use pattern in the vicinity.

Planner Lonnerstater pointed out that if the rezoning request were to be approved, further notes that a rezoning to B-3 would remove the subject parcels from the Marihuana Overlay District. Medical and adult-use marijuana establishments are not permitted within the B-3 zoning district.

Chair Champagne welcomed the applicant at this time to speak to the Commission. The applicant's attorney, John Gaber spoke on behalf of the applicant. Mr Gaber stated that the proposed use for the site is a state of the art car wash with extensive landscaping. He feels that what is being proposed is consistent with the uses in the 12 Mile corridor and feels that this parcel fits better with the B-3 commercial corridor than an industrial use.

Commissioner Conn asked for clarification on whether the proposed car wash is a do-it-yourself car wash or an automated wash. Mr. Gaber explained that it would be a hybrid. There would be at

least 1-3 employees on site, but the car wash would be automated with a pay station.

Chair Champagne opened the meeting to public input at 6:24 pm. Seeing no comments, public input was closed at 6:25 pm.

Planner Lonnerstater reminded the Commission that rezoning is not bound by the use that is being described by the applicant. He points out that uses permitted by right within the B-3 district include, but are not limited to, general retail, personal service establishments, sit-down and drive-through restaurants, professional offices, new car auto sales and showrooms, and mixed-use developments. Uses permitted through the special approval process include, but are not limited to, gasoline stations, auto washes, bars, and motor vehicle repair facilities.

Motion by Commissioner Conn, seconded by Commissioner Graettinger to recommend that City Council approve the rezoning of three parcels of land at 29022 Stephenson Hwy from M-1, Light Industrial, to B-3, General Business.

Ayes: Grafstein, Marsh, Bliss, Conn, Graettinger, Champagne

Nays: None

Absent: Kalnasy, Oglesby, Sylvester

## **6. MATTERS FOR CONSIDERATION**

Zoning Ordinance Rewrite Project Update – Staff and the site plan review committee met with the consultants to do a kick off meeting for the steering committee. The next step will be from McKenna to complete what they refer to as a diagnostic review. They will review our current ordinance, mark it up and create a list of items that should be revised in new ordinance. From there, they will create a report to be presented to the planning commission.

## **7. PUBLIC COMMENT - For items not listed on the agenda**

No public comment.

## **8. MEMBER UPDATES**

Commissioner Marsh reminded the Planning Commission that the Council Chambers will begin renovation soon so the next Planning Commission meeting will occur at the Fire Station 1.

## **9. PLANNER UPDATES**

Planner Lonnerstater has no further comments.

## **10. ADJOURNMENT OF MEETING**

Meeting adjourned by the Chair at 6:29 p.m.

# Zoning Ordinance Technical Review

**TO:** City of Madison Heights

**FROM:** Hunter Whitehill, Associate Planner

**SUBJECT:** **Madison Heights Zoning Ordinance Technical Review**

**DATE:** June 21, 2022

## INTRODUCTION

A Zoning Ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents. While many of these changes are outside the control of a community, Madison Heights is taking proactive steps and reviewing its Zoning Ordinance as is necessary to comply with the law, protect community character, and promote its desired development forms.

The enclosed technical review identifies amendment opportunities in the City's Zoning Ordinance and familiarizes policymakers with key issues to address. The Technical Review's purpose is to provide you with an analysis of the Zoning Ordinance's strengths, amendments that are needed to comply with federal and state laws, and recommendations based on sound planning and zoning practices.

We relied on the following resources to analyze the Zoning Ordinance and prepare the report:

- Michigan zoning and land use planning statutory provisions;
- Zoning case law;
- Reference materials from the McKenna's library;
- Topical planning journals and magazines;
- Ordinance provisions from other Michigan communities; and
- Professional expertise.

This document begins with a proposed reorganization of the zoning ordinance and then organizes our comments in the current ordinance format. For brevity, if a section is not included in this report, then we did not find an alteration necessary for the existing language from a technical perspective.

Should you have any questions, please do not hesitate to contact us. Thank you.

## CLARITY AND SIMPLICITY OF USE

### Hyperlinks and Cross-References

As the City Zoning Ordinance has been amended over time, some of the cross-referenced sections may have become incorrect because cross-references are not always updated when sections are added or deleted from the Zoning Ordinance. To remedy this problem, all cross-reference errors of the Zoning Ordinance should be updated.

### Format

The Zoning Ordinance would benefit from format changes that would make the document more user-friendly. Recommended formatting enhancements include aspects such as type style and size, bolding, capitalization, and indentations.

### Graphics

Many areas of the Zoning Ordinance could be enhanced with illustrations. We recommend adding new graphics where they can enhance the effect of the text. Graphics are especially important to illustrate examples of certain lot types, building height requirements, landscaping requirements, aesthetic and architectural requirements, signs, lighting, and corner visibility zones.

### Effective Language

- **Passive vs. Active Language.** To make the Zoning Ordinance an effective document to regulate the use of land and buildings, the regulations must have active language instead of passive language (e.g., “shall” instead of “should,” “must” instead of “may,” etc.).
- **Confusing Text.** In some areas of the Zoning Ordinance, the text is either confusing or contradictory. In many cases, there is more text than is needed to describe a regulation. We will identify these problem areas and recommend more concise, effective text in the Article-by-Article analysis below.

## ORGANIZATION OF ARTICLES AND SECTIONS

One of the major problems with most Zoning Ordinances is that they do not organize all of the sections coherently into corresponding articles. This causes the user to sift through several different sections to locate the applicable regulation. We recommend organizing the Zoning Ordinance into the following articles, which are referenced through this Diagnostic Review.

