



# Zoning Ordinance 2024

CITY OF MADISON HEIGHTS, MICHIGAN

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EFFECTIVE · 05.29.24

UPDATED THROUGH · 10.31.25



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# Article 1.

# Title, Purpose and Scope

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## Section 1.01      Short Title

This Ordinance shall be known and may be cited as the "City of Madison Heights Zoning Ordinance."

## Section 1.02      Repeal of Prior Ordinance

The Zoning Ordinance adopted by the City of Madison Heights known as Ordinance No. 252 and all amendments thereto, are hereby repealed as far as they conflict with this Ordinance. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

## Section 1.03      Purpose

The fundamental purpose of the Zoning Ordinance is to promote the health, safety, and welfare of the inhabitants of the City by:

1. Promoting the orderly development of the City by implementing the goals and action steps identified in the City of Madison Heights' Master Plan, following City policies, and identifying land uses suitable for properties to protect allowable uses against incompatible uses of land;
2. Encouraging citywide resiliency through smart, low impact development and stormwater management that preserves and protects the natural and built elements of the City;
3. Promoting the economic progress of the City by preserving and growing the established commercial business districts and developing additional commercial business and residential mixed use districts throughout the City;
4. Preserving and establishing walkable areas by intentionally focusing on building form, urban design, and how the building frontages interact with the public street;
5. Enhancing the City's multimodal network and providing for the efficient movement and parking of vehicular and non-motorized transportation;
6. Beautifying the City by enhancing its urban tree canopy and being attentive to site design and landscaping; and
7. Reducing the hazards to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards.

## **Section 1.04      Scope.**

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

## **Section 1.05      Interpretation**

In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

## **Section 1.06      Vested Right**

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege, or permit.

## **Section 1.07      Severance Clause**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **Section 1.08      Conflicting Regulations**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations that are imposed or required by the provisions of any other City Ordinance, then the provisions of this Ordinance shall govern.

## **Section 1.09      Legal Basis**

This Ordinance is enacted pursuant to Public Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, and Public Act 33 of the Public Acts of 2008, the Michigan Planning Enabling Act.

## **Section 1.10      Effective Date**

This Ordinance, which specifically includes the Zoning District Map, was adopted on May 13<sup>th</sup>, 2024 by The Madison Heights City Council and shall take effect 7 days following its publication in accordance with the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of 2006.

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# Article 2.

## Definitions

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### Section 2.01 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure" and "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," "association," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot," includes the words "plot" or "parcel;" the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

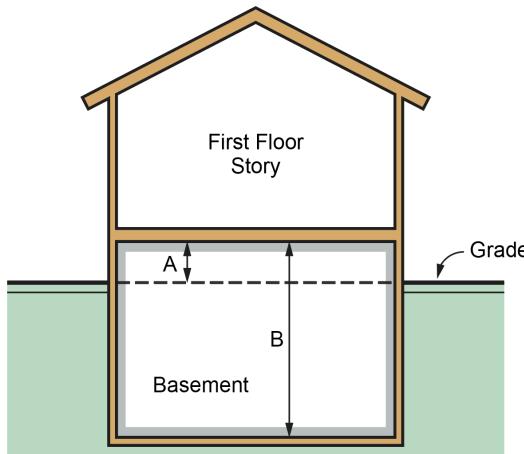
Terms not herein defined shall have the meanings customarily assigned to them.

1. **Accessory Building:** Refer to Building, Accessory.
2. **Accessory Dwelling Unit:** A residential dwelling unit, but not a mobile home, located on the same lot as, and incidental to, a detached single-family dwelling unit, either within the same building as the single-family dwelling or in a detached building in accordance with the provisions of this Ordinance.
3. **Adult Day Care Centers:** A facility designed to provide care and companionship for older adults who need assistance or supervision during the day. Day care centers will only be considered a day care center when they are state licensed.
4. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
5. **Alterations:** Any change, addition or modification to a structure or type of occupancy, any change 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."
6. **Apartments:** Portion of a building consisting of one or more rooms and occupied by one or more persons as a Dwelling Unit, separate and set apart from other rooms or groups of rooms within a building.
7. **Artist Studio:** A space used as a studio and/or display area for the creation, display, and sale of works of art and instruction by the resident artist(s).
8. **Artisan Manufacturing/ Makerspace:** Non-residential space designed to be used for personal-scale, low-impact artisan production of wholesale goods.
9. **Assembly Plant:** A second stage manufacturer who receives a partially assembled product from the manufacturer for the purpose of completing the assembly to meet certain owner specifications.
10. **Auto Repair and Service Facilities:** A facility involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; tire repair or replacement; oil and lubricant services; painting and undercoating of automobiles; and similar vehicle repair and service activity. Auto Repair and Service Facilities are further classified as "light" and "heavy" below.
  - A. **Auto Repair and Service Facilities (Minor):** A facility where services such as, but not limited to, motor vehicle engine repair, wheel alignment, brake servicing, exhaust system repair, tire repair and/or replacement, and/or oil change or lubrication services are conducted. Prohibited activities include, but are not limited to, motor vehicle body

repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar services classified as heavy repair, below.

B. **Auto Repair and Service Facilities (Major):** A facility where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted. All uses listed under Auto Repair and Service Facilities (light repair) shall also be permitted at heavy repair and service facilities.

11. **Auto Wash:** A facility used to clean the exterior, and in some cases the interior of cars. Auto washes include automated tunnel wash buildings and self-service facilities.
12. **Automotive Sales (New):** A facility that is engaged in the display, sale or rental of new motor vehicles.
13. **Automotive Sales (Used):** A facility that is engaged in the business of purchasing, selling, exchanging, or dealing in used motor vehicles.
14. **Awning/Canopy:** An architectural projection protruding from and supported by the exterior wall of a Building, located on a storefront or above individual window openings. An awning/canopy may be supported by one or more supporting poles. For the sake of this Ordinance, a roofed structure providing cover for fueling station pumps shall not be considered an awning/canopy, but rather shall be considered a principal structure.
15. **Banquet/Assembly/Meeting Halls:** An establishment available to the public for rental for the purpose of holding meetings, banquets, and receptions.
16. **Bars and Taprooms:** Establishment where majority of sales come from alcoholic products.
17. **Basement:** That portion of a building which is partly or wholly below grade but located so that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the bottom of the joists supporting the ceiling. A basement shall not be counted as a story.

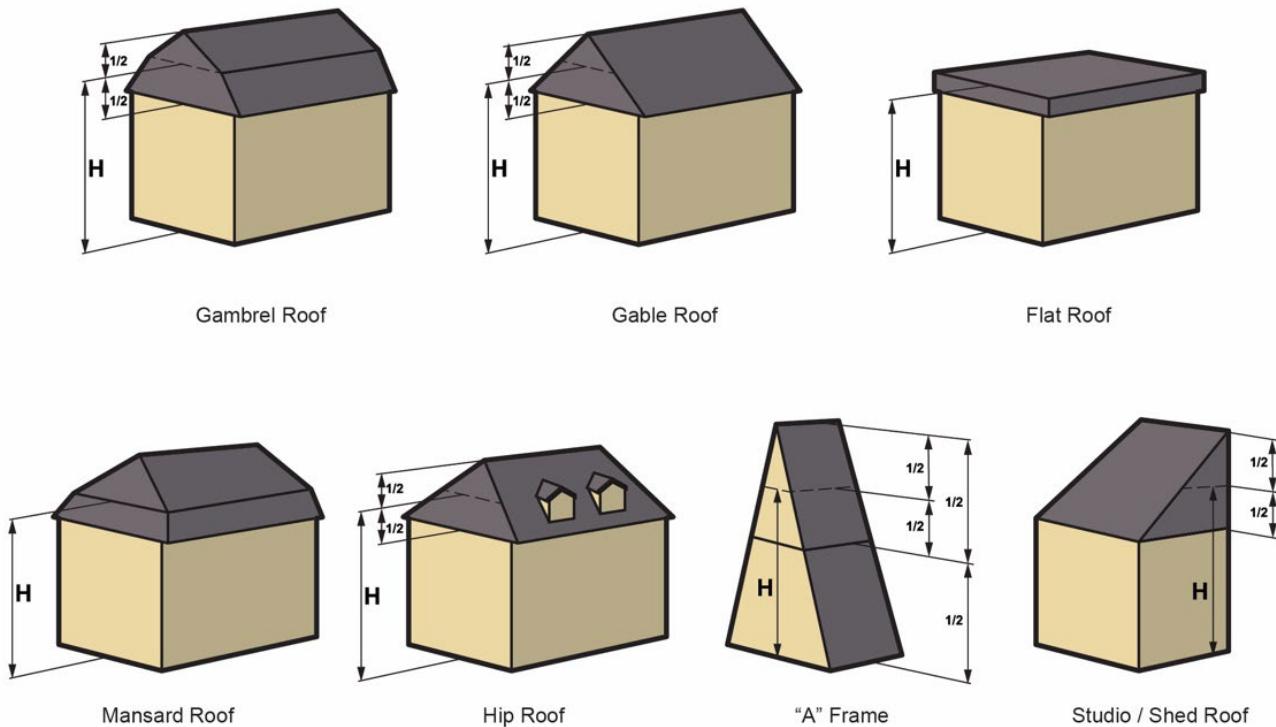


## Basement

If "A" is less than 1/2 of "B," then "B" is a basement.

18. **Brick and Mortar Restaurant:** A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.
19. **Building.** Any structure having a roof, supported by columns or by walls, and intended for the shelter, housing or enclosure of any person, animal, or goods.

20. **Building Official.** The Building Official of the City of Madison Heights or his authorized representative.
21. **Building, Accessory:** A subordinate building or structure that is physically attached or detached from a principal building on the same parcel, the use of which is clearly incidental to the principal building/use, including, but not limited to, garages, sheds, carports, and utility buildings.
22. **Building Height:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge, gable, hip, and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



## Building Height

H = Height of Building

23. **Building, Principal:** Is a building in which is conducted the main use of the lot on which it is situated.
24. **Building Line:** Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds eight feet in width and projects more than two feet beyond the foundation, the face of such projection shall form said building line. For the purposes of this Ordinance, a building line is the same as a front setback line.
25. **Catering Facility:** A business where food is prepared at the business address and transported for serving off-site locations.

26. **Child Day Care Facilities:**

- A. **Child Day Care Centers:** A facility, other than a private residence, receiving more than one (1) child for care and supervision for periods less than twenty-four (24) hours, and where parents or guardians are not immediately available to the child.
- B. **Child Family Day Care Home:** A private home in which at least one (1) but not greater than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- C. **Child Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

27. **Commercial Kennel and Boarding Facility:** A premises on which three (3) or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, with overnight boarding, either for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provision for minor medical treatment. Includes animal shelters and pet daycare facilities.

28. **Commercial Vehicle:** Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name, or other business identification (except "for sale" signs if otherwise permitted in this Ordinance), or which has attached to it, carries or transports, people, material, or equipment used in the conduct of any business including taxi cabs and limousines. Commercial vehicles include but are not limited to:

- A. Truck tractor.
- B. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit, or similar vending supply or deliver trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors.
- D. Tow trucks.
- E. Commercial hauling trucks.
- F. Vehicle repair service trucks.
- G. Snow plowing trucks.

29. **Club:** An organization of people for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

30. **Community Recreation Centers and Private Noncommercial Recreational Areas:** A facility that is used for recreational or community activities. Community recreation centers and private noncommercial recreational areas can also include swimming pools.

31. **Compostables:** means leaves, grass clippings, brush, woodchips, tree limbs under two inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a Special Land Use Approval.

32. **Contractor's Office:** Office space utilized by a contractor or general tradesperson to conduct the administrative operations associated with their business, but shall not include outdoor storage of materials, equipment, and/or construction vehicles unless otherwise permitted in the zoning district.

33. **Day Care Home:** Refer to "Child Day Care Facilities."

34. **Distillery:** An establishment that manufactures not more than 60,000 gallons of spirits annually. A distillery may include retail sales and a restaurant, bar, or tap-room where permitted in the zoning district.

35. **District:** Is 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 Ordinance.
36. **Drive-In:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved rather than within a building or structure.
37. **Drive-Through Facilities:** A business (such as a bank or restaurant) that is designed with an element where customers can be served while remaining in their cars.
38. **Dwelling:** A building, or part of a building, designed or primarily used for human habitation containing permanent facilities for living, sleeping, cooking, and sanitation, by one family.
  - A. **Duplex/Two-Family Dwelling:** A residential structure designed with two dwelling units, for or occupied by two families, with separate living, sleeping, cooking, and sanitation facilities for each dwelling unit.
  - B. **Live/Work Unit:** A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio with a dwelling unit on the upper floors.
  - C. **Multi-Family:** A building containing five (5) or more dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and often called apartments, lofts, condominiums, or stacked flats. For the sake of this Zoning Ordinance, Multi-Family buildings do not include duplexes, multiplexes, townhomes, mixed-use buildings or upper story residential.
  - D. **Multiplex Dwelling:** A residential structure containing three or four dwelling units that may have the appearance of one house from the street.
  - E. **One-Family Detached:** One dwelling unit, accommodating only one family, that is within a separate building and having open areas on all sides.
  - F. **Townhouse:** A building where the dwelling units are joined side-by-side and separated by shared walls. Each dwelling unit has independent access to the frontage and may have small yards.
39. **Elevation:** The appearance of any exterior wall of a building as viewed from the exterior.
40. **Erect.** To build, construct, attach, hang, place, suspend, affix, paint or alter.
41. **Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.
42. **Essential Public Utility Services:** Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; or wireless cellular or personal communications service (PCS) telecommunications antenna towers.
43. **Façade:** Any building elevation that is located along street frontage.
44. **Family:**
  - A. One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit, i.e., biological family.
  - B. Any collective number of individuals living together in one house, whose relationship is of permanent and distinct domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature, i.e., functional family.
45. **Fence:** a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter.
  - A. **Ornamental Fence** shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences

shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

B. **Partition Fence** shall mean a fence located along the line dividing two lots or parcels of land whether subject to an easement or not.

C. **Privacy Fence** shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way.

46. **Financial Institution:** Any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution. Examples include, but are not limited to, banks, savings and loan office, credit unions, mortgage or loan companies, and stock brokers, including branch offices and automated teller machines.

47. **Firearm Retail Sales:** The sale, transfer, lease, offer or advertising for sale or lease of a firearm, which includes a gun, pistol, revolver, rifle or any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

48. **Fleet and Recreational Vehicle Storage Yard:** A facility, typically including outdoor storage areas, dedicated towards the long-term and/or overnight storage of delivery or service vehicles owned by a commercial establishment, or the long-term storage of personal recreational vehicles, including but not limited to boats, boat trailers, utility trailers, motorized homes, and camper trailers.

49. **Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and measured from the exterior faces of the exterior walls.

50. **Floor Area, Usable:** The gross floor area, minus the area used for or intended be used for storage, hallways, vestibules, elevators, stairs, mechanical equipment, sanitary facilities, or utilities.

51. **Foster Care Facility:** A residential care facility licensed by the State of Michigan under PA 287 of 1972 as amended, or PA 116 of 1973, as amended, which provides resident care services for twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

A. **Foster Care Family Home:** A state licensed foster care facility providing resident services to six (6) or fewer persons.

B. **Foster Care Group Home:** A state licensed residential facility providing resident services to more than six (6) persons.

52. **Funeral Home:** An establishment engaged in undertaking services such as preparing the human dead for burial or cremation, and arranging, managing, and hosting funeral services.

53. **Garage, Private:** An accessory building used for parking or storage of motor vehicles, but not for commercial servicing or repair.

54. **Garden Center:** A retail facility that sells plants and related products for the domestic garden as its primary business. Plant stock is typically propagated elsewhere, such as by specialist nurseries or wholesalers.

55. **Gasoline/Recharging Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels or use of vehicle charging equipment directly to the users of motor vehicles, and also including the accessory sale of minor accessories.

56. **General Retail:** Business that sells retail goods, including but not limited to groceries, meats, dairy products, baked goods or other foods, dry goods, used goods, and hardware. General Retail does not include Tobacco/ Smoke Shops, as defined in this Ordinance.

57. **General Retail, Small to Mid-Format:** A general retail building of 30,000 square feet or less that is most commonly associated with one or more smaller retail tenants.

58. **General Retail, Large Format:** A general retail building of greater than 30,000 square feet that is most commonly associated with one or more larger commercial tenants. A large-format general retail building may have several commercial uses in the building or have in-line retail.

59. **Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.

60. **Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

61. **Health Club:** Refer to "Recreational Business".

62. **Heavy Industrial and Manufacturing:** A use characterized by manufacturing, mining, or compounding processes of raw materials that often involves outdoor operations as part of the process.

63. **Home Improvement Center:** A retail facility engaged in the retail sale of various building supplies, such as tools, lumber, hardware, paint, household appliances, garden supplies, landscaping equipment, and similar items.

64. **Home Improvement Center, Small to Mid-Format:** A Home Improvement Center of 30,000 square feet or less.

65. **Home Improvement Center, Large Format:** A Home Improvement Center of greater than 30,000 square feet.

66. **Home Occupation:** A business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of this Zoning Ordinance.

A. **Home Occupation, Major:** A home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home. Examples of major home occupations include, but are not limited to, offices and storage for small landscaping or contracting businesses, medical and dental offices, hair or makeup stylists, and organized classes with up to six (6) students at a time.