Proposed Organization	Existing Ordinance Sections to be Included:
<b>Article I: Title, Purpose, and Scope</b>	<ul style="list-style-type: none"> <li>• Sec. 10.100. - Short title.</li> </ul>
<b>Article II: Definitions</b>	<ul style="list-style-type: none"> <li>• Sec. 10.200. - Definitions.</li> </ul>
<b>Article III: Zoning Districts and Map</b>	<ul style="list-style-type: none"> <li>• Sec. 10.301. - Districts.</li> <li>• Sec. 10.302. - Boundaries.</li> <li>• Sec. 10.303. - Zoning of vacated areas.</li> <li>• Sec. 10.304. - Zoning of annexed areas.</li> <li>• Sec. 10.305. - District requirements.</li> <li>• Sec. 10.306. - Principal uses permitted.</li> <li>• Sec. 10.307. - Uses permissible on special approval.</li> <li>• Sec. 10.308. - Area and bulk requirements.</li> <li>• Sec. 10.309. - Principal uses permitted.</li> </ul>

	<ul style="list-style-type: none"> <li>• Sec. 10.310. - Area and bulk requirements.</li> <li>• Sec. 10.311. - Principal uses permitted.</li> <li>• Sec. 10.312. - Use permissible on special approval.</li> <li>• Sec. 10.313. - Area and bulk requirements.</li> <li>• Sec. 10.314. - Principal uses permitted.</li> <li>• Sec. 10.315. - Uses permissible on special approval.</li> <li>• Sec. 10.316. - Required conditions.</li> <li>• Sec. 10.317. - Area and bulk requirements.</li> <li>• Sec. 10.318. - Principal uses permitted.</li> <li>• Sec. 10.319. - Uses permissible on special approval.</li> <li>• Sec. 10.320. - Area and bulk requirements.</li> <li>• Sec. 10.321. - Principal uses permitted.</li> <li>• Sec. 10.322. - Uses permissible on special approval.</li> <li>• Sec. 10.323. - Required conditions.</li> <li>• Sec. 10.324. - Area and bulk requirements.</li> <li>• Sec. 10.325. - Principle uses permitted in B-3 general business districts.</li> <li>• Sec. 10.326. - Uses permissible on special approval.</li> <li>• Sec. 10.327. - Area and bulk requirements.</li> <li>• Sec. 10.328. - Principal uses permitted.</li> <li>• Sec. 10.329. - Uses permissible on special approval.</li> <li>• Sec. 10.330. - Required conditions.</li> <li>• Sec. 10.331. - Area and bulk requirements.</li> <li>• Sec. 10.332. - Principal uses permitted.</li> <li>• Sec. 10.332A. - Uses permissible on special approval.</li> <li>• Sec. 10.333. - Required conditions.</li> <li>• Sec. 10.334. - Area and bulk requirements.</li> <li>• Sec. 10.335. - Uses permitted.</li> <li>• Sec. 10.336. - Limitation of use.</li> <li>• Sec. 10.337. - Entrance and exit.</li> <li>• Sec. 10.338. - Minimum distances and setbacks.</li> <li>• Sec. 10.339. - Screening and landscaping.</li> <li>• Sec. 10.340. - Surface of parking area.</li> <li>• Sec. 10.342. - Approval and modifications.</li> <li>• Sec. 10.342A. - Requirements.</li> <li>• Sec. 10.343. - Principal uses permitted.</li> <li>• Sec. 10.344. - Required conditions.</li> <li>• Sec. 10.345. - Area and bulk requirements.</li> <li>• Sec. 10.1800. - Preamble.</li> <li>• Sec. 10.1801. - Purpose.</li> <li>• Sec. 10.1802. - Principal uses permitted.</li> <li>• Sec. 10.1803. - Applicable district requirements.</li> <li>• Sec. 10.1804. - Limiting height, bulk, density and area by land use.</li> <li>• Sec. 10.1805. - Uses permissible on special approval.</li> <li>• Sec. 10.2000. - Purposes.</li> <li>• Sec. 10.2001. - Preamble.</li> <li>• Sec. 10.2002. - Principal uses permitted.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Sec. 10.2003. - Standards of the R-C District.</li> <li>• Sec. 10.2100. - Preamble.</li> <li>• Sec. 10.2101. - Definitions.</li> <li>• Sec. 10.2102. - Standards.</li> <li>• Sec. 10.2103. - Principal uses permitted.</li> <li>• Uses permitted upon private property on special approval.</li> </ul>
<b>Article IV: Schedule of Regulations</b>	<ul style="list-style-type: none"> <li>• Sec. 10.400. - Schedule of regulations.</li> <li>• Sec. 10.401. - Limiting height, bulk, density and area by land use.</li> <li>•</li> </ul>
<b>Article V: Supplemental Zoning District Standards</b>	<ul style="list-style-type: none"> <li>• Sec. 10.346. - Findings, purpose and intent.</li> <li>• Sec. 10.347. - Definitions.</li> <li>• Sec. 10.348. - No effect on patients.</li> <li>• Sec. 10.349. - Caregiver Marihuana Grow Overlay District.</li> <li>• Sec. 10.350. - Caregiver Marihuana Grow Overlay District requirements.</li> <li>• Sec. 10.351. - Principal uses permitted.</li> <li>• Sec. 10.402. - Subdivision open space plan.</li> <li>• Sec. 10.515. - Site condominium regulations.</li> <li>•</li> </ul>
<b>Article VI: Standards Applicable to Specific Uses</b>	This Article will contain the paragraphs of standards that apply to specific uses.
<b>Article VII: General Provisions</b>	<ul style="list-style-type: none"> <li>• Sec. 10.341. - Lighting.</li> <li>• Sec. 10.501. - Conflicting regulations.</li> <li>• Sec. 10.502. - Scope.</li> <li>• Sec. 10.502[A]. - Regulated uses.</li> <li>• Sec. 10.503. - Nonconforming lots, uses and structures.</li> <li>• Sec. 10.504. - Accessory buildings.</li> <li>• Sec. 10.508. - Uses not otherwise included within a specific use district.</li> <li>• Sec. 10.512. - Exterior lighting.</li> <li>• Sec. 10.516. - Fences.</li> <li>• Sec. 10.601. - Area, height and use exceptions.</li> </ul>
<b>Article VIII: Environmental Regulations/Performance Standards</b>	<ul style="list-style-type: none"> <li>• Sec. 10.509. - Performance standards.</li> </ul>
<b>Article IX: Parking, Loading, and Access Management</b>	<ul style="list-style-type: none"> <li>• Sec. 10.505. - Parking requirements.</li> <li>• Sec. 10.506. - Off-street parking space layout, standards, construction and maintenance.</li> <li>• Sec. 10.507. - Off-street loading and unloading.</li> </ul>
<b>Article X: Landscaping</b>	<ul style="list-style-type: none"> <li>• Sec. 10.510. - Landscaping and screening.</li> <li>• Sec. 10.513. - Screen walls.</li> </ul>
<b>Article XI: Signs</b>	<ul style="list-style-type: none"> <li>• Sec. 10.511. - Sign regulations.</li> </ul>
<b>Article XII: Nonconformities</b>	This will be a new Section dedicated to nonconformities.