B. **Home Occupation, Minor:** A home occupation that is wholly contained within the main residential structure, is not generally evident to the surrounding area, and as a maximum of one (1) non-resident employee. Examples of minor home occupations include, but are not limited to, administrative and technical office facilities (excluding medical or dental offices), preparation of food or food products to be sold or served off site, artists, craftsmen and sculptors, tailoring and sewing, and individual tutoring or instruction.

67. **Hospital:** A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospitals may include 24-hour emergency care services.

68. **Hotels and Lodging Facilities:** A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels and lodging facilities may include a high level of guest services and amenities such as pools, restaurants, fitness centers, and similar features as accessory uses.

69. **Incubator Kitchen:** An establishment that rents or otherwise makes available commercial-grade kitchen space for the primary purpose of food preparation, including menu planning, training, taste testing, product development, or any other food-related purpose.

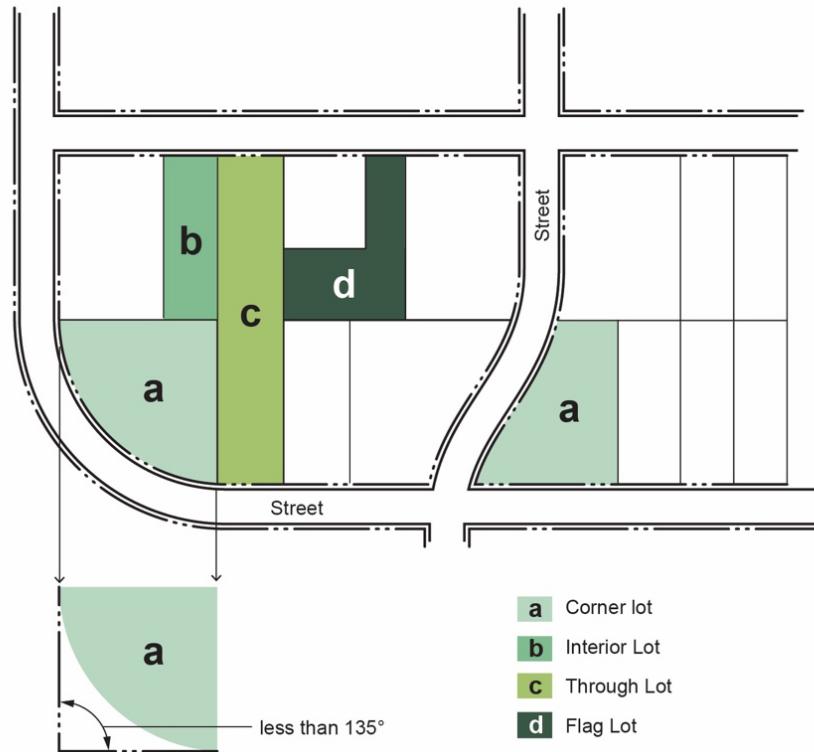
70. **Incubator Workspaces:** A facility that provides start-up or emerging businesses with shared office or industrial equipment, support, and business development services, such as management and marketing assistance, for a limited period of time.

71. **Indoor Shooting Range (Firearms and Archery):** A specialized indoor facility specifically for firearm and archery usage qualifications, training, practice or competitions.

72. **Industrial Tool and Equipment Sales and Rental:** A business establishment specializing in the sale and rental of tools, small equipment and machinery, but shall not include outdoor storage of materials, equipment, and/or construction vehicles unless otherwise permitted in the zoning district.

73. **Institution of Higher Learning:** A post-secondary educational institution, such as a university or college, which grants associate, bachelor, master, or doctoral degrees.

74. **Junk, Tow or Salvage Yard:** Is an open 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 includes any area used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
75. **Light Industrial and Manufacturing:** The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from adjacent properties.
76. **Loading Space:** An off-street space on the same lot with a building, or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
77. **Loft Dwelling:** A dwelling unit that was converted to residential use from a commercial, manufacturing, or warehouse use.
78. **Lot:** Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. For the purposes of this Ordinance, lot and parcel are used interchangeably.
79. **Lot, Corner:** A lot where the interior angle of two adjacent sides as the intersection of the 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 Ordinance 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.
80. **Lot, Flag:** A lot of shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.
81. **Lot, Interior:** Any lot other than a corner lot.
82. **Lot, Through:** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.



## Corner, Interior, and Through Lots

83. **Lot Area:** The total horizontal area within the lot lines of the lot.
84. **Lot Coverage:** The part or percent of the lot occupied by roofed buildings, including accessory buildings.
85. **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
86. **Lot of Record:** Is 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 City or County Officials, and which exists as so shown or any part of such parcel held in record ownership separate from that of the remainder thereof.
87. **Lot Lines:** The lines bounding a lot as defined herein.
  - A. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, that line separating said lot from that street which is designated as the front street in the plat or in an application for a building permit or zoning approval.
  - B. **Rear Lot Line:** The 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.
  - C. **Side Lot Line:** Any lot lines other than the front lot line or rear lot line.
    - (1) **Exterior lot line or side street lot line:** A side lot line separating a lot from a street.
    - (2) **Interior lot line:** A side lot line separating a lot from another lot or lots.

88. **Lot Width:** The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines.
89. **Lumber Yard:** A retail operation, typically including an outdoor component, dedicated to the retail and wholesale of wood.
90. **Major Thoroughfare:** Is an arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. For purposes of this Ordinance, major thoroughfares shall be considered to be section line roads and roads of 120 feet right-of-way or more.
91. **Marquee.** See "Awning/ Canopy".
92. **Manufactured Home:** A structure manufactured off-site and designed for use as a dwelling unit which is transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation. The term does not include modular homes, travel trailers, or recreational vehicles, as defined elsewhere in the Madison Heights Code of Ordinances. Manufactured homes are regulated by the State of Michigan and are subject to the rules of the Michigan Manufactured Housing Commission.
93. **Manufactured Housing Park:** A parcel of land designed for the placement of manufactured homes for residential use.
94. **Manufacturing:** An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resin, etc.
95. **Massage Therapist, Licensed:** An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.
96. **Massage Therapy:** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupressure, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.  
  
Massage therapy does not include the following: (1) Persons duly licensed by the State of Michigan to practice medicine, surgery, osteopathy, chiropractic, physical therapy, nursing, or podiatry; and (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.
97. **Massage Therapy Facility, Licensed:** A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.
98. **Massage Therapy Facility, Unlicensed:** A place of business in which massage therapy is practiced by employees that are not licensed massage therapists, as defined herein.
99. **Master Plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the City of Madison Heights, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the city council.
100. **Medical Office:** Any outpatient facility, physician's office, or facility for medical, dental, or psychiatric diagnosis and treatment utilized by a Health Professional. Medical offices also encompass medical laboratories. Medical offices do not include hospitals.
101. **Medical Supply Store:** Establishment selling items for medical use that are suitable for use in a health care facility or in the home and that are disposable or semi-disposable and are non-reusable. For the purposes of this Ordinance, medical supply stores are classified as general retail.

102. **Metal Plating, Buffing, and Polishing:** Premises on which metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodized, colored, or otherwise coated or finished.
103. **Microbrewery:** A brewery that produces less than 30,000 barrels of beer or ale per year, as allowed by state law. A microbrewery may include retail sales and a restaurant, bar, or tap-room where permitted in the zoning district.
104. **Mixed-Use Developments:** A building or structure used, designed or intended for use for both residential and non-residential uses.
105. **Mobile Food Court:** A private property which has been approved under the provisions of this Ordinance for the operation of one or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.
106. **Mobile Food Site:** A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.
107. **Mobile Food Vehicle:** A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream trucks).
108. **Mobile Food Vendor:** An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.
109. **Modular Home:** A dwelling unit which consists of prefabricated or factory-built modules which are transported to the site and assembled for permanent location on a residential parcel. A modular home shall be all codes and regulations applicable to conventional single-family home construction.
110. **Natural Areas:** Areas that contain ecological, geological, or other features of scientific, scenic, or natural history value. Including related display or educational facilities, field trails for nature study and hiking as well as other uses normally associated with nature areas.
111. **Noncombustible Material:** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
112. **Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional regulations of this Ordinance.
113. **Nonconforming Lot:** Any lot, which, prior to the time of the adoption of this Ordinance, was in existence and in conformance with the provisions of all applicable laws, ordinances, regulations, and other restrictions, but which does not conform to the provisions of this Ordinance.
114. **Nonconforming Use:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.
115. **Open Air Business:** A business establishment, other than a drive-in or gasoline service station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.
116. **Outdoor Storage and Display:** The keeping of goods, materials, or equipment outside of a Building for display or for sale. The definition of outdoor storage and display does not include the outdoor storage or display of vehicles for sale or lease.
117. **Painting, Varnishing, and Undercoating Shops:** Establishments engaged in the painting, varnishing, and undercoating of motor vehicles.
118. **Parking Space:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
119. **Party Wall:** A wall on a property boundary, constructed without openings, as a common support to structures or parts of structures on both sides for the common benefit of both.

120. **Personal Service Establishment:** An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, tattoo/body art shops, licensed massage therapy facilities, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, millinery, and tailor and dressmaker shops.

121. **Pharmacy:** A drug store in which drugs and medicines are sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

122. **Planning and Zoning Administrator:** The Planning and Zoning Administrator of the City of Madison Heights, with duties as defined in this Ordinance, or his/her authorized representative.

123. **Portable On-Site Storage Unit (PODS):** An enclosed unit of durable construction or material, typically eight feet in width by eight feet in height, and not exceeding 16 feet in length, designed for temporary storage, which are transported by truck and left on site or are filled and removed and stored at a central location. May be known by the name PODS (Portable On Demand Storage Units).

124. **Principal Frontage:** The lot line, of any lot in question, in common with the right-of way line along the public thoroughfare that represents the street of address for that lot.

125. **Principal structure:** A structure or building wherein a use for which the district is designated is conducted and/or which is used for occupancy.

126. **Professional Office:** A commercial use for the provision of services to customers or for administrative duties to an organization or business. The term professional office does not include medical offices, government/public offices, financial institutions, research and development facilities, nor buildings dedicated to educational purposes.

127. **Public Utility:** Is any person, firm or corporation, 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.

128. **Planned Unit Development (PUD):** A zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Council, and documented in a PUD agreement between the City and site owner/developer, in accordance with the provisions of this Zoning Ordinance. Planned Unit Developments shall address needs in the City that could not otherwise be addressed in other conventional zoning districts and shall achieve compatibility with the Master Plan and surrounding land uses.

129. **Recreational Business, Indoor:** an indoor facility for leisure, exercise, and/or entertainment, such as but not limited to: bowling alleys, skating rinks, billiard halls, indoor health and fitness centers, dance and martial arts and sports studios, climbing gyms, and other indoor recreational facilities

130. **Recreational Business, Outdoor:** An outdoor facility for leisure, exercise and/or entertainment. Examples include golf courses, private nature preserves, skateboarding parks, water parks, go-karts, batting cages, driving ranges, and private sports facilities. Outdoor theaters shall be included in the definition of outdoor recreational businesses.

131. **Recycling Drop-Off Center:** means a site containing one or more self-contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

132. **Recyclable Materials:** means high grade paper, glass, plastic, newspaper, corrugated paper, and other materials as may be specified in conditions established as part of a Special Land Use Approval.

133. **Recycling Processing Facility:** means a facility designed and used for the collection, sorting, processing, and temporary storage of recyclable materials; and the redistribution of processed materials to off-site locations for re-use. As used herein, processing means changing the physical or chemical character by separation, treatment or other means, so as to make it re-usable as a resource.

134. **Recycling Transfer Facility:** means a structure used for the transfer of recyclable materials from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected recyclables.

135. **Religious Institution:** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, including, as an accessory use, child care, dining and assembly areas, and educational facilities. Accessory child care and educational facilities shall be conducted by the religious organization, where children are in attendance for not greater than four (4) hours per day while persons responsible for the children are attending religious classes or services.

136. **Regulated Use:** A use which has serious objectionable operational characteristics, as explicitly listed and further defined in [Section 5.03](#) of this Zoning Ordinance.

137. **Research, Development, and Testing Facilities:** Research, developing, and testing related to such fields as chemical, pharmaceutical, medical, bio-medical, liquid, telecommunication, software, electrical, transportation, and engineering.

138. **Restaurant:** An 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 fast-food restaurant, sit-down restaurant, bar/lounge, or combination thereof, as defined below:

- Restaurant, Fast Food:** A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and in which the patron consumes while seated in the restaurant or off the premises. Fast food restaurants may include drive-through and take-out establishments.
- Restaurant, Sit-Down:** A business establishment in which a patron purchases food or beverages, which is then prepared after the patron's order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.
- Bar/ Lounge:** An establishment which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks.

139. **Secondary Frontage:** Any lot line, of any lot in question, in common with any right-of-way line along any public thoroughfare that does not represent the street of address for that lot.

140. **Self-Storage Facility:** A building or group of buildings containing fully enclosed, compartmentalized units or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office, and/or local commercial activities.

141. **Senior Housing, Assisted:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

142. **Senior Housing, Independent:** Housing for the elderly that includes attached or detached cottage-type dwellings, townhouses, or apartments. Apartments, or congregate living arrangements, may feature common service areas accessory to the dwelling units, including, but not limited to, central dining areas, recreational rooms, and central lounges.

143. **Setback:** The distance required to obtain front, side, or rear yard open space provisions of this Ordinance. See definition for "Yard".

144. **Sight-Obscuring:** Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four inches in width) equals or exceeds the width of said boards, slats, etc., measured at 90-degree angles.

145. **Sign:** Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state, or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this Ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

- Abandoned Sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted.

- B. **Awning/Canopy Sign.** A sign painted or attached to the surface of an awning or canopy. An awning/canopy sign may be attached flush to an awning/canopy, attached above, or suspended below an awning/canopy. Awning/Canopy signs shall include marquee signs.
- C. **Bench Sign:** A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.
- D. **Billboard:** A freestanding sign, whether utilized as a principal use of the property or as a secondary use, which exceeds 100 square feet in area.
- E. **Decorative Post Signs:** A low-profile freestanding sign mounted on two poles at the outermost sides of the sign face.
- F. **Ground Sign:** A freestanding sign supported by one or more uprights, braces, poles, or pylons, located in or upon the ground and not attached to any building. Ground signs comprise of monument signs and decorative post signs.
- G. **Marquee Sign:** See awning/canopy sign.
- H. **Monument Sign:** Freestanding sign mounted to the ground that does not have any exposed poles or pylons.
- I. **Mural Sign:** Refer to "Wall Sign, Painted"
- J. **Portable Sign:** Any sign not permanently attached to the ground or a building.
- K. **Projecting Sign:** A sign other than an awning/ canopy sign which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.
- L. **Pylon Sign:** Freestanding outdoor sign with either one or two poles for support.
- M. **Roof Sign:** A sign which is erected, constructed, painted, placed, or maintained on any portion or surface of the roof of a structure. Awning/Canopy signs that project above an awning or canopy shall not be considered roof signs. A sign attached to a mansard roof is counted as a wall sign, not a roof sign.
- N. **Temporary Sign:** A free-standing sign, banner, or other device, constructed of cloth, canvas, fabric, plastic, wood, paper, or other material, with or without a structural frame, or any other sign intended for a limited period of display.
- O. **Wall Sign:** A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be attached to the building wall or structure. A sign attached to a mansard roof is counted as a wall sign, not a roof sign.
- P. **Wall Sign, Painted:** A type of wall sign consisting of painted graphics or any other images that are painted directly on the surface of a wall.
- Q. **Window Sign:** A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.
- R. **Yard Sign.** A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground.

146. **Sign Erector:** Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.

147. **Site Condominium:** A development in compliance with the Condominium Act containing or designed to contain structures or other improvements and in which co-owner owns exclusive rights to an area of land on which a structure or structures may be constructed as a site condominium unit.



Monument Sign



Projecting Sign



Wall Sign



Window Sign

148. **Site Condominium Unit:** A specific area of land, described in a master deed and established in compliance with the Condominium Act, which is under private ownership and is part of a larger development connected by other site condominium units, limited common elements, and general common elements.

149. **Smoke Lounge:** An establishment that is dedicated, in part or in whole, to selling tobacco and providing an area for the recreational smoking of tobacco products, including, but not limited to, cigar lounges, tobacco bars, and hookah lounges.

150. **Source Separated:** means recyclable materials that are separated at the source of generation.

151. **Special Land Use:** A use that would be detrimental to other uses permitted in the same zoning district and/or adjacent properties and/or adjacent transportation networks unless carefully controlled as to number, area, size, exterior design, and location or relation to adjacent properties and to the neighborhood.

152. **Split-Zoned Parcel:** An individual parcel of land that is geographically divided into more than one underlying zoning district (not including overlay zoning districts).

153. **Story:** Is the part of a building 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 story thus defined shall not be counted as a story when more than 50 percent by cubic content is below the height level of the adjoining ground.

154. **Story, Half:** Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet six inches.

155. **Street:** Is a public or private road including, but not limited to, public and private roads that are dedicated or platted, or private access easements; all measurements with reference to which shall commence at the right-of-way line.

156. **Structure:** Anything constructed or erected and designed for a permanent location on the ground, except screening and retaining walls and pavement.

157. **Structural Amenity:** A non-plant element such as outdoor art, paintings, sculpture fountains and similar water features, benches, arbors, doghouses, playsets, library boxes, and similar amenities as determined by the Planning and Zoning Administrator, and which meets the requirements of [Section 8.01\(7\)](#).

158. **Tattoo/Body Art Shops:** A business property licensed by the State of Michigan involving body tattoos, piercings, and similar activities. Tattoo/body art shops shall be included in the definition of Personal Service Establishments, as defined herein.

159. **Temporary Building or Use:** Is a structure or use permitted by the city council to exist during periods of construction of the main building or use, or for special events.

160. **Theater:** A building or room for the presentation of live performances, including dramatic, dance, or musical, or for the presentation of motion pictures.

161. **Tobacco/ Smoke Shop:** A store primarily selling tobacco products and smoking equipment. General retail establishments, including grocery stores, convenience stores, or markets that include tobacco sales as an ancillary use are not included in the definition of a tobacco/smoke shop.

162. **Trailer Coach (Mobile Home):** Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

163. **Trailer Court:** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

164. **Trucking Facilities:** An establishment where trucks and/or transports are stored, rented, leased, kept for hire, or parked for a fee or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.

165. **Tutoring and Instructional Service:** A professional service, other than a school, that offers tutoring or training/instructional services in one-on-one and/or group settings. Examples include, but are not limited to, educational tutoring centers and vocal or musical instruction.

166. **Use:** Is the purpose for which land or a building is designed, arranged, or intended, or for which land or a building is or may be occupied.

167. **Use, Accessory:** Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

168. **Use, Principal:** Is the main use to which the premises are devoted and the principal purpose for which the premises exist.

169. **Use, Temporary:** A use that is established for a fixed period of time, with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

170. **Variance:** A modification to the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals in compliance with the provisions of this Zoning Ordinance, where strict enforcement would cause undue hardship and/or practical difficulty owing to circumstances unique to the individual property for which the variance is granted. A variance is not justified unless it can be shown that compliance with the Zoning Ordinance would create an undue hardship and/or practical difficulty due to unique circumstances applying to the property.

171. **Veterinarian Clinic:** An establishment providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds.

172. **Visible Light Transmission (VLT):** The amount of light that is or will be allowed to pass through a specified sheet of glass, from one side to the other, that has, in turn, not been blocked by the tinting of that glass pane, the addition of reflective material on any surface, or the inherent composition of that glass material. Synonym: Transparency.

173. **Wall:** A completely obscuring structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

174. **Warehousing:** The storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption.

175. **Wholesale Establishments:** Business establishments that generally sell commodities and material in large quantities to customers, retailers, other wholesale establishments, or manufacturing establishments. Commodities may be sold for resale, for use in the fabrication of a product, or for use by a business service.

176. **Winery:** A licensed establishment that manufactures and sells at that establishment wine pursuant and subject to the requirements established by the State of Michigan. A winery may include retail sales and a restaurant or bar where permitted in the zoning district.

177. **Wireless Communication Facilities:** The following definitions are related to wireless communication facilities:

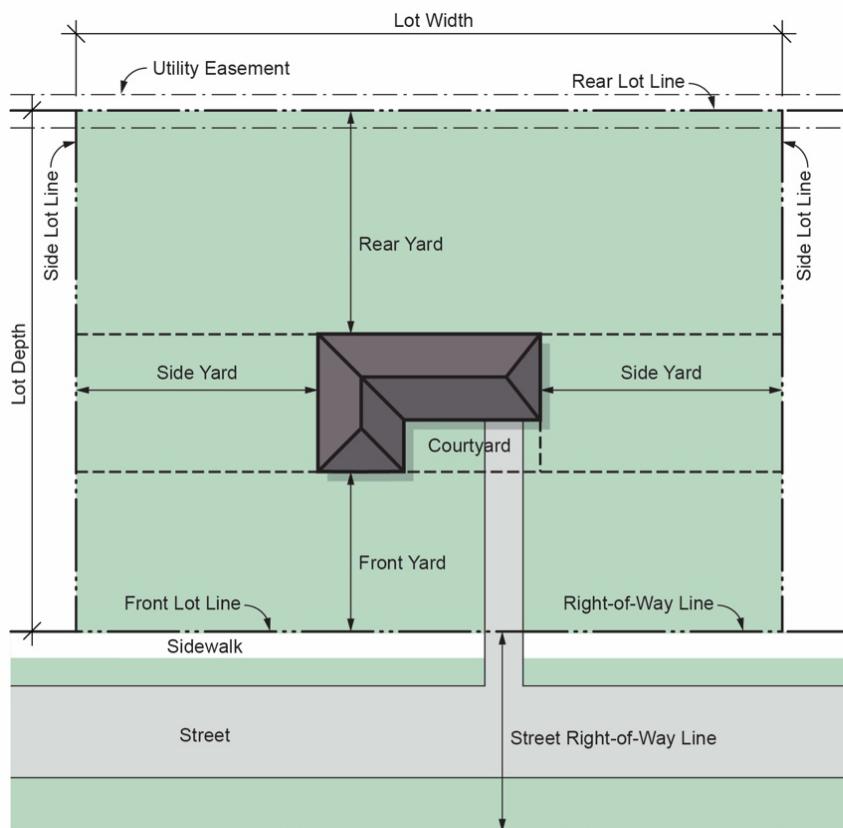
- A. "Alternative tower structure" means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- C. "Height" means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- D. "Pre-existing towers and pre-existing antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance codified in this title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- E. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

178. **Yard Waste Transfer Facility:** means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

179. **Yard Waste Composting Facility:** means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than 24 hours.

180. **Yards:** Is an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with an existing or proposed building, group of buildings, or structure, which open space lies in the area between the building, group of buildings, or structure and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, or defined below:

- Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or street and the nearest point of the closest structure. Where the lot does not abut a public or private street and is served by a private easement, the front lot line shall be the lot line abutting the easement.
- Rear Yard:** Is 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 nearest line of the main building.
- Side Yard:** Is 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 of the side lot line to the nearest point of the main building.
- Street Side Yard:** Is an open space between a main building and the side lot line that is adjacent to a street.



## Yard Terms – Interior Lot

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# Article 3. Zoning Districts and Map

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## Section 3.01 Districts.

For the purpose of this Ordinance, the City of Madison Heights is hereby divided into the following categories of zoning districts:

1. **Residential Zoning Districts**
  - A. R-1 One Family Residential District
  - B. R-2 One Family Residential District
  - C. R-3 One Family Residential District
  - D. R-MN Residential – Mixed Neighborhood District
  - E. R-MF Residential – Multi-Family District
  - F. H-M Manufactured Homes District
2. **Non-Residential Zoning Districts**
  - A. O-1 Office Building District
  - B. B-1 Neighborhood Business District
  - C. B-2 Community Business District
  - D. B-3 Regional Business District
  - E. M-1 Light Industrial District
  - F. M-2 Heavy Industrial District
  - G. N-P Natural Preservation and Recreation District
3. **Mixed-Use Districts**
  - A. MUI-1 Mixed Use Innovation
  - B. MUI-2 Mixed Use Innovation District
  - C. CC - City Center (See Section 6.02)

## **Section 3.02      Boundaries.**

The boundaries of these districts are hereby established as shown on the Zoning Map which accompanies this Zoning Ordinance and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

1. Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads, or such lines extended, and the limits of the City of Madison Heights.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the planning commission.

## **Section 3.03      Zoning of Vacated Areas**

Whenever any street, alley or other public way within the City of Madison Heights shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches. Where the vacated area does not attach to an existing property, the area shall automatically be classified as an R-1 District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

## **Section 3.04      Zoning of Annexed areas**

Any area annexed to the City of Madison Heights shall immediately upon such annexation, be automatically classified as an R-1 District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

## **Section 3.05      Split-Zoned Parcels**

1. The zoning map may not be amended to divide a single lot into two or more base zoning districts. However, a portion of a single lot may be zoned as N-P, Natural Preservation, solely for the protection of unique natural features or the preservation of natural buffers between incompatible uses and/or zoning districts, subject to the recording of a conservation easement. The minimum depth of all such N-P-zoned areas shall be twenty (20) feet. Overlay zoning districts may be fully or partially applied to a single parcel.
2. Notwithstanding the N-P, Natural Preservation district, the split-zoning of any newly created parcel (via combination, lot line adjustment, or division) is prohibited.
3. Where a single parcel in existence at the date of adoption of this Zoning Ordinance is split into two or more base zoning districts, the following options apply, at the owner's option:
  - A. Each of the separately-zoned areas on the parcel may be treated as a separate zoning lot and developed in accordance with their respective zoning district regulations. However, no setbacks or buffers are required between such zoning districts on a single parcel; or
  - B. The zoning district with the more restrictive provisions pertaining to use, as determined by the Planning and Zoning Administrator, may be applied to the entire parcel; or
  - C. When one zoning district applies to at least 75% of the total parcel area, and the other zoning district occupies no more than 5,000 square feet of the total parcel area, the regulations of the zoning district occupying the larger portion of the parcel may be applied to the entire parcel.

## Section 3.06 Permitted Use Table

Uses not listed in a particular Zoning District but permitted elsewhere in the Zoning Ordinance shall be considered prohibited in that Zoning District. However, the Planning and Zoning Administrator or their designee may determine that a use which is not specifically mentioned in this Ordinance is comparable to a permitted or prohibited use in any district, either by right or as a Special Land Use. The Planning and Zoning Administrator may refer a use interpretation to the Zoning Board of Appeals.

The City Center Zoning District is regulated in [City Center District, Section 6.02](#)

### Key:

**P** = Principal Uses Permitted By-Right

**S** = Uses Permitted on Special Land Use Approval

**A** = Permitted as an Accessory Use

**P/S** = May be Permitted By-Right or as a Special Land Use. Refer to use-specific standards

**A+S** = Permitted as an Accessory Use upon Special Land Use Approval

**[blank]** = Not Permitted

\* = Refer to City Center, [Section 6.02](#), for additional use matrix based on building type.

† = Only permitted in Primary Caregiver Marihuana Grow Overlay District, [Section 5.01](#)

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
<b>Residential Uses</b>																	
Accessory Dwelling Unit	A	A	A	A	A												<a href="#">7.03(1)</a>
Detached One-Family Dwelling	P	P	P	P	P												S <a href="#">7.03(10)</a>
Townhomes, Attached One-Family Dwellings				P	P						P	P					<a href="#">7.03(45)</a>
Duplexes				P	P												<a href="#">7.03(12)</a>
Multiplexes				P	P												<a href="#">7.03(29)</a>
Multi-Family Dwellings				P						P*		P					<a href="#">7.03(30)</a>
Residential/Commercial Mixed-Use						P	P	P	P*	P	P						<a href="#">7.02(2)</a>
Live/Work			S	S		P				P	P						<a href="#">7.03(23)</a>
Manufactured Homes													P				<a href="#">3.12</a>
Senior Housing, Assisted				S	S							S					<a href="#">7.03(41)</a>
Senior Housing, Independent				P					P*		P						<a href="#">7.03(42)</a>
Child Family Day Care Homes	P	P	P	P	P					P	P				P		<a href="#">7.03(7)</a>
Child Group Day Care Homes	S	S	S	S	S					S	S			S			<a href="#">7.03(7)</a>
Foster Care Family Homes	P	P	P	P	P					P	P				P		<a href="#">7.03(14)</a>
Foster Care Group Homes	S	S	S	S	S					S	S				S		<a href="#">7.03(14)</a>
<b>Commercial Uses</b>																	
Artist Studio						P	P	P	P*	P	P	P	P	P	P		
Auto Repair and Service (Minor)							S	P		S			S	S			<a href="#">7.03(2)</a>
Auto Repair and Service (Major)							S	S		S			S	S			<a href="#">7.03(2)</a>
Auto Sales (New and Used) and Rental							S	S		S	S	P/S	P/S				<a href="#">7.03(3)</a>
Auto Wash								S									<a href="#">7.03(4)</a>
Banquet/Assembly/Meeting Halls (less than 75 persons)						S	S	P	P	P/S*	P	P	P	P			<a href="#">7.03(5)</a>
Banquet/Assembly/Meeting Halls (greater than 75 persons)							P	P	P/S*	S	P						<a href="#">7.03(5)</a>
Bars and Taprooms						S	P	P	P/S*	P	P	P	P	P			
Business or Trade Schools						P	S	P	P	P*	S	P	P	P			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	NP	Use Standards (Section No.)
Child/Adult Day Care Center and Preschools	S	S	S	S	S	P	P	P	P	P*	S	P					<a href="#">7.03(6)</a>
Commercial Kennels and Boarding Facilities								S	S			S	S	S			<a href="#">7.03(8)</a>
Drive-Through Facilities						A+S	A+S	A	A		A+S	A					<a href="#">7.03(11)</a>
Financial Institutions						P	P	P	P	P*	P	P	P	P			
Firearm Retail Sales								P	P					A	A		<a href="#">7.03(13)</a>
Funeral Homes						S		S	S			S					<a href="#">7.03(15)</a>
Gasoline/Recharging Stations								S	S								<a href="#">7.03(16)</a>
General Retail, Small to Mid-Format (up to 30,000 sq. ft.)								P	P	P	P*	P	P				
General Retail, Large Format (>30,000 sq. ft.)									P	P		S	S				
Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.)								P	P	P	P/S*	P	P	S	S		<a href="#">7.03(17)</a>
Home Improvement Centers and Garden Centers, Large Format (>30,000 sq. ft.)									P	P		S	S	S	S		<a href="#">7.03(17)</a>
Hotels and Lodging Facilities								S	P	P/S*	S	P					<a href="#">7.03(20)</a>
Incubator Kitchen or Catering Facility						S	P	P	P	P*	P	P	P	P	P		
Indoor Recreational Business							P/S	P	P	P/S*	P/S	P/S	P/S	P	P		<a href="#">7.03(21)</a>
Indoor Shooting Range								S					S	S			<a href="#">7.03(22)</a>
Medical Office						P	P	P	P	P*	P	P					
Microbreweries, Wineries and Distilleries							S	P	P	P*	P	P	P	P	P		
Mobile Food Court (Principal Use)										S*	S	S					<a href="#">7.03(27)</a>
Mobile Food Site (Accessory Use)										A*	A	A					<a href="#">7.03(28)</a>
Outdoor Dining and Seating						A	A	A	A	A*	A	A	A	A	A		<a href="#">7.03(31)</a>
Outdoor Recreational Business								S	S			S					<a href="#">7.03(32)</a>
Outdoor Sales and Display						A+S	A+S	A	A	A*	A	A	A	A	A		<a href="#">7.03(33)</a>

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Personal Service Establishments						P	P	P	P	P*	P	P					
Pharmacy						P	P	P	P	P*	P	P					
Professional Office						P	P	P	P	P*	P	P	P	P			
Restaurant						P	P	P	P	P*	P	P	P	P			
Self-Storage Facility										S			S	S			<u>7.03(40)</u>
Tutoring and Instructional Services						P	P	P	P	P*	P	P					
Tobacco/Smoke Shop or Smoke Lounge									P	P	S*	S	P				<u>7.03(44)</u>
Theater							S	P	P	P*	P	P					
Veterinary Clinic or Animal Grooming						S	S	P	P	P*	P	P					<u>7.03(46)</u>
Industrial Uses																	
Artisan Manufacturing/Makerspace										P*	P	P	P	P			
Contractor's Office						P	P	P	P	P*	P	P	P	P			<u>7.03(9)</u>
Light Industrial, Assembly, Repair and Manufacturing										P		P	P				
Heavy Industrial, Assembly, Repair and Manufacturing													P				
Lumber Yard													S	S			<u>7.03(17)</u>
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.													S	S			
Research, Development and Testing Facilities										S*	P		P	P			
General Warehouse and Distribution										P		P	P				
Wholesale Sales/Retail									P		S	S	S	S			
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution									P	P	S*	S	P	P	P		
Incubator Workspaces									P	P	P*	P	P	P	P		
Yard Waste Transfer and Composting Facilities														S			
Junk, Tow, or Salvage Yard														S			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	NP	Use Standards (Section No.)
Recycling Drop Off Centers													S	S			
Recycling Transfer and Processing Facilities														S			
<b>Public &amp; Quasi-Public Uses</b>																	
Hospital						S		S	S								<a href="#">7.03(19)</a>
Public Library, Museum, Art Center, Community Center	S	S	S	S	S	P	P	P	P	P*	P	P	P	P	S	S	
Government Office Building/Courthouse/Public Police and Fire Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Post Office						P	P	P	P	P	P*	P	P	P	P	P	
Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	S	S	S	S	S	S	S	S	P	P	P*	P	P	P	P	P	<a href="#">7.03(39)</a>
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	S	S	S	S	S				P	P	S*	S	P				<a href="#">7.03(39)</a>
K-12 Schools, Public or Private	S	S	S	S	S	P	S	S	S	S*	S	S					
Institutions of Higher Learning						P	S	P	P	S*	P	P					
Public Parks	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Cemetery	S	S															
Essential Public Utility Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
<b>Other Uses</b>																	
Accessory Buildings, Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<a href="#">8.03</a>
Temporary Buildings/Uses	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	<a href="#">7.03(43)</a>
Home Occupation, Minor	A	A	A	A	A					A*	A	A			A	A	<a href="#">7.03(18)</a>
Home Occupation, Major	A+S	A+S	A+S	A+S	A+S					A+S*	A+S	A+S			A+S	A+S	<a href="#">7.03(18)</a>
Parking as a Principal Use	S	S	S	S	S	S	S	S	S	S*	S	S	S	S	S	S	<a href="#">7.03(34)</a>
Regulated Uses								S	S								<a href="#">7.03(38)</a>
Wireless Communication Facilities																	Refer to <a href="#">Section 7.03(47)</a>
Medical Marihuana Caregiver											P <sup>+</sup>	P <sup>+</sup>	P <sup>+</sup>	P <sup>+</sup>			<a href="#">7.03(24)</a>
Medical Marihuana and Adult Use Marihuana Safety Compliance Facility						P					P	P	P	P			<a href="#">7.03(25)</a>