<b>Article XIII: Administrative Organization and Procedures</b>	<ul style="list-style-type: none"> <li>• Sec. 10.201. - Special approval use review procedures and requirements.</li> <li>• Sec. 10.514. - Site plan review.</li> <li>• Sec. 10.701. - Establishing of administrative official.</li> <li>• Sec. 10.702. - Building permits.</li> <li>• Sec. 10.703. - Certificate of occupancy.</li> <li>• Sec. 10.801. - Creation and membership.</li> <li>• Sec. 10.802. - Procedure of zoning board of appeals.</li> <li>• Sec. 10.803. - Appeals; how taken.</li> <li>• Sec. 10.804. - Power of zoning board of appeals.</li> <li>• Sec. 10.805. - Standards.</li> <li>• Sec. 10.806. - Miscellaneous.</li> <li>• Sec. 10.900. - Zoning Commission.</li> <li>• Sec. 10.1000. - Changes and amendments.</li> <li>• Sec. 10.1100. - Repeal of prior ordinance.</li> <li>• Sec. 10.1200. - Interpretation.</li> <li>• Sec. 10.1300. - Vested right.</li> </ul>
<b>Article XIV: Violations, Penalties, and Enforcement</b>	<ul style="list-style-type: none"> <li>• Sec. 10.1401. - Violations.</li> <li>• Sec. 10.1402. - Public nuisance per se.</li> <li>• Sec. 10.1403. - Fines, imprisonment, etc.</li> <li>• Sec. 10.1404. - Each day a separate offense.</li> <li>• Sec. 10.1405. - Rights and remedies are cumulative.</li> <li>• Sec. 10.1500. - Severance clause.</li> </ul>

## ZONING DISTRICTS AND PERMITTED USE TABLE

### Permitted Use Table

Each zoning district includes a long list of permitted and special land uses, which makes for several pages of duplicated text. To simplify the list of permitted and special land uses, we recommend incorporating a land use table similar to the table illustrated below. The table would be an excellent organization tool for all users and would:

- Consolidate all principal permitted uses and special land uses regulated by any section of the Zoning Ordinance into one location, including those that are identified in sections of the ordinance other than the Zoning Districts (such as standards for special land uses).
- Clearly indicate the districts in which those uses are permitted.
- Help identify any defined uses that are not permitted in a zoning district.

For uses that have specific development standards, a hyperlink to the section of the Zoning Ordinance that contains those standards could be provided in the table.

Key:	■ Principal Permitted Use	● Special Land Use	[blank] Use Not Permitted												
USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
RESIDENTIAL USES															
Accessory Caretaker Dwelling					●	●	●	●	●	●	●	●	●	●	<a href="#">Section 5.117</a>
Apartment Houses		●												●	<a href="#">Section 5.103</a>
Multiple Family High Rise Dwelling		●													<a href="#">Section 5.103</a>
Single-Family Attached Dwelling		■												■	<a href="#">Section 5.116</a>
Single-Family Detached Dwelling	■			■										■	<a href="#">Section 5.114</a>
Single-Family Detached Dwelling in RM		■													<a href="#">Section 5.114</a>
Single-Family Farm Dwelling Related to Agricultural Operations				■											
Mobile Home Parks			■												<a href="#">Section 5.126</a>
Mobile Home Subdivisions			■												<a href="#">Section 5.127</a>
Planned Residential Developments	●			●										●	
Two-Family Dwelling		■												■	
LODGING USES															
Bed and Breakfast	●													●	<a href="#">Section 5.106</a>
Motels and Hotels					■	■	■							■	<a href="#">Section 5.121</a>
OFFICE USES															
Financial Institution, No Drive-Thru					■	■	■		■					■	
Financial Institution, With Drive-Thru						●	●		●						<a href="#">Section 5.105</a>
High Tech, Data Processing, and Computer Center									■	■		■			

### Zoning District Summaries

In addition to the permitted uses table above, each zoning district should have a corresponding zoning district summary (usually 1 page per zoning district), which includes the district purpose, permitted and special land uses, dimensional standards from the Schedule of Regulations, and hyperlinks to specific use standards and general standards sections of the Zoning Ordinance that apply (e.g., landscaping, lighting, signs, etc.). This zoning district summary page works in tandem with the land use table; users who want to know in what district a particular land use is permitted will refer to the land use table, while users who want to know all of the relevant information about a particular zoning district will refer to the zoning district summary page of the district. An example of what this table may look like is provided below.

## Section 3.109 AG, Agricultural and Estate District

### (A) STATEMENT OF PURPOSE

Areas in the Agricultural and Estates District are intended primarily to accommodate agricultural uses and residential development at a low density for residents who prefer exurban, estate living and are willing to assume the costs and effort of providing many of their own services and amenities. The standards in this district are intended to assure that the agricultural and residential uses are harmonious with each other. It is intended that developments in this district be designed to preserve significant natural features. Preservation of agriculture, open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

### (B) PERMITTED USES

- Single-family detached dwelling
- Single-family farm dwellings related to agricultural operations
- Commercial agriculture buildings and greenhouses
- Commercial agriculture operations
- Keeping of Pets and Livestock
- Truck gardening
- Greenhouses and Nurseries
- Public and private stables, and riding academies
- Veterinary/Animal Clinics and Hospitals
- Swimming pools, private
- Cemeteries
- Temporary Produce Sales Building
- Family day care home
- Adult foster care, family home
- Home Occupations
- Accessory structures and uses customarily incidental to the above permitted uses

### (C) SPECIAL LAND USES

- Kennels and Raising of Fur Bearing Animals
- Day Care, Group Home
- Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth
- Agricultural Retail Sales
- Golf Courses
- Outdoor Recreation, Golf Driving Ranges
- Outdoor Recreation, Private Parks
- Country Clubs
- Outdoor Recreation, Gun Clubs
- Religious institutions
- Child Care Centers
- Adult day care centers
- Planned Residential Developments
- Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.
- Wireless Communication Facilities

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to [Section 3.104](#) (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Section 3.104](#) (including footnotes), then [Section 3.104](#) shall prevail. Refer to [Article 2](#) for definitions of uses and refer to [Article 5](#) for development standards for specific uses.

### (D) DIMENSION REGULATIONS

Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	43,560	Front Yard	50
Min. Lot Width (ft.)	150	Side Yard (one)	10
Min. Lot Depth (ft.)	<a href="#">(C)</a>	Side Yard (total of 2)	25
Max. Lot Coverage (%)	15	Rear Yard	35
Min. Floor Area/Unit (ft.)	2,000 <a href="#">(B)</a>		
Max. Building Height (ft.)	30		
Max. Building Height (stories)	2		

Footnotes: Refer to [Section 4.102](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## ZBA PREVIOUS VARIANCE ANALYSIS

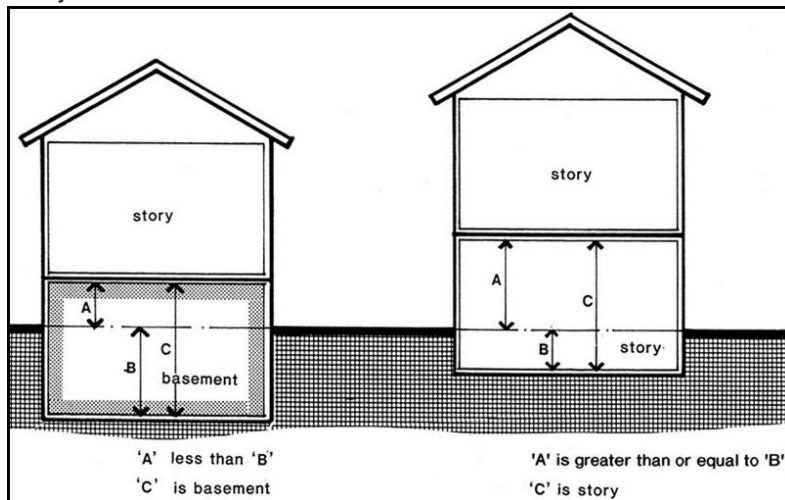
We have reviewed the variances heard by the ZBA over the previous three years. The only reoccurring variances we identified were for additional signage area. All of the variances sought for additional sign area were granted. The ZBA has done a great job for the reasoning for approval, detailing that the variances for additional sign area were unique circumstances. This tells us the current allowable sign area should not be changed unless deemed necessary by City staff.

## ARTICLE BY ARTICLE ANALYSIS

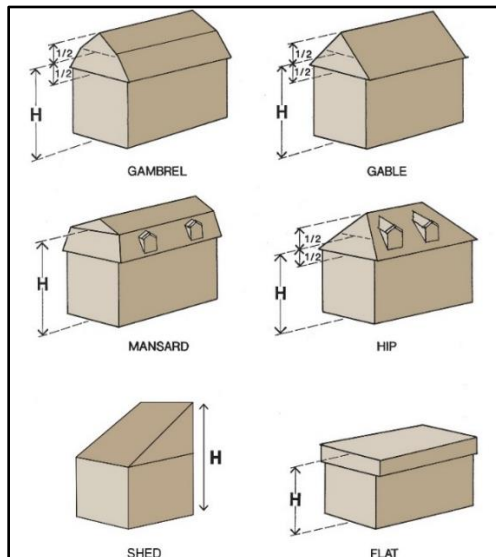
Below exists an analysis of each of the existing articles in the Zoning Ordinance. Although we recommend reorganizing the Zoning Ordinance as detailed above, we have performed an article by article review of the existing Zoning Ordinance that hones in on specific issues.

### ORDINANCE NO. 252

- **Section 10.2000 Definitions** (as amended by [Ordinance No. 2173](#)). This section should be alphabetized.
  - **Basement:** We recommend a graphic similar to the example below be provided to increase clarity for this definition.

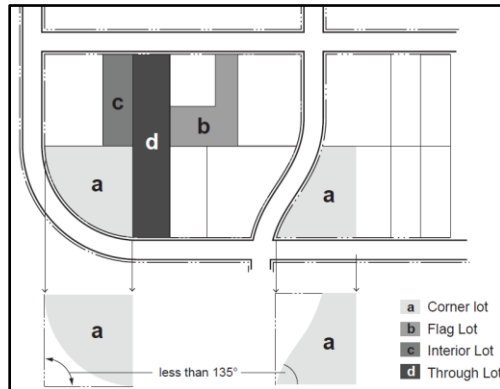


- **Building Height:** We recommend a graphic similar to the example below be provided to increase clarity for this definition.



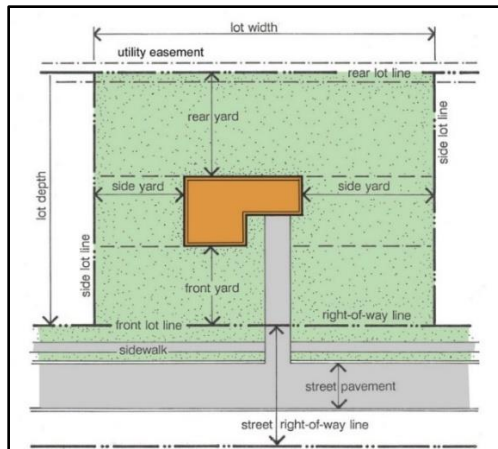
- **Building Line:** We recommend eliminating this definition and integrating it into the definition for "Setback"
- **Court:** We recommend eliminating this definition, as it is not used in the ordinance.