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Medical Marihuana and Adult Use Marihuana Facilities																	Refer to <a href="#">Section 7.03(26)</a>

## Section 3.07 R-1 One Family Residential District

PREAMBLE		
The R-1 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Detached One-Family Dwelling <a href="#">7.03(10)</a></li> <li>Essential Public Utility Services</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Public Parks</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> </ul>	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">Section 7.03(6)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>K-12 Schools, Public or Private</li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Accessory Dwelling Unit <a href="#">7.03(1)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	43,560 sq. ft.	Front Yard (ft.)	25 ft. <a href="#">(A)</a>
Min. Lot Width (ft.)	150 ft.	Side Yard (one) (ft.)	10 ft. <a href="#">(E)</a>
Max. Lot Coverage	25%	Side Yard (total of 2) (ft.)	25 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. <a href="#">(B)</a>
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	50 ft.
Max. Building Height (stories)	--		

**Footnotes:** Refer to [Section 4.01](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.08 R-2 One Family Residential District

PREAMBLE		
The R-2 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Detached One-Family Dwelling <a href="#">7.03(10)</a></li> <li>Essential Public Utility Services</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Public Parks</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> </ul>	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>K-12 Schools, Public or Private</li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Accessory Dwelling Unit <a href="#">7.03(1)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	7,200 sq. ft.	Front Yard (ft.)	25 ft. <a href="#">(A)</a>
Min. Lot Width (ft.)	60 ft.	Side Yard (one) (ft.)	5 ft. <a href="#">(E)</a>
Max. Lot Coverage	35%	Side Yard (total of 2) (ft.)	14 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. <a href="#">(B)</a>
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	30 ft.
Max. Building Height (stories)	--		

**Footnotes:** Refer to [Section 4.01](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.09 R-3 One Family Residential District

PREAMBLE		
The R-3 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Detached One-Family Dwelling <a href="#">7.03(10)</a></li> <li>Essential Public Utility Services</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Public Parks</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> </ul>	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>K-12 Schools, Public or Private</li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Accessory Dwelling Unit <a href="#">7.03(1)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	5,000 sq. ft.	Front Yard (ft.)	25 ft. <a href="#">(A)</a>
Min. Lot Width (ft.)	40 ft.	Side Yard (one) (ft.)	3 ft. <a href="#">(E)</a>
Max. Lot Coverage	40%	Side Yard (total of 2) (ft.)	12 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. <a href="#">(B)</a>
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	20 ft.
Max. Building Height (stories)	--		

Footnotes: Refer to [Section 4.01](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.10 R-MN Residential – Mixed Neighborhood District

### PREAMBLE

The residential mixed-neighborhood district is designed to promote a variety of housing opportunities including single family attached and detached, townhomes, and two, three and four-family dwelling structures and will serve as zones of transition between the higher density residential / nonresidential districts and lower density single-family districts. The R-MN district is further intended to allow for a residential density to support nearby business and the City Center district.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"><li>Child Family Day Care Homes <a href="#">7.03(7)</a></li><li>Detached One-Family Dwelling <a href="#">7.03(10)</a></li><li>Duplexes <a href="#">7.03(12)</a></li><li>Essential Public Utility Services</li><li>Foster Care Family Homes <a href="#">7.03(14)</a></li><li>Government Office Building/Courthouse/Public Police and Fire Services</li><li>Multiplexes <a href="#">7.03(29)</a></li><li>Public Parks</li><li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li><li>Townhomes, Attached One-Family Dwellings <a href="#">7.03(45)</a></li></ul>	<ul style="list-style-type: none"><li>Child Group Day Care Homes <a href="#">7.03(7)</a></li><li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li><li>Foster Care Group Homes <a href="#">7.03(14)</a></li><li>Home Occupation, Major <a href="#">7.03(18)</a></li><li>K-12 Schools, Public or Private</li><li>Live/Work <a href="#">7.03(23)</a></li><li>Parking as a Principal Use <a href="#">7.03(34)</a></li><li>Public Library, Museum, Art Center, Community Center</li><li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li><li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li></ul>	<ul style="list-style-type: none"><li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li><li>Accessory Dwelling Unit <a href="#">7.03(1)</a></li><li>Home Occupation, Major <a href="#">7.03(18)</a></li><li>Home Occupation, Minor <a href="#">7.03(18)</a></li></ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS (D)			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,000 sq. ft.	Front Yard (ft.)	25 ft. <a href="#">(A)</a>
Min. Lot Width (ft.)	40 ft.	Side Yard (one) (ft.)	3 ft. <a href="#">(E)</a>
Max. Lot Coverage	40%	Side Yard (total of 2) (ft.)	12 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. <a href="#">(B)</a>
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	20 ft.
Max. Building Height (stories)	--		

Footnotes: Refer to [Section 4.01](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.11 R-MF Residential – Multi-Family District

PREAMBLE		
The R-MF Multiple-Family Residential District is designed to provide sites for multiple-dwelling structures which will serve as zones of transition between the nonresidential districts and lower density single-family districts.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Detached One-Family Dwelling <a href="#">7.03(10)</a></li> <li>Duplexes <a href="#">7.03(12)</a></li> <li>Essential Public Utility Services</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Multi-Family Dwellings <a href="#">7.03(30)</a></li> <li>Multiplexes <a href="#">7.03(29)</a></li> <li>Post Office</li> <li>Public Parks</li> <li>Senior Housing, Independent <a href="#">7.03(42)</a></li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>Townhomes, Attached One-Family Dwellings <a href="#">7.03(45)</a></li> </ul>	<ul style="list-style-type: none"> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>K-12 Schools, Public or Private</li> <li>Live/Work <a href="#">7.03(23)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Senior Housing, Assisted <a href="#">7.03(41)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Accessory Dwelling Unit <a href="#">7.03(1)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS <a href="#">(D)(F)</a>			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	7,200 sq. ft.	Front Yard (ft.)	25 ft. <a href="#">(A)</a>
Min. Lot Width (ft.)	60 ft.	Side Yard (one) (ft.)	10 ft. <a href="#">(C)</a>
Max. Lot Coverage	45%	Side Yard (total of 2) (ft.)	20 ft. <a href="#">(C)</a>
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. <a href="#">(B)</a>
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	30 ft.
Max. Building Height (stories)	--		

**Footnotes:** Refer to [Section 4.01](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.12 H-M Manufactured Homes District

PREAMBLE		
The H-M Manufactured Homes District is designed to provide for the development of manufactured housing parks and to promote manufactured housing development consistent with the character of residential neighborhoods. All manufactured housing parks shall comply with applicable local, County and State regulations.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"><li>Essential Public Utility Services</li><li>Government Office Building/Courthouse/Public Police and Fire Services</li><li>Manufactured Homes</li><li>Public Parks</li><li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li></ul>	<ul style="list-style-type: none"><li>Home Occupation, Major <a href="#">7.03(18)</a></li><li>Parking as a Principal Use <a href="#">7.03(34)</a></li><li>Public Library, Museum, Art Center, Community Center</li></ul>	<ul style="list-style-type: none"><li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li><li>Home Occupation, Major <a href="#">7.03(18)</a></li><li>Home Occupation, Minor <a href="#">7.03(18)</a></li></ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

- Sale Provisions.** The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of manufactured home parks shall be prohibited. New or used manufactured homes located on lots within the manufactured home park to be used and occupied on the site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured home park provided the park's regulations permit the sale.
- Greenbelts and Landscaping.** The manufactured home park shall provide a greenbelt buffer separating the manufactured home park from adjacent property in accordance with [Section 11.04](#). Landscaping, including frontage and parking lot landscaping, shall be further provided in accordance with Article 11
- Minimum Area.** The minimum parcel area for a manufactured home park shall be five (5) acres. The minimum area of an individual manufactured home lot/site shall be 5,000 square feet.
- Setbacks.** Manufactured home parks, and individual manufactured homes, are subject to the following setback standards.
  - Exterior Setbacks: All permanent structures (such as offices, community centers, etc.) and all manufactured homes shall be set back a minimum of fifty (50) feet from public road rights-of-way and twenty (20) feet from all other property lines.
  - Internal Setbacks: Manufactured homes shall comply with the following internal setback minimum requirements:
    - Twenty (20) feet from another manufactured home, or any structure attached thereto used for living purposes.
    - Ten (10) feet from an attached or detached structure or accessory structure of an adjacent manufactured home which is not used for living purposes.
    - Fifty (50) feet from permanent park-owned structures (e.g., community centers, offices, etc.).
    - Ten (10) feet from the curb of an internal street.
    - Seven (7) feet from the inner edge of a common pedestrian walkway.
- Height.** Permanent structures or manufactured home shall not exceed a height of twenty-five (25) feet. Accessory structures shall not exceed a height of fifteen (15) feet but shall in no case exceed the height of the structure unto which it is accessory.
- Parking.**
  - A minimum of two (2) parking spaces shall be provided for each manufactured home site.

- B. A minimum of one (1) guest parking space shall be provided for every five (5) manufactured home sites in a convenient location for homes served thereby.
- C. Additional parking shall be provided for park maintenance vehicles and at community centers/offices for visitors and employees.

7. **Access, Internal Streets, and On-Street Parking.** Internal circulatory streets within a manufactured housing park shall be curbed and drained and shall comply with the following standards:

- A. Individual mobile home sites within the manufactured home park shall be accessed internally rather than directly from public roads.
- B. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.
- C. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one side of the street, and thirty-three (33) feet where parallel parking is permitted along both sides.
- D. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.
- E. All streets within the manufactured housing park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications.
- F. Internal concrete sidewalks shall be constructed within the manufactured home park to provide adequate access between individual manufactured home lots and community facilities.

8. **Outdoor Storage and Accessory Buildings.** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured home park, but shall be limited to use only by residents of the manufactured home park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard required around the perimeter of the manufactured home park. Such storage area shall be adequately screened from view from adjacent residential properties. Each manufactured home lot shall be permitted one (1) detached storage building, not including a garage or carport.

9. **Utility Standards.** All individual manufactured home sites shall be provided with municipal water and sanitary sewer service.

10. **Housing Design Standards.** Any manufactured home installed in a manufactured home park shall comply with the construction standards of all State and Local authorities applicable to the construction of manufactured homes and the current standards of the Manufactured Home Construction and Safety Standards as adopted by the Housing and Urban Development (HUD) Department. Further, all manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.

11. **Site Plan Review.** Manufactured Home Parks are subject to Major Site Plan review, per [Section 15.04](#)

## Section 3.13 O-1 Office Building District

PREAMBLE		
The O-1 Office Building District is designed to accommodate office uses, office sales and basic personal services.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artist Studio</li> <li>Business or Trade Schools</li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Institutions of Higher Learning</li> <li>K-12 Schools, Public or Private</li> <li>Medical Marihuana and Adult Use Marihuana Safety Compliance Facility <a href="#">7.03(25)</a></li> <li>Medical Office</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> <li>Restaurant</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>Tutoring and Instructional Services</li> </ul>	<ul style="list-style-type: none"> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Funeral Homes <a href="#">7.03(15)</a></li> <li>Hospital <a href="#">7.03(19)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Senior Housing, Assisted <a href="#">7.03(41)</a></li> <li>Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	--	Front Yard (ft.)	20 ft.
Min. Lot Width	--	Side Yard (one) (ft.)	5 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	10 ft. <a href="#">(A)</a>
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	20 ft.
Max. Building Height (stories)	--		

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.14 B-1 Neighborhood Business District.

PREAMBLE		
The B-1 Business District is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The B-1 District shall encourage uses and design that are compatible with, and accessible to, nearby residential uses, thus reducing the number of vehicle trips required in these areas.		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artist Studio</li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.)</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Live/Work <a href="#">7.03(23)</a></li> <li>Medical Office</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> <li>Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>Restaurant</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>Tutoring and Instructional Services</li> </ul>	<ul style="list-style-type: none"> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Institutions of Higher Learning</li> <li>K-12 Schools, Public or Private</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Theater</li> <li>Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	5 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	5 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	10 ft. <a href="#">(A)</a>
Min. Floor Area/Unit		Street Sides (ft.)	5 ft.
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	15 ft. <a href="#">(B)</a>
Max. Building Height (stories)			

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.15 B-2 Community Business District

PREAMBLE		
<p>The B-2 Community Business District is designed to cater to the needs of a larger consumer population than is served by the Neighborhood Business District and may be characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 district is intended along, and at the intersections of, major arterial streets.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artist Studio</li> <li>Banquet/Assembly/Meeting Halls (greater than 75 persons) <a href="#">7.03(5)</a></li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Firearm Retail Sales <a href="#">7.03(13)</a></li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.) and Large-Format (&gt;30,000 sq. ft.)</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) and Large Format (&gt;30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>Institutions of Higher Learning</li> <li>Medical Office</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> </ul>	<ul style="list-style-type: none"> <li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li> <li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li> <li>Funeral Homes <a href="#">7.03(15)</a></li> <li>Gasoline/Recharging Stations <a href="#">7.03(16)</a></li> <li>Hospital <a href="#">7.03(19)</a></li> <li>Hotels and Lodging Facilities <a href="#">7.03(20)</a></li> <li>K-12 Schools, Public or Private</li> <li>Outdoor Recreational Business <a href="#">7.03(32)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Regulated Uses <a href="#">7.03(38)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

<ul style="list-style-type: none"> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>Restaurant</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>Theater</li> <li>Tobacco/Smoke Shop or Smoke Lounge <a href="#">7.03(44)</a></li> <li>Tutoring and Instructional Services</li> <li>Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	10 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	10 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	20 ft. <a href="#">(A)</a>
Min. Floor Area/Unit		Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	20 ft. <a href="#">(B)</a>
Max. Building Height (stories)			

Footnotes: Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations

## Section 3.16 B-3 Regional Business District

### PREAMBLE

The B-3 Regional Business District is designed to provide sites for large-scale commercial establishments that provide goods and services to local residents as well as residents of other surrounding communities. The B-3 District is generally grouped around major interstate highway interchanges, generating a considerable volume of vehicular traffic.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artist Studio</li> <li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li> <li>Banquet/Assembly/Meeting Halls (greater than 75 persons) <a href="#">7.03(5)</a></li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Firearm Retail Sales <a href="#">7.03(13)</a></li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.) and Large-Format (&gt;30,000 sq. ft.)</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) and Large Format (&gt;30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Hotels and Lodging Facilities <a href="#">7.03(20)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>Institutions of Higher Learning</li> <li>Medical Office</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> </ul>	<ul style="list-style-type: none"> <li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Auto Wash <a href="#">7.03(4)</a></li> <li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li> <li>Funeral Homes <a href="#">7.03(15)</a></li> <li>Gasoline/Recharging Stations <a href="#">7.03(16)</a></li> <li>Hospital <a href="#">7.0319</a></li> <li>Indoor Shooting Range <a href="#">7.03(22)</a></li> <li>K-12 Schools, Public or Private</li> <li>Outdoor Recreational Business <a href="#">7.03(32)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Regulated Uses <a href="#">7.03(38)</a></li> <li>Self-Storage Facility <a href="#">7.03(40)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

<ul style="list-style-type: none"> <li>• Public Parks</li> <li>• Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#"><u>7.03(39)</u></a></li> <li>• Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#"><u>7.03(39)</u></a></li> <li>• Residential/Commercial Mixed-Use <a href="#"><u>7.02(2)</u></a></li> <li>• Restaurant</li> <li>• Temporary Buildings and Uses <a href="#"><u>7.03(43)</u></a></li> <li>• Theater</li> <li>• Tobacco/Smoke Shop or Smoke Lounge <a href="#"><u>7.03(44)</u></a></li> <li>• Tutoring and Instructional Services</li> <li>• Veterinary Clinic or Animal Grooming <a href="#"><u>7.03(46)</u></a></li> <li>• Wholesale Sales/Retail</li> </ul>		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	20 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	15 ft. <a href="#"><u>(A)</u></a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	30 ft. <a href="#"><u>(A)</u></a>
Min. Floor Area/Unit	--	Street Sides (ft.)	20 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	20 ft. <a href="#"><u>(B)</u></a>
Max. Building Height (stories)	--		

Footnotes: Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.17 M-1 Light Industrial District