- **Drive-in:** We recommend this definition be renamed “Drive-thru” and all references to “drive-in” be replaced with “drive-thru.”
- **Garage, private.** We recommend removing the dimensional regulations from this definition.
- **Loft dwelling:** we recommend a definition for “loft dwelling” be added due to its occurrence in the standards for the M-1 District (10.328)
- **Lot Types:** This definition should be provided with a figure similar to the one below to increase clarity.



- **Medical supply store:** We recommend a definition for medical supply store be created.
- **Mezzanine:** We recommend eliminating this definition, as it is not used in the ordinance.
- **Nonconforming Structure:** We recommend that a definition for nonconforming structure be added, since they are referenced in Section 10.503.
- **Office:** We recommend a definition for office be created that includes the examples encompassed in Section 10.314(1) and Section 10.318(4).
- **Open Air Business Uses:** We recommend that a definition be added for open air business use, since it is referenced in Section 10.321.
- **Open Front Store:** We recommend eliminating this definition and removing the one reference to it in the zoning ordinance.
- **Outdoor Accessory Use:** We recommend this definition be removed as it is not referenced in the Zoning Ordinance.
- **Outdoor Storage:** We recommend a definition for outdoor storage be created as it's referenced throughout the Zoning Ordinance.
- **Pharmacy:** We recommend a definition for pharmacy be created.
- **Religious Institutions:** A definition should be created for religious institutions that includes churches, mosques, temples, etc.
- **Retail Businesses:** A definition for retail businesses should be created and should incorporate the examples identified in Section 10.318(1).
- **Yard:** This definition should be provided with a figure similar to the one below to increase clarity.





- **Zoning Variance:** We recommend this definition be revised to reference the definition for variance in the Michigan Zoning Enabling Act.
- **Section 10.201 Special approval use review procedures and requirements:** We recommend this section be changed to align with the Michigan Zoning Enabling Act and RRC best practices, which specify that the Planning Commission should be the final authority for all special land use decisions (except PUDs) to maximize efficiency. We also recommend that the criteria be revised to remove items that are redundant with the criteria for site plan review, since site plan review is required as a component of special land use approval.
- **Section 10.300 Zoning districts and map:** We recommend the zoning map be included in the online ordinance, from which it is currently absent.

## ARTICLE I: R-1, R-2 AND R-3 ONE-FAMILY RESIDENTIAL DISTRICTS

- We recommend the R-1, R-2, and R-3 Districts each have their own zoning district summary table to visualize the differing dimensional requirements.
- **Section 10.306 Principal uses permitted** (as amended by [Ordinance No. 2168](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district.
- We recommend Section 10.306(5) be removed.
- We also recommend the language referencing portable on-site storage units be moved to the future “Article VII: General Provisions.”
- Lastly, we recommend 10.306(4) be updated to reflect current state law pertaining to group homes.
- **Section 10.307 Uses permissible on special approval:** We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. We recommend that the supplemental standards of Sections (4) and (9) be moved to the future “Article VI: Standards Applicable to Specific Uses.” We also recommend section (8) be revised to comply with state law regarding group homes, and to remove reference to the number of “aged persons,” and to instead rely on the code’s definition of family.
- Churches should be retitled as “religious institutions”.

## ARTICLE II: R-T TWO-FAMILY RESIDENTIAL DISTRICTS

- **Section 10.309 Principal uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Additionally, special land uses are not specified in this article – these should be enumerated and included in the “Special Land Uses” table.

## ARTICLE III: R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

- **Section 10.311 Principal uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. We also recommend removing the reference to “One-family and two-family residential dwellings existing at the time of passage of this Ordinance” – this provision can be covered sufficiently under the future section “Article XII: Nonconformities.”
- **Section 10.312 Uses permissible on special approval:** We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. We also recommend the language in this section be updated to say “nursing or convalescent home” to match the terminology of the definitions section, and that 10.312(1) be updated to reflect state law. We also recommend all language referencing general hospitals be moved to the future section “Article VI: Standards Applicable to Specific Uses.”

## ARTICLE IV: O-1 OFFICE BUILDING DISTRICTS

- **Section 10.314 Principal uses permitted:** The use identified in Section 10.314(1) should be titled “office” and the examples should be included in the new definition for “office”.
- The uses from Section 10.314(1) and Section 10.314(2) should be consolidated.
- **Section 10.315 Uses permissible on special approval:** We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use.
- The use identified in Section 10.315(1) should be separated to include three separate uses; “pharmacy”, “medical supply store”, and “personal service establishment”.
- **Section 10.316 Required conditions:** We recommend this section be dissolved and relocated for each of the contained standards, as it does not align with the overall structure of the ordinance and has redundancies with other sections (e.g., outdoor storage is also mentioned in Section 10.509).

## ARTICLE V: B-1 LOCAL BUSINESS DISTRICTS

- **Section 10.318 Principal uses permitted** (as amended by [Ordinance No. 2170](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district.
- Section (1) should just be titled “retail businesses” and the example should be incorporated into the definition.
- Section (2) should just be titled “personal service establishment”.
- Section (3) and (4) should be consolidated.
- We recommend “bar/lounge” be separated as its own use as Section (5) clarifies restaurants with outdoor seating that do not serve alcohol are principally permitted but restaurants with outdoor seating that serve



alcohol are a special land use. Restaurants that serve alcohol should just be titled “bar/ lounge” to increase clarity.

- Section (7) should be deleted.
- We recommend that Sections (8) and (9) be moved to the future section regarding accessory uses and structures under “Article VII: General Provisions.”
- **Section 10.319 Uses permissible on special approval** (as amended by [Ordinance No. 2170](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use.
- We recommend that the supplemental standards of Sections (2), (3), (4), and (7) be moved to the future “Article VI: Standards Applicable to Specific Uses.”