<b>PREAMBLE</b>		
<b>REQUIRED CONDITIONS</b>		
Any use established in the M-1 District shall be operated so as to comply with the performance standards set forth hereinafter in <a href="#">Article 9</a>		
<b>PERMITTED USES</b>	<b>SPECIAL LAND USES</b>	<b>ACCESSORY USES</b>
<ul style="list-style-type: none"><li>Artisan Manufacturing/Makerspace</li><li>Artist Studio</li><li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li><li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li><li>Bars and Taprooms</li><li>Business or Trade Schools</li><li>Contractor's Office <a href="#">7.03(9)</a></li><li>Essential Public Utility Services</li><li>Financial Institutions</li><li>General Warehouse and Distribution</li><li>Government Office Building/Courthouse/Public Police and Fire Services</li><li>Incubator Kitchen or Catering Facility</li><li>Incubator Workspaces</li><li>Indoor Recreational Business <a href="#">7.03(21)</a></li><li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li><li>Light Industrial, Assembly, Repair and Manufacturing</li><li>Medical Marijuana and Adult Use Marijuana Safety Compliance Facility <a href="#">7.03(25)</a></li><li>Medical Marijuana Caregivers (Primary Caregiver Marijuana Grow Overlay District only) <a href="#">7.03(24)</a></li><li>Microbreweries, Wineries and Distilleries</li><li>Post Office</li><li>Professional Office</li><li>Public Library, Museum, Art Center, Community Center</li><li>Public Parks</li><li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li><li>Research, Development and Testing Facilities</li><li>Restaurant</li><li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li></ul>	<ul style="list-style-type: none"><li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li><li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li><li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li><li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li><li>Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.</li><li>Home Improvement Centers and Garden Centers, Small and Mid-Format (up to 30,000 sq. ft.) and Large-Format (&gt;30,000 sq. ft.) <a href="#">7.03(17)</a></li><li>Indoor Shooting Range <a href="#">7.03(22)</a></li><li>Lumber Yard <a href="#">7.03(17)</a></li><li>Parking as a Principal Use <a href="#">7.03(34)</a></li><li>Recycling Drop Off Centers</li><li>Self-Storage Facility <a href="#">7.03(40)</a></li><li>Wholesale Sales/Retail</li></ul>	<ul style="list-style-type: none"><li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li><li>Firearm Retail Sales <a href="#">7.03(13)</a></li><li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li><li>Outdoor Sales and Display <a href="#">7.03(33)</a></li></ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

<b>DIMENSION REGULATIONS</b>			
<b>Lot Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	50 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	20 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	40 ft. <a href="#">(A)</a>
Min. Floor Area/Unit	--	Street Sides (ft.)	50 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	25 ft.
Max. Building Height (stories)			

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.18 M-2 Heavy Industrial District

PREAMBLE		
The M-2 Heavy Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.		
REQUIRED CONDITIONS		
Any use established in the M-2 District after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in <a href="#">Article 9</a>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artisan Manufacturing/Makerspace</li> <li>Artist Studio</li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>General Warehouse and Distribution</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Heavy Industrial, Assembly, Repair and Manufacturing</li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>Light Industrial, Assembly, Repair and Manufacturing</li> <li>Medical Marihuana and Adult Use Marihuana Safety Compliance Facility <a href="#">7.03(25)</a></li> <li>Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) <a href="#">7.03(24)</a></li> <li>Microbreweries, Wineries and Distilleries</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Research, Development and Testing Facilities</li> <li>Restaurant</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> </ul>	<ul style="list-style-type: none"> <li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li> <li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li> <li>Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.</li> <li>Home Improvement Centers and Garden Centers, Small and Mid-Format (up to 30,000 sq. ft.) and Large-Format (&gt;30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Indoor Shooting Range <a href="#">7.03(22)</a></li> <li>Junk, Tow, or Salvage Yard</li> <li>Lumber Yard <a href="#">7.03(17)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Recycling Drop Off Centers</li> <li>Recycling Transfer and Processing Facilities</li> <li>Self-Storage Facility <a href="#">7.03(40)</a></li> <li>Wholesale Sales/Retail</li> <li>Yard Waste Transfer and Composting Facilities</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Firearm Retail Sales <a href="#">7.03(13)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

<b>DIMENSION REGULATIONS</b>			
<b>Lot Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	50 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	20 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	40 ft. <a href="#">(A)</a>
Min. Floor Area/Unit	--	Street Sides (ft.)	50 ft.
Max. Building Height (ft.)	60 ft.	Rear Yard (ft.)	25 ft.
Max. Building Height (stories)			

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.19 N-P Natural Preservation and Recreation District

### PREAMBLE

The purposes of this Zoning District are:

2. To protect and sustain those lands and water bodies most suitable for public recreational purposes and the preservation of natural features.
3. To provide for the protection, preservation, proper maintenance and use of trees, woodlands and other natural lands located in the City of Madison Heights in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.
4. To protect the woodlands (including trees and other form of vegetation) of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, or geological, ecological, or historical significances.
5. To provide for the paramount public concern for these natural resources in the interest of health, safety, and general welfare of the residents of this city.

### REQUIRED CONDITIONS

The following specific standards are hereby established to guide the use and development of woodlands and other natural areas designated as N-P in this city, including the spacing of trees, the clearing of shrubs and brush, the density of vegetation growth and preservation per acre, forestry, and tree replacement practices. However, since the environmental values, soil characteristics, tree growth, and related natural resource parameters will remain unique for each parcel of land and for each development application, each site shall be reviewed on an individual basis. Nonetheless, the following criteria must be considered and balanced with respect to each proposal under this Ordinance:

1. Residential living units shall blend into the natural setting of the landscape for the enhancement of sound, orderly economic growth, and development and for the protection of property values in this city.
2. The preservation of woodlands, trees, similar wood vegetation and related natural resources and values shall take priority over all forms of development.
3. The protection and conservation of irreplaceable natural resources from pollution, impairment or destruction shall remain the paramount factor.
4. No proposal shall be denied solely on the basis that some trees are growing on the private or public property under consideration. Other factors which demonstrate a public need for woodland preservation must be stated.
5. The total acreage of woodlands and other natural areas per capita existing in the city shall be considered.
6. The relationship of streets, highways and other transportation corridors to the natural area shall be considered, along with alternatives for new transportation routes and for the location of the proposed development.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"><li>• Child Family Day Care Homes <a href="#">7.03(7)</a></li><li>• Essential Public Utility Services</li><li>• Foster Care Family Homes <a href="#">7.03(14)</a></li><li>• Government Office Building/Courthouse/Public Police and Fire Services</li><li>• Public Parks</li><li>• Temporary Buildings and Uses <a href="#">7.03(43)</a></li></ul>	<ul style="list-style-type: none"><li>• Child Group Day Care Homes <a href="#">7.03(7)</a></li><li>• Detached One-Family Dwelling <a href="#">7.03(10)</a></li><li>• Foster Care Group Homes <a href="#">7.03(14)</a></li><li>• Home Occupation, Major <a href="#">7.03(18)</a></li><li>• Public Library, Museum, Art Center, Community Center</li></ul>	<ul style="list-style-type: none"><li>• Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li><li>• Home Occupation, Major <a href="#">7.03(18)</a></li><li>• Home Occupation, Minor <a href="#">7.03(18)</a></li></ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	43,560 sq. ft.	Front Yard (ft.)	25 ft.
Min. Lot Width (ft.)	150 ft.	Side Yard (one) (ft.)	10 ft.
Max. Lot Coverage	20%	Side Yard (total of 2) (ft.)	25 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	50 ft.
Max. Building Height (stories)	--		

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.20 MUI-1 Mixed Use Innovation

PREAMBLE		
<p>The Mixed-Use Innovation-1 (MUI-1) District is established to promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The MUI-1 district is intended to provide for an eclectic mix of uses reflective of long-established development patterns at a pedestrian scale, including the adaptive reuse of existing, smaller industrial spaces into new commercial, residential, artisan industrial, and mixed-use projects. The MUI-1 district supports a variety of residential, commercial, and light industrial uses that are compatible with surrounding neighborhoods, and accounts for the appropriate mitigation of other potential adverse impacts on adjacent residential uses.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artisan Manufacturing/Makerspace</li> <li>Artist Studio</li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.)</li> <li>General Warehouse and Distribution</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Institutions of Higher Learning</li> <li>Light Industrial, Assembly, Repair and Manufacturing</li> <li>Live/Work <a href="#">7.03(23)</a></li> <li>Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) <a href="#">7.03(24)</a></li> <li>Medical Marihuana and Adult Use Marihuana Safety Compliance Facility <a href="#">7.03(25)</a></li> <li>Medical Office</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> </ul>	<ul style="list-style-type: none"> <li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li> <li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Banquet/Assembly/Meeting Halls (greater than 75 persons) <a href="#">7.03(5)</a></li> <li>Business or Trade Schools</li> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>General Retail, Large-Format (&gt;30,000 sq. ft.)</li> <li>Home Improvement Centers and Garden Centers, Large Format (&gt; 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Hotels and Lodging Facilities <a href="#">7.03(20)</a></li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>K-12 Schools, Public or Private</li> <li>Mobile Food Court (Principal Use) <a href="#">7.03(27)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>Tobacco/Smoke Shop or Smoke Lounge <a href="#">7.03(44)</a></li> <li>Wholesale Sales/Retail</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> <li>Mobile Food Site (Accessory Use) <a href="#">7.03(28)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

<ul style="list-style-type: none"> <li>Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>Research, Development and Testing Facilities</li> <li>Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>Restaurant</li> <li>Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>Theater</li> <li>Townhomes, Attached One-Family Dwellings <a href="#">7.03(45)</a></li> <li>Tutoring and Instructional Services</li> <li>Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	—	Front Yard	Minimum: 0 ft. Maximum: 10 ft.
Min. Lot Width	—	Side Yard (interior)	0 ft (where sharing party wall); 5 ft. otherwise
Max. Lot Coverage	—	Side Yard (street)	Minimum: 5 ft.
Max. Building Height (ft.)	45 ft.	Rear Yard	5 ft. (alley-loaded); 15 ft. otherwise
Max. Building Height (stories)	4		

- Footnotes to Dimensional Regulations.** The following supplemental standards apply to the MUI-2 dimensional regulations:
  - Any portion of a building within twenty (20) feet of a residentially-zoned property shall not exceed twenty-five (25) feet in height. Each additional story above twenty-five (25) feet (up to fifteen (15) feet in height per story) shall be further stepped back a distance of ten (10) feet from this setback line.
  - Townhome structures are further subject to the dimensional standards of [Section 7.03\(45\)](#). Where the dimensional/design standards of the MUI-1 district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.
  - Rear yard setbacks may be reduced to 10 feet where alley loaded, or adjacent to E. Heights Street or the I-696 service drive, with the exception of footnote A above.
- Design Standards.** The following design standards apply to buildings and sites within the MUI-1 districts.
  - Façade Design.**
    - Large expanses of highly reflective wall surface material, including mirrored glass on exterior walls, are prohibited.
    - Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of 4 inches in depth a maximum of every 25 linear feet.
    - The ground floor of the front façade must maintain a minimum transparency of 30%, measured between 2 and 10 feet in height from grade.
    - Portions of the front façade at second floor or higher must maintain a minimum transparency of 15% of the wall area on each story.

(5) Only the following principal exterior wall building materials shall be permitted:

- (a) Rock face block, natural finish.
- (b) Solid brick or brick veneer.
- (c) Portland Cement Stucco, natural finish.
- (d) Decorative metal siding (up to 20% of total wall area)
- (e) Finished Concrete (up to 20% of total wall area).
- (f) Steel or painted wood windows and storefronts.
- (g) Cedar lap siding and shingles, painted or stained.
- (h) Painted wood trim.
- (i) Limestone and terra cotta for decorative elements and trim
- (j) Other principal materials which, at the determination of the Planning and Zoning Administrator, are compatible and consistent with the aforementioned materials in both appearance and quality.

**B. Roof Design (flat roofs).**

- (1) Green roof, blue roof, and white roof designs are encouraged.
- (2) Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

**C. Entrance Design.**

- (1) Public entrances and primary building elevations must be oriented toward public streets or private streets. Main entrances to the building must be well defined.

**D. Site Design.** Parking areas shall be placed in the interior side yard or rear yard, per Section 10.01.

## Section 3.21 MUI-2 Mixed Use Innovation District

PREAMBLE		
<p>The Mixed-Use Innovation-2 (MUI-2) District is established to promote the redevelopment of moderate to larger-scale regional commercial centers into walkable, compact developments featuring a cohesive mix of commercial, residential, and recreational land uses. MUI-2 development standards are intended to allow for the creation of integrated mixed-use, walkable districts, which prioritize pedestrian connectivity over vehicle circulation and parking. The MUI-2 district is also intended as an alternative format for larger-scale commercial uses than that of the Business (B) zoning districts.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artisan Manufacturing/Makerspace</li> <li>Artist Studio</li> <li>Banquet/Assembly/Meeting Halls (greater than 75 persons) <a href="#">7.03(5)</a></li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Child Family Day Care Homes <a href="#">7.03(7)</a></li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Foster Care Family Homes <a href="#">7.03(14)</a></li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.)</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Hotels and Lodging Facilities <a href="#">7.03(20)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>Institutions of Higher Learning</li> <li>Live/Work <a href="#">7.03(23)</a></li> <li>Marihuana Safety Compliance Facility <a href="#">7.03(25)</a></li> <li>Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) <a href="#">7.03(24)</a></li> <li>Medical Office</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Multi-Family Dwellings <a href="#">7.03(30)</a></li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> </ul>	<ul style="list-style-type: none"> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Child Group Day Care Homes <a href="#">7.03(7)</a></li> <li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li> <li>Foster Care Group Homes <a href="#">7.03(14)</a></li> <li>Funeral Homes <a href="#">7.03(15)</a></li> <li>General Retail, Large-Format (&gt;30,000 sq. ft.)</li> <li>Home Improvement Centers and Garden Centers, Large Format (&gt; 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>K-12 Schools, Public or Private</li> <li>Mobile Food Court (Principal Use) <a href="#">7.03(27)</a></li> <li>Outdoor Recreational Business <a href="#">7.03(32)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Senior Housing, Assisted <a href="#">7.03(41)</a></li> <li>Wholesale Sales/Retail</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Home Occupation, Major <a href="#">7.03(18)</a></li> <li>Home Occupation, Minor <a href="#">7.03(18)</a></li> <li>Mobile Food Site (Accessory Use) <a href="#">7.03(28)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

<ul style="list-style-type: none"> <li>• Professional Office</li> <li>• Public Library, Museum, Art Center, Community Center</li> <li>• Public Parks</li> <li>• Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> <li>• Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>• Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>• Restaurant</li> <li>• Senior Housing, Independent <a href="#">7.03(42)</a></li> <li>• Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>• Theater</li> <li>• Tobacco/Smoke Shop or Smoke Lounge <a href="#">7.03(44)</a></li> <li>• Townhomes, Attached One-Family Dwellings <a href="#">7.03(45)</a></li> <li>• Tutoring and Instructional Services</li> <li>• Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	–	Front Yard	Minimum: 10 ft. Maximum (arterial/collector streets only): 25 ft.
Min. Lot Width	–	Side Yard (interior)	0 ft (where sharing party wall); 5 ft. otherwise
Max. Lot Coverage	–	Side Yard (street)	5 ft.
Max. Building Height (ft.)	100 ft.	Rear Yard	15 ft.
Max. Building Height (stories)	10		

1. **Footnotes to Dimensional Regulations.** The following supplemental standards apply to the MUI-2 dimensional regulations:
  - A. Front setbacks of buildings shall be measured from an existing or new street right-of-way line (or to a line established 10' from existing service drive pavement edge).
  - B. Any portion of a building within twenty (20) feet of a residentially-zoned property shall not exceed twenty-five (25) feet in height. Each additional story up to fifteen (15) feet in height shall be further stepped back a distance of ten (10) feet from this setback line.
  - C. Townhome structures are further subject to the dimensional standards of [Section 7.03\(45\)](#). Where the dimensional/design standards of the MUI-2 district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.

2. **Design Standards.** The following design standards apply to buildings and sites within the MUI-2 districts.

A. **Façade Design.**

- (1) Large expanses of highly reflective wall surface material, including mirrored glass on exterior walls, are prohibited.
- (2) Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of 4 inches in depth a maximum of every 25 linear feet.
- (3) The ground floor of the front façade must maintain a minimum transparency of 30%, measured between 2 and 10 feet in height from grade.
- (4) Portions of the front façade at second floor or higher must maintain a minimum transparency of 15% of the wall area on each story.
- (5) Only the following principal exterior wall building materials shall be permitted:
  - (a) Rock face block, natural finish.
  - (b) Solid brick or brick veneer
  - (c) Portland Cement Stucco, natural finish
  - (d) Decorative metal siding (maximum 20% of total wall area)
  - (e) Finished Concrete (maximum 20% of total wall area).
  - (f) Steel or painted wood windows and storefronts.
  - (g) Cedar lap siding and shingles, painted or stained.
  - (h) Painted wood trim.
  - (i) Limestone and terra cotta.
  - (j) Other principal materials which, at the determination of the Planning and Zoning Administrator, are compatible and consistent with the aforementioned materials in both appearance and quality.

B. **Roof Design (flat roofs).**

- (1) Green roof, blue roof, and white roof designs are encouraged.
- (2) Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

C. **Entrance Design.**

- (1) Public entrances and primary building elevations shall be oriented toward public streets or private streets. Main entrances to the building shall be well defined.

D. **Site Design.** Parking areas shall be placed in the interior side yard or rear yard, per Section 10.01.

3. **New Street Standards.** Where new internal streets are proposed, the following standards shall apply:

- A. Street spacing max 500' o.c.
- B. Allowable Right-Of Way widths: 66' to 100'.
- C. Allowable pavement widths: 17' to 46'.
- D. On-street parallel parking required. (For pavement less than 25' in width, one side parking shall be deemed sufficient).
- E. Street trees shall be planted 40' to 66' o.c. at regular intervals.

- F. Multiple streets must be laid out forming an interconnected network of streets and blocks, block sizes max. 500' in any direction (measured to and from street centerlines).
- G. Sidewalks and curbs are required on both sides of new streets.
- H. New Cul-de-sacs shall be prohibited.
- I. New streets must terminate at other streets or extend to a lot line or development limit to accommodate off-site connections.