## ARTICLE VI: B-2 PLANNED BUSINESS DISTRICTS

- **Section 10.321 Principal Permitted Uses** (as amended by [Ordinance No. 2170](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district. We also recommend that the standards for bowling alley setbacks be incorporated into the future section “Article VI: Standards Applicable to Specific Uses” and re-examined to determine if the setbacks are appropriate (currently 100ft from any residential lot).
- Theaters, assembly halls, concert halls, or similar places should be added as a use.
- **Section 10.322 Uses permissible on special approval** (as amended by [Ordinance No. 2166](#), [Ordinance No. 2170](#), and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use.
- Section (2) should just be titled “bar/lounge”.
- We recommend that the supplemental standards of Section (3) be moved to the future “Article VI: Standards Applicable to Specific Uses.”
- **Section 10.323 Required conditions:** We recommend this section be dissolved and relocated for each of the contained standards, as it does not align with the overall structure of the ordinance and has redundancies with other sections.

## ARTICLE VII: B-3 GENERAL BUSINESS DISTRICTS

- **Section 10.325 Principle uses permitted in B-3 general business districts** (as amended by [Ordinance No. 2166](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district. We also recommend the dimensional and design requirements for mixed use developments in Section (10) be moved to the supplemental use standards section of the ordinance and that façade relief requirements be added.
- **Section 10.326 Uses permissible on special approval** (as amended by [Ordinance No. 2166](#), [Ordinance No. 2170](#), and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the

corresponding standard applicable to that specific use. We also recommend the language regarding building height in Section (9) be moved to the schedule of regulations.

We recommend that the supplemental standards of Sections (1), (2), (3), (4), (5), (6), and (8/8a) be moved to the future “Article VI: Standards Applicable to Specific Uses.”

#### ARTICLE VIII: M-1 LIGHT INDUSTRIAL DISTRICT

- **Section 10.328 Principal uses permitted** (as amended by [Ordinance No. 2169](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district.
- **Section 10.329 Uses permissible on special approval** (as amended by [Ordinance No. 2169](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. We also recommend that Section (5) be separated into distinct items addressing retail, outdoor dining, outdoor storage, etc. - these items should reference other standards in the ordinance where possible, and all repeat language should be removed. We also recommend the language regarding building height in Section (7) be moved to the schedule of regulations.

#### ARTICLE IX: M-2 HEAVY INDUSTRIAL DISTRICT

- **Section 10.332 Principal uses permitted** (as amended by [Ordinance No. 2169](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed and compared to what uses are actually found in this District today. It may be appropriate to add uses into this district. We also recommend that the statement “when authorized by the board of appeals” in Section (3) be revised to delegate such discretion to the planning commission, as such powers are better aligned with their scope of duties.
- **Section 10.332(A) Uses permissible on special approval** (as amended by [Ordinance No. 2169](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use. We also recommend that Section (5) be separated into distinct items addressing retail, outdoor dining, outdoor storage, etc. - these items should reference other standards in the ordinance where possible, and all repeat language should be removed.

#### ARTICLE X: P-1 VEHICULAR PARKING DISTRICT

- **Section 10.335 Uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.”
- **Section 10.336-10.341:** We recommend these sections be combined and incorporated as supplemental use standards under the future “Article VI: Standards Applicable to Specific Uses.” Section 10.338 may be more appropriate to include under the schedule of regulations, given that it addresses setbacks.
- **Section 10.342 Approval and modifications:** We recommend revising this section to better distinguish between the powers of the Planning Commission and the Zoning Board of Appeals. Language that repeats what is already included in Section Sec.10.802 (Zoning Board of Appeals) should be removed.

#### ARTICLE XA: P-2 VEHICULAR PARKING DISTRICT

- **Section 10.336-10.342(A):** We recommend this section be incorporated as supplemental use standards under the future “Article VI: Standards Applicable to Specific Uses.”

#### **ARTICLE XI: H-M MOBILE HOMES DISTRICT**

- **Section 10.3.343 Principal uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.”
- **Special Land Uses:** No special land uses are currently permitted in the H-M district. Certain low impact uses, such as churches, child-care facilities, and community centers, should be considered as possible special uses in the ordinance update.
- **Section 10.344 Required conditions:** This section currently contains a mix of dimensional requirements, supplemental standards, and procedures regarding rezoning notices. These items should be separated into their respective best sections to improve clarity.

#### **ARTICLE XII: PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT**

- **Section 10.346-10.350:** We recommend this entire article be incorporated into the future “Article V: Supplemental Zoning District Standards.” We also recommend the district boundaries be show on the overall Zoning Map, rather than embedded into the text for the district.

## ORDINANCE NO. 252 CONTINUED

We recommend the reference to the City Engineer as a “consultant” be removed throughout to account for the possibility of future permanent staff.

### Schedule of Regulations

- **Section 10.400/10.401 Schedule of Regulations/Limiting height, bulk, density and area by land use** (as amended by [Ordinance No. 2166](#)): We recommend the schedule of regulations be incorporated into its own article, “Article IV: Schedule of Regulations,” as specified in the proposed ordinance reorganization.

Overall, we recommend the footnotes of this section be moved into more suitable sections of the ordinance based on their content. Many footnotes mix text and numeric references for dimensions – these should be standardized as numeric for ease of reading. We offer the following comments regarding the footnotes:

- **Footnote C:** We recommend moving the minimum lot width into the table of regulations, and removing the reference to a minimum lot area of 7,200 square feet (due to the fact that the footnote continues on to specify smaller permissible lot sized dependent on unit size).
- **Footnote T & U:** We recommend the design standards for new buildings (footnotes “t” and “u”) be incorporated into an independent section on design standards, which distinguishes requirement by zoning district and/or use. Further, the requirements of footnote “t(1)” are more stringent than those set by similar municipalities and we recommend a revision to include additional acceptable materials or removal, unless the city feel this is pertinent.
- **Footnote R:** We recommend that all footnote “r” be moved to the accessory use section of the ordinance (currently 10.504).
- **Footnote M & N:** We recommend that footnotes “m” and “n” be moved to the section regarding additional standards for mobile homes developments.
- **Footnote G & I:** We recommend that footnotes “g” and “i” be moved into the parking standards section (currently 10.505).

### Open Space Development

- **Section 10.402 Subdivision open space plan:** We recommend this section be retitled as “Cluster Housing Option (CHO)” and be revised to eliminate inconsistencies in density between the CHO option and the R-1 and R-2 districts. Additionally, we recommend detail be added to Section (2), which requires that “All lands dedicated in fee or easement shall meet the requirements of the city council of the City of Madison Heights.” Where possible, the alluded-to requirements should be enumerated to aid applicants.

### Adult Uses

- **Section 10.502: Regulated Uses:** We recommend renaming this section “regulated *adult* uses” to avoid any confusion with the other use-specific standards that are included in the ordinance. Additionally, pawnbrokers (n) and used goods sellers (item w) do not completely fit within the specified purpose of the current section and may be more appropriate to relocate under their own section with a distinct purpose.

## Nonconformities

- **Section 10.503 Nonconforming lots, uses, and structures:** We recommend that Section (6) be broken apart and incorporated into Sections (4) and (5), to eliminate redundancy and improve clarity. We also recommend the section allow changes that will produce an accessory dwelling unit or building that is incidental to the existing building.

## Accessory Structures and Uses

- **Section 10.504. Accessory Buildings, Structures, and Uses** (as amended by [Ordinance No. 2167](#)): We recommend the regulations be clarified and consolidated to distinguish between residential and non-residential districts. This section should also be divided into 1) a section regarding uses (including accessory outdoor storage, as amended by [Ordinance No. 2168](#)) and 2) a section regarding buildings and structures.

## Parking Requirements

- **Section 10.505 Parking Requirements** (as amended by [Ordinance No. 2173](#)): we recommend the parking rates be updated be less than the 85% observed maximum parking rates as specified in the ITE Parking Generation Manual, 5<sup>th</sup> Edition. We also recommend that parking reduction waivers be granted in exchange for the provision of additional class-A bicycle facilities or transit amenities (where applicable).
- **Section 10.506 Off-street parking space layout, standards, construction and maintenance** (as amended by [Ordinance No. 2173](#)): we recommend standards for curb/curb-block height be included and the location specified, to prevent overhand into landscaped areas.
- **Pick-up/Drop-off parking:** We recommend adding standards for time-limited pick-up and drop-off parking, which is becoming increasingly popular for fast-casual restaurants, major grocers, and other retail businesses.

## Outstanding Uses

- **Section 10.508 Uses not otherwise included within a specific use district:** We recommend this section be eliminated and the standards contained within be redistributed to more appropriate sections in the following manner:
  - Sections (1), (2), (3), and (5) are more appropriate for inclusion under the future “Article VI: Standards Applicable to Specific Uses.” Additionally, the ordinance currently treats each of the land uses like special land uses by requiring a public hearing. As such, it may be simplest to leave them omitted from the special land use table, keep their supplemental standards, and include a note in the use table that says “all uses not listed herein shall be subject to special land use approval.”
  - Section (4) addresses home occupations, are is more appropriate to include under future “Article VII: General Provisions,” or under the future “Article VI: Standards Applicable to Specific Uses.” Additionally, a footnote regarding home occupations should be added to the future permitted uses table. We also recommend that sub-section (5) be amended to allow for a single, small sign (~0.5 square feet in area) denoting the home office/occupation, mounted beneath the mailbox (hanging below or on the wall if beneath a wall-mounted box).

## Performance Standards

- **Section 10.509 Performance standards:** The terms “open storage” and “outdoor storage” are used frequently throughout the ordinance, and sometimes confused with one another – some standards are listed under specific districts, while others are listed under the general provisions, and so on. We recommend all language from this section and other relevant sections be consolidated and located under the future “Article VIII: Environmental Regulations/Performance Standards.”

## Landscaping

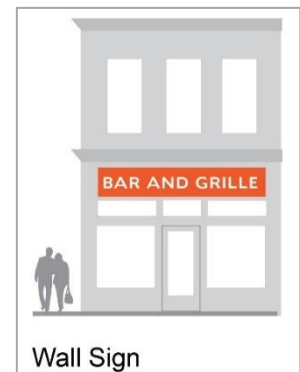
- **Section 10.510 Landscaping and Screening** (as amended by [Ordinance No. 2168](#)): We recommend this section be revised to include strictly numeric references for all dimensions (tree caliper in inches, buffer width in feet, etc.) to enhance clarity and consistency. We also recommend adding a statement on whether driveways are to be deducted from the lineal total road frontage, which is the basis for determining the number of trees and shrubs that are required per foot of greenbelt. We also recommend the following updates to individual sub-sections:
  - That additional standards be added under Section 10.510(B)(7) that require parking lot landscaping be distributed at even intervals throughout the lot, to provide more complete shade coverage and – in the cases of swales – stormwater capture.
  - Section 10.510(B)(5) be revised to include clearer standards regarding the conditions under which a screen wall option is permissible, such as inadequate space on-site to accommodate a 5-foot greenbelt.
  - Section 10.510(B)(8) be revised to require that dumpster enclosure doors have reinforced steel supports to prevent the door from sagging.
- **Section 10.513 Screen walls:** This section serves only to reference Section 10.510. It should be removed, and the reference to 10.513 in 10.339 should be replaced with a direct reference to 10.510.

## Signs and Lighting

- **Section 10.511 Sign regulations:** For all of the defined sign types, we recommend adding graphic examples to enhance clarity, as show in the example to the right. We also recommend creating a table for the bulk of the sign regulations, which organizes the regulations by zoning district. This table should convey, at a minimum, the different sign types, the maximum height, size, area, and number of each sign type, the permitted letting area, and the permitted location.

In Section (V) regarding nonconforming signs, it may be appropriate to include some exceptions for signs that are historical architectural landmarks for the community (e.g., the Telway) that will allow for their preservation or relocation.

- **Section 10.512 Exterior lighting:** We recommend revising this section to specify maximum, minimum, and average foot-candle levels for all non-residential properties, and to differentiate between classes of commercial and industrial property. Further, the section should prohibit dangerous and inefficient types lighting (e.g. mercury vapor, fluorescent) and encourage LEDs and any more current technologies. Lastly, exterior lighting should be required above all entry/exit doors on commercial and industrial buildings to enhance safety and security.