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# Article 4. Schedule of Regulations

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## Section 4.01 Residential Districts Schedule of Regulations

District	Minimum Lot Size		Maximum Building Height (ft.)	Minimum Yard Setback (ft.)				Maximum Lot Coverage		
	Area (sq. ft.)	Width (ft.)		Front	Sides					
					One	Total	Street			
R-1	43,560	150	25	25 (A)	10 (E)	25	10 (B)	50	25%	
R-2	7,200	60	25	25 (A)	5 (E)	14	10 (B)	30	35%	
R-3	5,000	40	25	25 (A)	3 (E)	12	10 (B)	20	40%	
R-MN (D)	4,000	40	30	25 (A)	3 (E)	12	10 (B)	20	40%	
R-MF (D)(F)	7,200	60	40	25 (A)	10 (C)	20 (C)	10 (B)	30	45%	
H-M	Refer to <a href="#">Section 3.12</a>									

Notes applicable to all Districts:

1. Refer to [Article 7](#) for standards applicable to specific uses.
2. Refer to [Section 8.01](#) for exceptions to area, setback, and height requirements.
3. Refer to [Section 8.03](#) for accessory buildings, structures and uses.
4. Refer to [Article 10](#) for parking area setback requirements.
5. Refer to [Article 11](#) for landscaping, buffering and screening requirements.
6. Refer to [Article 13](#) for Nonconforming Structures and Lots.

### Footnotes

- A. If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.
- B. In the case of a rear yard abutting a side yard of an adjacent lot, the street side yard shall not be less than the required front yard setback of that district. The front yard setback averaging provision of Footnote (A) shall be available to the street side yard setback.
- C. Where a side yard in an R-MF district abuts a property zoned R-1, R-2 or R-3, the minimum side yard setback shall be increased to 20 feet.

- D. Townhome structures are subject to the dimensional standards of [Section 7.03\(45\)](#). Where the dimensional/design standards of the zoning district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.
- E. The distance between principal structures located on adjacent lots shall not be less than twelve (12) feet.
- F. One-family, duplex, and multi-plex structures within the R-MF district shall be subject to the setback standards of the R-MN district, including footnote (E) above.

## Section 4.02 Mixed-Use and Non-Residential Districts Schedule of Regulations

District	Minimum Lot Size		Maximum Building Height (ft.)	Minimum Yard Setback (ft.)					Maximum Lot Coverage			
	Area (sq. ft.)	Width (ft.)		Front	Sides			Rear				
					One	Total	Street					
CC					Refer to <a href="#">Section 6.02</a>							
MUI-1					Refer to <a href="#">Section 3.20</a>							
MUI-2					Refer to <a href="#">Section 3.21</a>							
O-1	--	--	30	20	5 <a href="#">(A)</a>	10 <a href="#">(A)</a>	10	20	--			
B-1	--	--	30	5	5 <a href="#">(A)</a>	10 <a href="#">(A)</a>	5	15 <a href="#">(B)</a>	--			
B-2	--	--	40	10	10 <a href="#">(A)</a>	20 <a href="#">(A)</a>	10	20 <a href="#">(B)</a>	--			
B-3	--	--	40	20	15 <a href="#">(A)</a>	30 <a href="#">(A)</a>	20	20 <a href="#">(B)</a>	--			
M-1	--	--	40	50	20 <a href="#">(A)</a>	40 <a href="#">(A)</a>	50	25	--			
M-2	--	--	60	50	20 <a href="#">(A)</a>	40 <a href="#">(A)</a>	50	25	--			
NP	43,560	150	25	25	10	25	10	50	20%			

### Notes applicable to all Districts:

1. Refer to [Article 7](#) for standards applicable to specific uses.
2. Refer to [Section 8.01](#) for exceptions to area, setback, and height requirements.
3. Refer to [Section 8.03](#) for accessory buildings, structures and uses.
4. Refer to [Article 10](#) for parking area setback requirements.
5. Refer to [Article 11](#) for landscaping, buffering and screening requirements.
6. Refer to [Article 13](#) for Nonconforming Structures and Lots.

### Footnotes

- A. For side yards abutting residential districts:
  - (1) In the O-1, B-1, B-2 and B-3 districts, the minimum side yard shall be increased to 20 feet.
  - (2) In the M-1 and M-2 districts, the minimum side yard shall be increased to 50 feet.

B. For rear yards abutting residential districts:

- (1) In the B-1 district, the minimum rear yard setback shall be increased to 20 feet.
- (2) In the B-2 and B-3 districts, the minimum rear yard setback shall be increased to 25 feet.
- (3) In the M-1 and M-2 district, the minimum rear yard setback shall be increased to 50 feet.

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# Article 5.

# Supplemental Zoning District Standards

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## Section 5.01 Primary Caregiver Marihuana Grow Overlay District

1. **Findings, Purpose, and Intent.** The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical marihuana and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the city, does not directly conflict with the MMMA's requirement that marihuana plants be kept in an enclosed, locked facility. The city finds that the average residence in the city is not aptly suited to the safe and favorable cultivation of 72 marihuana plants that a primary caregiver is permitted to grow under the MMMA. The city further finds that the cultivation of 72 marihuana plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.
2. **Definitions.** For the purpose of the provisions of this article, all words and phrases herein shall be construed to have the meanings as provided for in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended.
3. **No Effect on Patients.** This article does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA, shall be permitted to cultivate, at the patient's primary residence, who shall also be full-time resident of the dwelling, no more than the 12 allowed marihuana plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition.
4. **Caregiver Marihuana Grow Overlay District.** The Caregiver Marihuana Grow Overlay District boundaries shall be the parcels indicated as established in the following overlay district map:
5. **Caregiver Marihuana Grow Overlay District requirements.** The following standards and requirements shall apply to any location at which the cultivation of medical marihuana is conducted by a primary caregiver.
  - A. Registered primary caregivers authorized under this Section shall be located in an M-1 or M-2 zoning district and shall be located at a parcel that is identified within the Caregiver Marihuana Grow Overlay District map.
  - B. The cultivation of medical marihuana by a caregiver shall always comply with the MMMA and the MMMA General Rules, as amended.

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- C. Not more than one registered primary caregiver shall be permitted to operate at any one parcel located with the Caregiver Marihuana Grow Overlay District. Further, a registered primary caregiver shall only be permitted to operate at one parcel within the City.
- D. The cultivation of medical marihuana by a primary caregiver shall be conducted entirely within an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA. The number of marihuana plants shall not exceed the number of marihuana plants permitted by the MMMA in total aggregate at any location or multiple locations whether located in the city or outside of the city.
- E. No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical marihuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- F. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the parcel where medical marihuana is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where medical marihuana is cultivated to purchase, smoke, consume, obtain, or receive possession of any marihuana.
- G. No on-site consumption or smoking of marihuana shall be permitted within the parcel (or on the property) where medical marihuana is cultivated, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- H. Medical marihuana shall not be grown, processed, handled, or possessed at the location where medical marihuana is cultivated beyond that which is permitted by law.
- I. A Certificate of Occupancy, together with a required site plan review, shall be obtained from the city and all necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- J. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- K. Related merchandise or products shall not be sold or distributed from the property.
- L. There shall be no exterior storage or parking of materials or equipment.
- M. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time.
- N. The entire parcel and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.
- O. Where it is found that a legally non-conforming registered primary caregiver is operating in violation of this Article or the MMMA, the Planning and Zoning Administrator, Building Official, or other designated City official may revoke the non-conforming status and require the elimination of the non-conforming use. Certificates of Occupancy may be revoked in accordance with [Section 15.03\(7\)](#).

6. **Principal Uses Permitted.** All principal uses permitted in the underlying Zoning District(s) are permitted by right in the Overlay Districts, provided they comply with all applicable requirements of the Underlying Zoning District.

## Section 5.02 Residential Cluster Subdivision Option

1. **Purpose and Intent.** The purpose of this Section is to allow for an alternative development option for single-family residential development that promotes creativity in design and increased preservation of open space. At the option of the landowner, this Section allows for the same number of dwelling units to be built on a portion of the land, with the remainder of land set aside as open space. To accomplish this, modifications to the single-family residential development standards may be permitted.

2. **Qualifying Conditions.** Land may be developed under the provisions of this Section only if each of the following conditions is satisfied:

- The land is located in the R-1 or R-2 District or within an area annexed or to be annexed into the City.
- At least 20 percent (20%) of the land proposed for development shall remain in a perpetually undeveloped state. For purposes of this Section, "undeveloped state" means a natural state preserving the natural resources, natural features, or scenic or wooded conditions of the land, agricultural uses, passive or active open space, or a similar use or condition.
- The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension.
- The Cluster Development Option shall not have previously been exercised on the subject site.

3. **Permitted Density.**

- Permitted density shall be based on the percentage of the overall site preserved as open space. The maximum permitted density shall be 50 percent (50%) higher than what would otherwise be permitted under existing zoning regulations.

Open Space	Permitted Density (Dwelling Units/Acre)
20%	6 d.u./ac
30%	7 d.u./ac
40%	8 d.u./ac
50%	9 d.u./ac

4. **Open Space Standards.** At least 20 percent (20%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state ("open space"). The following standards shall apply to the open space required pursuant to this Section.

- The open space may consist of passive or active open space, including: recreational trails, picnic areas, children's play areas, dog parks, greenways, natural areas, agricultural use, or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- The open space shall be available for use by all residents of the development. The open space may be, but is not required to be, dedicated to the use of the public.
- Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided. Regulated wetlands or other natural feature areas need not have pedestrian access.
- Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- The following areas shall not be considered as open space:
  - All areas within all public street rights-of-way.
  - All areas within all private road easements.
  - Any easement for overhead utility lines, unless adjacent to open space.
  - Off-street parking areas.

- (5) Detention and retention ponds.
- (6) Club houses or other community buildings.

5. **Development Standards.**

- A. **Compliance with Zoning District.** The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except setback and lot area requirements may be adjusted to allow for the open space preservation permitted herein.
- B. **Uniform Lot Size.** Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- C. **Lot Width.** Each lot shall have a minimum width equal to no less than seventy percent (70%) of the minimum lot width specified for the zoning district in which the land is located.
- D. **Street Grid.** The layout of new interior streets within a Cluster Development shall be designed as a connected grid network to the greatest extent possible. While not prohibited, cul-de-sacs and dead ends are discouraged to help disperse traffic and fit with the traditional development patterns of the City.
- E. The Planning Commission may allow lot width, area, and setbacks no less than 70% of that required per the Schedule of Regulations.

6. **Application.** The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Site Plan Review, [Section 15.04](#), except as otherwise provided in this Subsection.

- A. **Site Plan.** A Site Plan for a Cluster Development shall be submitted, including the following minimum information:
  - (1) The portion(s) and total acreage of the land proposed to remain in a perpetually undeveloped state and the portion(s) and acreage of the land to be used for clustered development. The percentage of each, as compared to the total site acreage, shall be indicated.
  - (2) Lots and proposed building envelopes, showing the lot area, width, and yard setbacks for each lot. The size of lots may be reduced from what could otherwise be developed in the zoning district.
  - (3) Location and type of all proposed non-dwelling unit structures and improvements, including but not limited to all proposed public street rights-of-way and private street easements.
  - (4) Location of all public utilities, including water and sewer, to serve the development.
- B. **Open Space Agreement.** A copy of the Conservation Easement, Plat Dedication, Restrictive Covenant, or other legal instrument that would run with the land to perpetually preserve the open space in an undeveloped state. The legal instrument shall:
  - (1) Indicate the proposed permitted use(s) of the undeveloped open space.
  - (2) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.
  - (3) Specify the entity or entities responsible for maintenance of the open space.
  - (4) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
- C. Site Condominium Application. If the Cluster Development is proposed as a Site Condominium Development, the applicant must also submit all information required under [Section 5.04](#).

7. **Review Procedures.**

- A. **Planning Commission Review.** The Planning Commission shall review the Site Plan and open space preservation plan in accordance with the requirements of this Section. If a Site Plan for a Cluster Development satisfies all applicable requirements of this Section, the Planning Commission shall recommend the plan to City Council for approval.

- B. **City Council Approval.** The City Council shall review the Cluster Development Site Plan and open space agreement and approve, approve with conditions, or deny the Cluster Development. The City Council may require performance guarantees for any public improvements associated with the Cluster Development. Once approved by City Council, the open space agreement shall be recorded with the Washtenaw County Register of Deeds.
- C. **Final Plan/Plat Approval.** Within a period of two (2) years following approval of the Cluster Development Plan by City Council, final plats and/or Final Site Plans shall be submitted. Final Site Plans shall comply with the standards of [Section 15.04](#) and final plats shall comply with the City of Madison Heights Subdivision approval process provided in Chapter 24 the Code of Ordinances.
- D. **Site Condominium Approval.** If the Cluster Development is proposed as a Site Condominium Development, the applicant shall demonstrate compliance with all requirements of [Section 5.04](#), as applicable, before the City Council may approve the Cluster Development Plan. Final Site Plan approval for Site Condominium Cluster Developments shall also comply will all standards of [Section 5.04](#), as applicable.
- E. **Subdivision Regulations.** An application for a residential cluster subdivision may be submitted in conjunction with subdivision plat in accordance with the Subdivision Regulations of Madison Heights.

## Section 5.03 Regulated Uses.

- 1. **Purpose of Ordinance.** In the development and execution of the amendment to this Ordinance, it is recognized that certain uses because of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the planning commission and city council has received information from the Community and Economic Development Department, the city assessor, and the police department, including information associating blight and increased crime with sexually oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, council has received further information that certain types of adult businesses, including pawnbrokers have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.
- 2. The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.
- 3. **Definitions.** As used in this section:
  - A. **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
  - B. **Adult Bookstore or adult video store** means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:
    - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
    - (2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult bookstore" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict

or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

- C. **Adult cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features any of the following:
  - (1) Persons who appear in a state of nudity, or
  - (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
  - (3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas."
- D. **Adult motel** means a hotel, motel, or similar commercial establishment which:
  - (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - (2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or
  - (3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten hours; or
  - (4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- E. **Adult motion picture theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- F. **Adult retail store** means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."
- G. **Adult theater** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- H. **Deferred Presentment Service Transaction Facility** means any business engaged in providing Deferred Presentment Service Transactions as defined and regulated by the State of Michigan's Deferred Presentment Service Transactions Act (Act 244 of 2005). A Deferred Presentment Service Transaction is a transaction between a business and a customer under which the business agrees to do all of the following:
  - (1) Pay to the customer an agreed-upon amount in exchange for a fee; and
  - (2) Hold a customer's check for a period of time before negotiation, redemption, or presentment of the checks.
- I. **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- J. **Escort agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- K. **Establishment** means and includes any of the following:
  - (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

L. **Massage therapy facility, unlicensed** means an unlicensed massage therapy facility as defined in [Article 2](#) of this Zoning Ordinance.

M. **Nude model studio** means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by any other person who pays money, or any other form or consideration.

N. **Nudity or state of nudity** means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

O. **Pawnbroker** means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

P. **Person** means any individual, proprietorship, partnership, corporation, association, or any other legal entity.

Q. **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast as well as portions of the body covered by supporting straps or devices.

R. **Sexual encounter center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.

S. **Specified sexual activities** means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. Above.

(5) Any activity intended to arouse, appeal to, or gratify a person's lust, passions, or sexual desires.

T. **Regulated uses** means any of the following:

(1) "Adult arcades".

(2) "Adult bookstores and adult video stores".

(3) "Adult cabarets".

(4) "Adult motels".

(5) "Adult motion picture theaters".

(6) "Adult retail store".

(7) "Adult theaters".

(8) "Deferred presentment service transaction facility".

(9) "Escort agencies".

(10) "Massage therapy facility, unlicensed".

- (11) "Nude model studios".
- (12) "Pawnbrokers";
- (13) "Sexual encounter centers".
- (14) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web;
- (15) Other sexually oriented businesses described herein or as determined by city council.

**U. Specified anatomical areas** means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
- (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

**4. Location of Regulated Uses:**

- A. The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.
- B. Regulated uses shall be permitted in B-2 and B-3 Districts after Special Land Use Approval by City Council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of any of the following:
  - (1) A religious institution ;
  - (2) A public or private elementary or secondary school;
  - (3) The boundary of a residential zoning district;
  - (4) A public park;
  - (5) The property line of a lot in residential use;
  - (6) A childcare facility.

**5. Miscellaneous requirements.**

- A. No person shall reside in, or permit any person to reside in, the premises of a regulated use.
- B. All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district.

## Section 5.04 Site Condominium Regulations.

Site Condominiums are subject to the State of Michigan Act (Act 59 of 1978). The review, design, development, and maintenance of a site condominium project shall also conform with the provisions of this section.

- 1. **Review Process.** Review and approval as provided in this section shall be required to construct, expand, or convert a site condominium project. The review process shall involve three phases: preliminary plan review, site plan review, and final engineering plan review.
  - A. **Preliminary Plan Review and Approval.**
    - (1) **Application.** A developer of a proposed site condominium project shall submit to the city an application for preliminary plan approval on an application form provided by the city. The application form shall include all information called for on the form and shall be accompanied by 12 copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the

preliminary plan review process. The city may require electronic (digital) submittal of applications and plans as the city develops the technological capabilities.

- (2) **Preliminary Plan Content.** The preliminary plan shall include:
  - (a) Project name and location.
  - (b) Name, address and phone number of the developer and the name, address, phone number and seal of the surveyor or engineer who prepared it.
  - (c) The plan and layout shall be of sufficient detail on a topographic plan to determine whether the project meets requirements for lot size, lot shape, drainage, and the design of the proposed street network.
  - (d) Scale of not more than 100 feet to one inch.
  - (e) Legal description of the parcel of land to be developed.
  - (f) Proposed layout of the individual building sites, streets, wetlands and schematic location of proposed drainage, water, and sanitary sewer service.
  - (g) Location of existing streets, lots, buildings, walls, utilities, major landscaping, and wooded areas within 100' of the site.
  - (h) In addition, the application and plan shall include other information deemed necessary by the planning commission for preliminary review.
- (3) **Preliminary Plan Review Process.**
  - (a) The application form and preliminary plan shall be forwarded to the Technical Review Committee for their review. Review comments shall be forwarded to the developer to be addressed prior to planning commission review.
  - (b) Following review and recommendation by the Technical Review Committee, the preliminary plan shall be reviewed by the planning commission for conformance with all applicable laws and Ordinances, including design standards relative to density, building site size and layout, streets, and drainage.
  - (c) The planning commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform with all applicable Ordinance requirements relative to building site size, shape and layout, and street design.
  - (d) If the preliminary plan conforms with all applicable Ordinance standards, it shall be approved by the planning commission. If the preliminary plan fails to conform, the planning commission may either deny the application or grant approval with conditions. This provision does not authorize the planning commission to grant variances from this Ordinance.
  - (e) Preliminary plan approval shall confer upon the developer an approval, for a period of one year, of the proposed size and shape of building sites and street layout. Such preliminary plan approval may be extended if applied for by the proprietor within one year of the initial approval and approved by the planning commission.

## B. Site Plan Review and Approval.

- (1) After preliminary plan approval by the planning commission, the developer shall submit an application for site plan review in accordance with [Section 15.04](#), Site plan review.
- (2) Application for site plan review shall include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with the register of deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the city, including, without limitation, ongoing preservation and maintenance of drainage, detention, landscaping, wetland and other natural areas, and maintenance of general and limited common elements.
- (3) The Technical Review Committee shall review the site plan, master deed and by-laws and shall approve the proposed condominium project if it conforms with all applicable Ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform with said standards and

conditions, the Technical Review Committee may deny the proposed condominium project or refer the proposal back to the planning commission for reconsideration of the preliminary plan.

- (4) Site plan approval shall be effective for a period of one year.

**C. Final Engineering Plan Review and Approval.**

- (1) Following site plan approval, the developer shall submit an application for final engineering approval to the city. The application shall include plans and information in sufficient detail to determine compliance with all applicable laws, codes, Ordinances, rules, and regulations enforceable by the city subject to applicable provisions of subsection (2) below.
- (2) The city's engineering consultant shall review the final engineering plans and shall approve the plans when they conform with all applicable Ordinance standards, requirements, and conditions of site plan approval.
- (3) A building permit for construction of individual condominium units may be applied for when the final engineering plan has been approved, all applicable permits and approvals have been secured from other government entities, and all improvements for the project have been constructed. The city may determine that certain improvements need not be constructed prior to issuance of building permit for an individual condominium unit, provided that all improvements shall be completed prior to issuance of a Certificate of Occupancy for any condominium unit and the developer posts a performance guarantee for the timely completion of such improvements.

**2. Additional Site Condominium Regulations.**

- A. Each site condominium unit shall front on and have direct access to a public street constructed to City of Madison Heights and applicable Road Commission for Oakland County standards.
- B. Each site condominium unit shall be considered equivalent to a single lot and shall comply with all of the regulations, including Schedule of Regulations, of the zoning district in which it is located and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" or "building site," and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit." In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.
- C. Prior to any grading or land development activity and/or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.
- D. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.
- E. Within 60 days following final inspection and approval of all improvements, the developer shall submit to the city an "as-built" survey, including dimensions and elevations of each improvement and the boundaries of the building sites. The corners of each site condominium unit shall be staked in the customary manner in connection with a survey performed for the project.
- F. The fees for all reviews shall be established by resolution adopted by the city council.
- G. Amendments of plans or the master deed which have received final approvals and which would have substantive impact upon any matter reviewed or approved under this section shall be reviewed and approved by the planning commission prior to recording.

## Section 5.05 Planned Unit Development (PUD)

1. **Purpose and Intent.** The intent of this Section is to implement the provisions of Public Act 110 of 2006, as amended, authorizing the use of a Planned Unit Development ("PUD") to allow regulatory flexibility in the consideration of proposed developments within the City consistent with the requirements of the City's Master Plan. It is the intent of the City that the standards of the zoning ordinance may be increased, decreased, waived, or otherwise modified under the provisions of this Section. The objectives of PUDs are as follows:
  - A. Provide flexibility in regulation of land development.
  - B. Encourage innovation in site planning and development, especially in housing.
  - C. Encourage the mixing of commercial, educational, and recreational facilities conveniently located in relation to housing.
  - D. Conserve natural features and encourage provision of open space.
  - E. Provide other recognizable benefits beyond those afforded by development which adheres to the minimum requirements of the underlying zoning classification applicable to the property.
2. **Qualifying Conditions.** A PUD shall not be accepted for consideration unless all of the following requirements are met:
  - A. Land use patterns established by the PUD development shall be compatible with existing and planned uses on and adjacent to the site.
  - B. Use of this option shall not be for the sole purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
  - C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.
  - D. The application must demonstrate that the proposed PUD site or area is a site where an innovative, unified, and planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.
  - E. The PUD site shall be capable of being planned and developed as one integral, comprehensive site in accordance with the approved PUD Plan.
  - F. The PUD shall be under single ownership or control such that there is a single person or entity having responsibility for ensuring completion of the project in conformity with this Ordinance.
  - G. The proposed development must demonstrate at least three (3) of the following conditions:
    - (1) The PUD contains two (2) or more distinct, but compatible land use types, such as, but not limited to, mixed-use developments with residential and non-residential uses, or a mixture of commercial, recreational, and a variety of housing types.
    - (2) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical; this includes property with poorly dimensioned parcels or property with difficult site conditions.
    - (3) The proposed design of the PUD includes innovative development concepts that substantially forward the purpose and intent of this Section, further the goals and objectives of the Master Plan, and permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under conventional zoning.
    - (4) The proposed PUD involves adaptive re-use or redevelopment of a building or site, or redevelopment of a brownfield or greyfield site, in ways which would be difficult to achieve under traditional zoning districts.
    - (5) The proposed PUD heavily incorporates pedestrian and/or transit-oriented design.

(6) The proposed PUD involves significant use of sustainable building and site design features such as, but not limited to: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.

3. **PUD Review Process.** Any person owning or controlling land in the City may make application for consideration of a PUD in accordance with the following review processes:

- A. **Pre-application Conference.** Prior to submitting an application for a PUD Determination of Qualification, the applicant shall request a pre-application conference with the Planning and Zoning Administrator to obtain information and guidance regarding land development regulations, the City's Master Plan, and the PUD review process. An applicant may request further pre-application review by the Planning Commission.
- B. **Determination of Qualification.** The applicant shall submit a Request for a Determination of Qualification in accordance with the following: A written and graphic request shall be submitted to the Technical Review Committee through the Community and Economic Development Department. The Technical Review Committee shall review the applicant's request and make a preliminary determination as to whether or not a conceptual PUD plan qualifies for the PUD option. The submittal shall include all of the following:
  - (1) Substantiation that the criteria set forth in Criteria for Qualifications ([Section 5.05\(2\)](#)) are or will be met.
  - (2) A schematic/conceptual land use plan containing enough detail to explain the location of land uses, streets providing access to the site, pedestrian and vehicular circulation within the site, dwelling unit density and types, and buildings or floor areas contemplated, as applicable.
  - (3) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.
  - (4) The proposed phasing of the project.

The Technical Review Committee shall issue its determination to the applicant, which shall be included within the formal submittal of a PUD Plan and forwarded onto the Planning Commission for their consideration. The Technical Review Committee's determination shall be deemed as a recommendation to the Planning Commission. Upon the Technical Review Committee's review of the Determination of Qualification, an applicant shall be eligible to submit a PUD Plan in accordance with Section 5.05(3)(C), below. The Technical Review Committee may alternatively postpone action on the Determination of Qualification for additional information. A favorable determination made by the Technical Review Committee shall not constitute formal approval of a PUD Plan.

C. **PUD Plan.** Upon obtaining a determination of qualification from the Technical Review Committee, an applicant shall submit a PUD Plan application containing all of the information and documents listed in [Section 5.05\(4\)](#) and in accordance with the following:

- (1) Upon receipt of a completed PUD Plan application, the Planning and Zoning Administrator shall schedule a public hearing in accordance with [Section 15.01](#) at the next available Planning Commission meeting.
- (2) Planning Commission Review and Public Hearing: After the public hearing, the Planning Commission shall make a recommendation to City Council of approval, approval with conditions, or denial of the PUD, with findings based upon the submitted PUD Plan and accompanying materials. The Planning Commission may postpone action on the PUD Plan for additional information. The Planning Commission shall base the recommendation on the PUD Plan's compliance with Qualifying Conditions ([Section 5.05 \(2\)](#)) and PUD Project Design Standards ([Section 5.05 \(6\)](#)).
- (3) City Council Review and Public Hearing. Upon receipt of the Planning Commission's recommendation, the City Council shall hold a first reading on the PUD Plan and schedule a public hearing. After the public hearing, City Council shall make a decision on the PUD application. The City Council may approve, approve with conditions, deny, or postpone action on the PUD Plan. The City Council shall base the decision on the PUD Plan's compliance with Qualifying Conditions ([Section 5.05 \(2\)](#)) and PUD Project Design Standards ([Section 5.05 \(6\)](#)). Upon approval by the City Council, the property shall be rezoned to the PUD District and developed in accordance with the approved PUD Plan. Upon approval, the City Council shall authorize the City Attorney to execute the Final PUD Agreement, which shall incorporate any conditions of approval.

- D. **PUD Site Plan Review.** Following City Council approval of the PUD Plan and execution of the Final PUD Agreement, a Final Site Plan shall be submitted for Planning Commission review pursuant to [Section 15.04](#) for each phase(s) of an approved PUD plan.
- E. **Enforcement.** The Planning and Zoning Administrator shall review all permits for an approved PUD project for compliance with the terms of the approved PUD agreement, and any other applicable codes and ordinances.

4. **PUD Plan Submittal Requirements.** The PUD Plan application shall include all of the following information. The Planning and Zoning Administrator may waive or modify submittal requirements upon determining that such information is not necessary for consideration of the PUD:

- A. **Application Form and Required Fee.**
- B. **Project Narrative.** The project narrative shall include substantiation that all PUD Qualifying Conditions and Project Design Standards will be met.
- C. **PUD Plan.** An area plan showing a layout of the uses and structures in the PUD and their locations. The plan shall include all information required for major site plans in [Section 15.04\(4\)\(B\)](#). The Planning Commission may waive requirements or require additional information that may be necessary for a full and complete consideration of the proposed PUD and its impact on the immediately surrounding area and the city as a whole.
- D. **Zoning Comparison Table.** A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or landscaping which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
- E. **Easements.** Written verification of access easements or agreements, if applicable.
- F. **Copy of Determination of Qualification from Technical Review Committee.**
- G. **Community Impact Statement.** The application for PUD review shall include a community impact statement. The statement shall be derived from a study of the city based on information from the following community elements:
  - (1) Planning and zoning issues, including conformance with the Master Plan, Zoning Ordinance, and other applicable City codes and policies.
  - (2) Land development issues, including topographic, soil conditions, and site safety concerns.
  - (3) Private utilities consumption, including electrical needs and natural gas utilization.
  - (4) Noise level conditions.
  - (5) Air quality conditions.
  - (6) Environmental design and historic values including visual quality and historic resources.
  - (7) Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.
  - (8) Public safety needs, including police, fire, and emergency medical services.
  - (9) Open space landscaping and recreation, including cultural elements.
  - (10) Traffic impacts.
- H. **Draft PUD Agreement.** Draft PUD agreement between the City and the applicant, which shall include, among other items, a provision as to such revisions to the site plan that may be approved administratively by the Planning Commission, and any specific terms and conditions relating to an approved PUD including specific terms relating to the administration of the project.

5. **Regulatory Flexibility.** The City Council may increase, decrease, waive, or otherwise modify the current standards within the zoning ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, project design standards of Section 5.05(6), and landscape standards provided the modification is found to improve the quality of development beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article.

6. **Project Design Standards.** PUDS shall satisfy the following design standards:

- A. **Use.** The uses proposed shall be consistent with the city's master plan.
- B. **Impact on Surrounding Uses.** 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. The uses proposed will not adversely affect the public utility and transportation systems, surrounding properties, or the environment.
- C. **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by the zoning ordinance. The PUD may take advantage of shared parking, parking waivers as permitted by [Article 10](#). The Planning Commission or City Council may further adjust the required number of parking spaces if other factors exist that would support an additional waiver. All streets and parking areas within the Planned Unit Development shall meet the minimum construction and other requirements of City ordinances, unless modified by the City Council.
- D. **Landscaping.** Existing landscaping shall be preserved and/or improved or additional landscaping be provided to ensure that proposed uses will be adequately buffered, where buffering is appropriate from and between surrounding public and private property. The quality and/or quantity of landscaping materials shall exceed the minimums otherwise required by the zoning ordinance.
- E. **Existing Features.** The PUD plan shall demonstrate that the plan will preserve significant natural, historical, and architectural features, if any, and the integrity of the land to the best of the applicant's ability.
- F. **Circulation.** Safe, convenient, uncongested, and well-defined vehicular, non-motorized and pedestrian circulation within and into the site shall be provided in accordance with the following:
  - (1) Drives, streets, and other elements within the property shall be designed to promote safe and efficient traffic operations within the site and at its access points.
  - (2) Circulation patterns should complement and reflect rectilinear street grid layout of the city.
  - (3) Sidewalks or multi-purpose paths shall be provided along, and connect to, public streets and private within the development to provide safe and efficient non-motorized circulation.
  - (4) The Plan shall promote walking, biking, and other forms of non-motorized transportation, in a highly visible manner.

7. **Expiration of Plan Approvals.**

- A. The right to submit a PUD Plan shall be valid for a period of one (1) year from the date of the Technical Review Committee's issuance of a Determination of Qualification.
- B. Final Site Plans shall be submitted in accordance with this Section within two (2) years of execution of the Final PUD Agreement. If such plans have not been submitted within the two-year period, the right to develop under the approved PUD Plan shall be terminated by the City in accordance with [Section 5.05 \(10\)](#), below. For phased plans, the PUD Plan shall remain effective for an additional two (2) years after each subsequent Final Site Plan approval. Final Site Plan expiration is subject to [Section 15.04](#) (Site Plan Review).
- C. Upon the developer's showing of good cause, the Planning Commission may recommend, and the City Council may grant, an extension of two (2) years for the submission of Final Site Plans consistent with the approved PUD Plan.
- D. Should an approved PUD Plan expire, no permits for any development of the property shall be issued, and the City shall commence rezoning the property back to its previous zoning classification, or another zoning classification, in accordance with [Section 15.07](#) (Zoning Ordinance Amendments).

8. **Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Planning and Zoning Administrator. The Planning and Zoning Administrator shall determine whether the proposed modification is of such minor nature as to not affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning and Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Council to approve or deny the changes. The Planning and Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.

- A. **Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking areas. Minor amendments for good cause may be authorized by the Planning and Zoning Administrator without notice or hearing, provided such changes shall not substantially increase the size or height of structures, modification of residential density, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, encroach on natural features proposed by the plan to be protected, or alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The Planning and Zoning Administrator shall inform the Planning Commission and City Council of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Minor Site Plan that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Planning and Zoning Administrator.
- B. **Major Amendment.** Any amendment not qualifying as a minor amendment shall be considered a major amendment and shall be reviewed by the Planning Commission and approved by the City Council, to be amended according to the procedures authorized by this section for original approval of a PUD.

9. **Termination by Applicant.** An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community and Economic Development Department. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Council and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification in accordance with [Section 15.07](#) (Zoning Ordinance Amendment).

10. **Revocation.** The City Council, upon a breach of the PUD Agreement, may revoke a PUD or any portion thereof. The city shall commence a rezoning of the subject property in accordance with [Section 15.07](#) (Zoning Ordinance Amendment).

11. **Violations and Enforcement.** Any violation or deviation from an approved PUD Plan or written conditions, except as authorized in this section, shall be considered a violation. Furthermore, any such deviation may be grounds to invalidate the PUD designation.

12. **Appeals.** The Zoning Board of Appeals has no authority in matters covered by this Section. Modifications to plans or proposals submitted and approved under this article shall be processed in accordance with the amendment procedures covered above in Section 5.05(8). Appeals regarding a decision relating to a Planned Unit Development may be taken to Circuit Court.

13. **Phasing.** A PUD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health safety and welfare of the users of the project and residents of the surrounding area, including sidewalk connections and roadway improvements.

The applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a PUD has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PUD Area Plan.

14. **Performance Guarantee.** The City Council may require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantee to the City as a condition of PUD Plan approval pursuant to [Section 15.04\(7\)](#) (Site Plan Guarantee). The amount of the performance guarantee shall be recommended to City Council by the City Attorney after discussion with the applicant, Community and Economic Development Department, and other involved departments and parties.