## Site Plan Review

- **Section 10.514(A) Development, Activities, and Uses Requiring Site Plan Review** (as amended by [Ordinance No. 2165](#)): we recommend that this section be revised to describe the types of development and structural alternations that do *not* require site plan review, in addition to those that do. We also recommend that the language regarding uses be simplified and consolidated by modifying this section to say that all uses spelled out in the permitted use table require site plan review. We also recommend removing the reference to public buildings (item 11) because publicly owned state and local property is exempt from local zoning.
- **Section 10.514(B) Site Plan Review Committee** (as amended by [Ordinance No. 2165](#)): We recommend this section be revised to remove the duplicate reference to site plans that are within the domain of the Planning Commission. We also recommend a section be added entitled “Site Plans Eligible for Committee Review” to clarify the differing domains of the Committee and the Planning Commission.
- **Section 10.514(C) Site Plan Review Process** (as amended by [Ordinance No. 2165](#)): We recommend the language regarding site plans eligible for administrative review by the city planner be moved to Section 10.514(B). This language can be combined with the language regarding site plans subject to Committee and Planning Commission review, respectively, to create one section that clearly states which site plans are under the purview of each review body.  
We also recommend that the section regarding final site plan approval be clarified to specify the role of the Planning Commission in final approval, or the absence thereof. This section could also benefit from integration with the section regarding final engineering approval, to clarify the order in which an applicant must make revisions before submitting for final review by planning and engineering.
- **Section 10.514(D) Submission Requirements** (as amended by [Ordinance No. 2165](#)): This language should be amended to allow for electronic submission of site plans and acceptance of electronic seals, consistent with recent changes to State statute (MCL 339.2007 and 2008).  
We recommend the list of requirements be amended to add language requiring the dimensions of parking spaces and drive aisles, as well as the percentage land area devoted to building, paved, and open space. We recommend this section be amended to require that a receipt of submission to all applicable reviewing jurisdictions, such as the county, state, or EPA, be included with the site plan submission.
- **Section 10.514(E) Site Plan Review Criteria** (as amended by [Ordinance No. 2165](#)): This section should be amended to add more concrete criteria for site plan review, including but not limited to: requirements for emergency vehicle access, mitigation of stormwater impacts on adjacent properties, the promotion of stable development, etc.

## Condominiums

- **Section 10.515 Site condominium regulations:** In its present organization, this section adds confusion to the site plan review process because it largely mirrors Section 10.514, with some differences. We recommend integrating this section into Section 10.514, to ensure applicants for site plan review are not accidentally missing steps or following the wrong procedure. The additional information that is required for condominium developments (e.g., master deed and bylaws) are more appropriate as a sub-section of 10.514(D)(2). The additional standards for condominium developments are more appropriate under future “Article V: Supplemental Zoning District Standards.”  
Further, we recommend adding explicit reference to the State of Michigan Condominium Act (Act 59 of 1978) where appropriate.

## Fences

- **Section 10.516 Fences:** We recommend adding a sub-section to address commercial district fencing, in addition to the existing standards for residential and industrial district fencing. We also recommend consolidating all the permissible and prohibited fence materials into a table for easy reference, and which directly addresses materials like brick and masonry, in addition to the materials currently listed. Lastly, we recommend adding a provision that requires a 3-inch gap (not included in total fence height, and excluding support poles) at the base of all non-masonry fences, to allow for the maintenance of weeds and rodent control.

## Exceptions

- **Section 10.601 Area, height, and use exceptions:** We recommend separating the exceptions listed herein and redistributing to more appropriate sections, where they can be easily referenced next to the standard to which the exception applies. Sections (3), (5), (6), (7), and (9) would be more appropriate as footnotes to the schedule of regulations, while Section (10) would be more appropriate alongside Section 10.508 regarding telecommunications.

## Administration and Enforcement

- **Section 10.703 Certificate of occupancy** (as amended by [Ordinance No. 2177](#)): This is not an item typically found in a zoning ordinance – therefore, we recommend removing it if it is not utilized and is covered by the building code.
- **Section 10.800-10.806 Zoning Board of Appeals:** We recommend that some of the duties currently assigned to the ZBA be reassigned to the Planning Commission. For example, it is more appropriate for the Planning Commission to review site plans for public utility buildings, which is currently under Section (4). Additionally, it is currently unclear if Section 10.805 is refereeing to special land uses or use variances – this item must be clarified.
- **Section 10.900 Zoning Commission:** We recommend that this section be re-named to refer to the body as the Planning Commission, which is the term used throughout the bulk of the ordinance. Further, and references to the “plan commission” should be corrected.

## High-Rise District (H-R)

All sections currently referencing the H-R district should be incorporated into the future “Article III: Zoning Districts and Map,” alongside the other existing zoning districts.

- **Section 10.1802 Principal uses permitted** (as amended by [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed, and it may be appropriate to add uses into this district.
- **Section 10.804 Limiting height, bulk, density and area by land use:** This section would be most appropriate in the future “Article IV: Schedule of Regulations.”
- **Section 10.1805 Uses permissible on special approval** (as amended by [Ordinance No. 2170](#) and [Ordinance No. 2174](#)): We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use.



### Residential Condominium District (R-C)

All sections currently referencing the R-C district should be incorporated into the future “Article III: Zoning Districts and Map,” alongside the other existing zoning districts.

- **Section 10.2002 Principal uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.” Uses in this district should be reviewed, and it may be appropriate to add uses into this district.
- **Section 10.2003 Standards of the R-C district:** We recommend that Section (1) be woven alongside the existing parking regulations, while Section (2) be incorporated into the future “Article IV: Schedule of Regulations.”
- **Special Land Uses:** No special land uses are currently permitted in the R-C district. Certain low impact uses, such as churches, child-care facilities, and community centers, should be considered as possible special uses in the ordinance update.

### Natural Preservation District (N-P)

All sections currently referencing the N-P district should be incorporated into the future “Article III: Zoning Districts and Map,” alongside the other existing zoning districts.

- **Section 10.2102 Principal uses permitted:** We recommend this section be incorporated into a table and titled “Principal Permitted Uses.”
- **Section 10.2104 Uses permitted upon private property on special approval:** We recommend this section be incorporated into a table and titled “Special Land Uses.” Uses that have standards tied to them should have a reference to the corresponding standard applicable to that specific use.