15. **Development Agreement.** As part of PUD Plan approval, or as a separate resolution, City Council shall authorize the City Attorney to execute a final PUD Agreement between the City and the applicant setting the conditions upon which such approval is based. The Agreement shall include the following elements:

- A. Project Summary
- B. Identification of the plans and documents that are a part of the approval.
- C. The terms and conditions under which the approval was granted and the project will be allowed to be implemented.

- D. The entity that is responsible for constructing each element of the project, including the public facilities and infrastructure.
- E. Project details and dimensions that are mandatory.
- F. Identification of the entities that will own and be responsible for maintenance of any public open space, common areas, and facilities, and the method of financing such maintenance work.
- G. Terms and conditions regarding the expiration or revocation of PUD approval.

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# Article 6.

# Form Based Code Districts

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## Section 6.01 Overview

1. **Purpose and Intent.** The purpose of form-based development standards is to create clear and simple design regulations for redevelopment or new construction projects in Form Based Districts (including the CC City Center District and any future Form Based Districts). These standards are intended to be consistent with the community's vision for high-quality, pedestrian-oriented, mixed-use development. The standards are intended to promote the following objectives:
  - A. Create unique, pedestrian-oriented mixed-use districts that include residential, retail, entertainment, office, and other compatible uses that support the economic vitality of the City.
  - B. Promote the preservation and renovation of historic buildings.
  - C. Encourage a transition from automobile-oriented to pedestrian-oriented development.
  - D. Encourage accessible housing options.
  - E. Ensure proper land use transitions and design treatment.
  - F. Discourage automobile-oriented development through pedestrian-oriented building and site design principles and accommodations.
2. **Applicability.** All buildings and developments in the CC District or any future Form Based District shall comply with the requirements of this Article. Standards for specific Form Based Districts begin in [Section 6.02](#). Where there is a conflict between the standards of the Form Based Districts and other articles of this Zoning Ordinance, the standards of the Form Based Districts shall apply.
  - A. **New Construction.** Unless exempted below, all developments that require major site plan approval per [Section 15.04](#) after the Effective Date of this Ordinance shall fully comply with the design standards set forth in this Article.
  - B. **Expansions of Developed Sites.** Buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:
    - (1) Less than 25 percent (25%) of existing condition. Any development activity on a developed site that would increase the gross floor area of the existing building or the area of existing site improvements (e.g. parking areas) by less than 25 percent (25%) need not comply in full with the requirements of this Article. However, any improvements made shall result in the site being more compliant and shall not result in the site being less compliant with the requirements of this Article, based upon the determination of the Planning and Zoning Administrator.
    - (2) Greater than 25 percent (25%) of existing condition. Whenever a building or site improvement expansion of greater than 25 percent (25%) of the existing condition is proposed, the activity shall comply with the requirements of this Article.
  - C. **Redevelopment of Existing Sites.** Redevelopment of existing buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:
    - (1) Less than 50 percent (50%) of existing condition. Whenever 50 percent (50%) or less of the existing gross area of a building will be demolished, replaced, or renovated, the development activity need not comply in full

with the requirements of this Article. However, any changes that may occur as a result of the development activity shall result in the site being more compliant and shall not result in the site being less compliant, with the requirements of this Article, based upon the determination of the Planning and Zoning Administrator.

- (2) Greater than 50 percent (50%) of existing condition. Whenever more than 50 percent of the existing gross area of a building will be demolished or replaced, the development activity shall comply with all of the requirements of this Article.
- D. **Alternative Review Standards for Adaptive Reuse.** Should the Planning and Zoning Administrator determine that it is not possible for an existing structure to meet or come into further compliance with the standards of this Article, the Planning and Zoning Administrator may evaluate the project based on the architectural standards for another building type permitted within the district in which it is located. Should that be the case, both of the following must be met:
  - (1) The development shall meet all other applicable design standards required by this Article.
  - (2) The development must bring the site into greater compliance with, and shall not result in the site being less compliant with, the Building Type Standards.
- 3. **Building Types.** The following Building Types are prescribed for the Form Based Districts. Specific building types permitted by district are prescribed later in this Article beginning in [Section 6.02](#).

A. **Bank.** The Bank Building Type is intended to accommodate the unique needs of financial institutions on the ground floor, with office uses above. The purpose of this Building Type is to allow an exception to shopfronts within walkable commercial districts and to allow for a dedicated use within. Financial institution uses may also be located within other Building Types, and other uses are allowable within the Bank Building Type. The Bank Building Type is employed within walkable commercial districts and is intended as a supplemental component in the creation of such districts.



Bank Building Types are subject to the following design standards:

#### Bank Building Type – Illustrated Design Standards

1. Opaque façades shall be provided through which window and door openings appear to have been “punched” (as through paper in a ring binder).
2. Main entrance articulation shall be provided.
3. Traditional building façade treatments shall be provided (including masonry reliefs and/or motifs).
4. A building cornice shall be provided at top of building of substantial height and decoration.
5. A minimum of one horizontal molding or accent material projection shall be provided dividing the façades into layers.
6. Window groupings are encouraged, with groups of up to 3 allowable. There shall be 35% to 50% window glass on building elevations.
  - a) The maximum distance between any two windows shall be 5 feet.
  - b) The maximum distance between a window and the edge of the wall shall be 10 feet.
  - c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).
7. Main entrances shall be at grade for accessibility, working in conjunction with interior lobby and elevator(s).

Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)*	0'-0" to 10'-0"	<b>A</b> Width of Lot	-
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise	<b>B</b> Depth of Lot	-
<b>C</b> Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone"		<b>E</b> Maximum height at rear setback line or residentially-zoned property line	Maximum 25'-0"
		<b>F</b> Maximum building height	4 stories / 48'-0"
		<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.



B. **Hotel.** The purpose of the Hotel Building Type is to provide for short-term lodging within a walkable, mixed-use environment, and to allow for an exception to plate-glass storefronts within such districts. The Hotel Building Type may be employed within walkable commercial districts and is intended as a supplemental component in the creation of such districts. The Hotel Building Type shall provide a lobby on the Principal Frontage connecting the corresponding sidewalk to an interior elevator, lift or ramp.



Hotel Building Types are subject to the following design standards:

#### Hotel Building Type — Illustrated Design Standards

1. Main entrances shall be located along the street of building address. Main entrances at grade for accessibility, working in conjunction with interior lobby and elevator.
2. Opaque façades shall be provided through which window and door openings appear to have been “punched” as through paper in a ring binder.
3. A building cornice shall be provided at top of building of substantial height and decoration. (Feature excepted on Art Deco style buildings).
4. A minimum of one horizontal molding or accent material projection dividing the façade into layers.
5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
6. Window groupings are encouraged, with groups of up to 3 allowable. There shall be 35% to 50% window glass on building elevations.
  - i) The maximum distance between any two windows shall be 5 feet.
  - ii) The maximum distance between a window and the edge of the wall shall be 10 feet.
  - iii) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).
7. Ground Floor Units (finished floor) shall be a minimum 30" above average grade along frontages.
8. Main entrance articulation shall be provided.

**Building Disposition**

Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)*	0'-0" to 10'-0"
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise
<b>C</b> Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot
<b>D</b> Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"

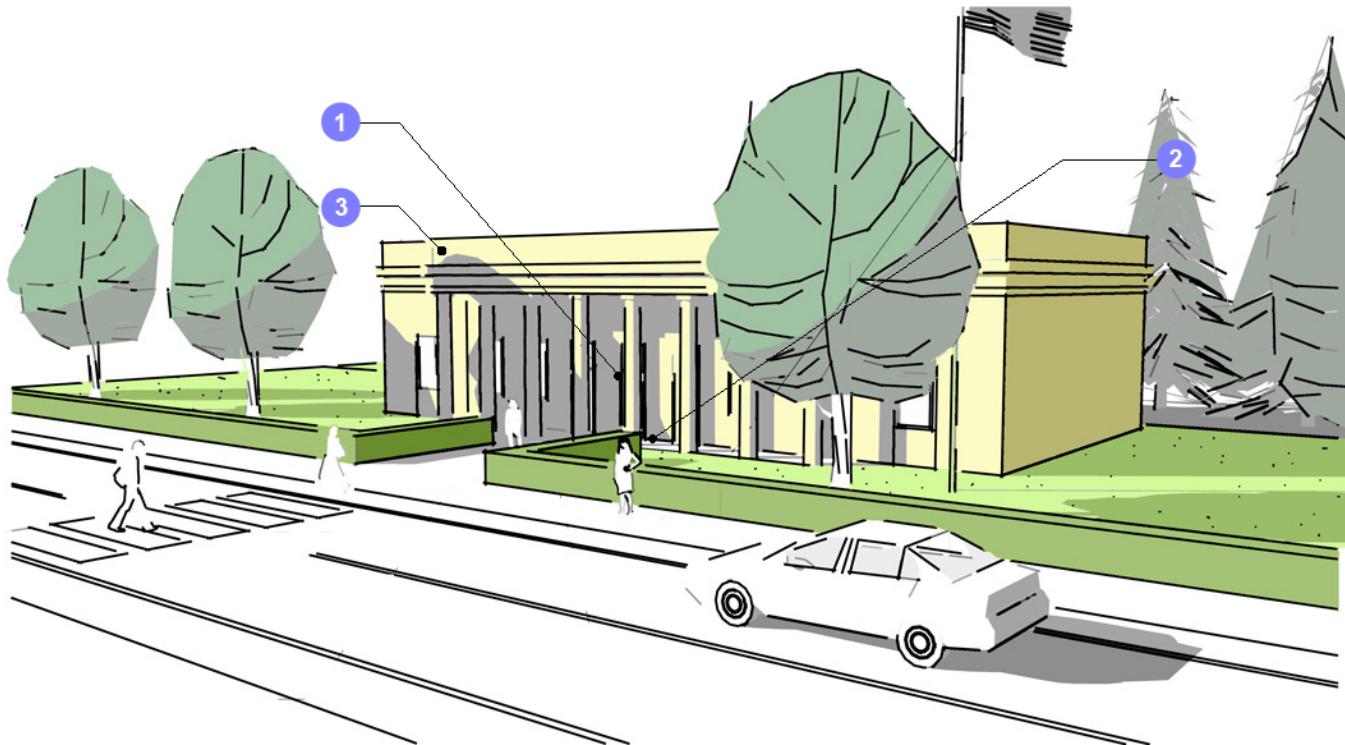
**Building Configuration**

Applicable Regulation	Standard
<b>A</b> Width of Lot	-
<b>B</b> Depth of Lot	-
<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
<b>E</b> Maximum height at rear setback line or residentially-zoned property line	Maximum 25'-0"
<b>F</b> Maximum building height	5 – stories / 60'-0"
<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to 15 feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.

\*A minimum of 75% of the building width shall be within the front build-to-zone.



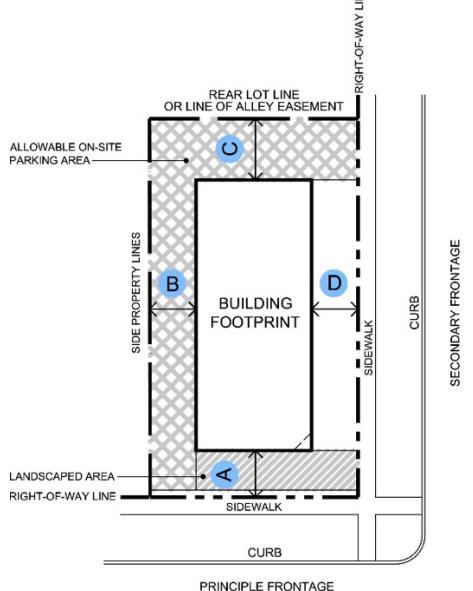
C. **Landmark.** The Landmark Building Type is intended for non-commercial uses. Landmark Buildings are required to have a lobby located along their principal frontage and to provide visibility and access to the main entrance from the corresponding street.

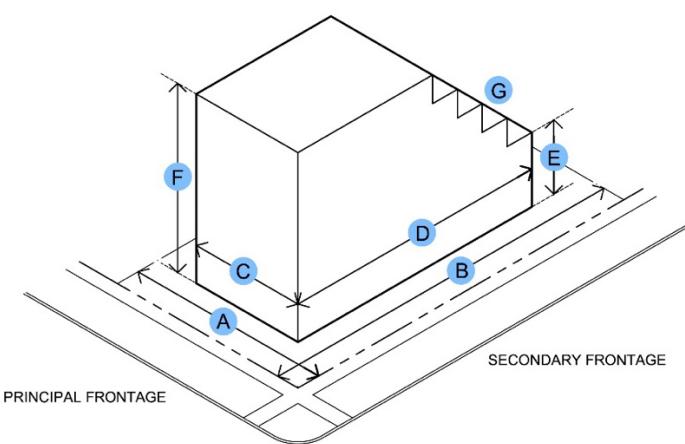


Landmark Building Types are subject to the following design standards:

**Landmark Building Type – Illustrated Design Standards:**

1. A prominent, main entrance shall be provided along the Principal Frontage or at a corner of two frontages and, if the building is setback from the right-of-way, the entrance shall be connected to a public sidewalk with a paved path minimum 5'-0" in width.
2. The main entrance shall be provided at grade for accessibility.
3. Bell towers, clock towers, and other vertical building elements may exceed the maximum allowable building height by up to 35%, provided they do not occupy in excess of 1,600 square feet of site area.





Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Front Setback	–	<b>A</b> Width of Lot	–
<b>B</b> Side Yard Setback (Lot Line)	–	<b>B</b> Depth of Lot	–
<b>C</b> Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Side Yard Setback (ROW)	–	<b>D</b> Minimum Width of building façade (secondary frontage)	–
		<b>E</b> Maximum height at rear setback line	Maximum 25'-0"
		<b>F</b> Maximum building height	5 – stories / 60'-0"
		<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.



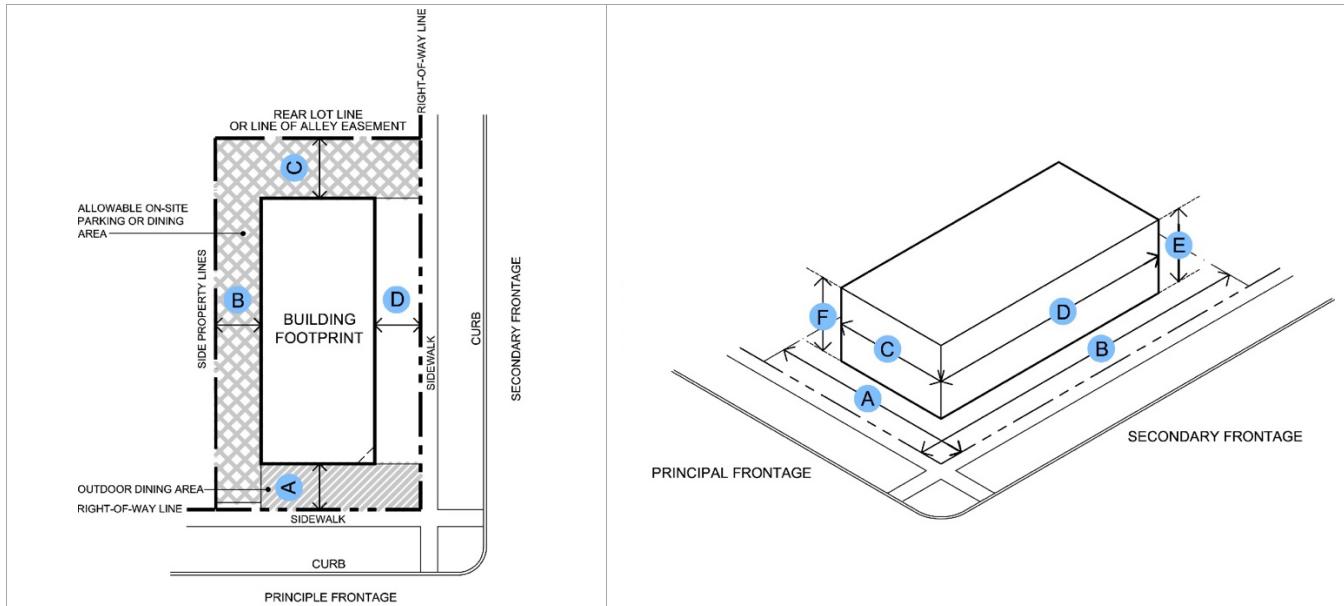
D. **Maker Space.** The Maker Space Building Type combines craft-scale production operations with retail sales in a walkable, urban context. Therefore, the frontage may be divided between a plate-glass storefront and an industrial façade, which may or may not include a garage door. The illustrations below show the Maker Space Building Type with access to the craft production area, via a garage door, directly from the Principal Frontage.



Maker Space Building Types are subject to the following design standards:

**Maker Space Building Type – Illustrated Design Standards:**

1. Storefronts shall provide a minimum of 50% glass between 2'-0" and 10'-0" above average grade.
2. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along Principal Frontage. The main entrance shall be along the principal frontage or at the corner of two frontages.
3. Brick relief shall be required as part of façade design along Principal Frontage.
4. Garage door(s) shall be permitted along frontages and rear of building. A minimum of 50% of garage doors along frontages must be transparent to foster a pedestrian experience. Front-facing garage doors shall primarily serve as an amenity to retail/commercial-oriented uses rather than for loading/unloading.
5. The main level shall be accessible at grade.
6. All windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).



Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)*	0' to 10'	<b>A</b> Width of Lot	—
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0' (where sharing party wall); 5 ft. otherwise	<b>B</b> Depth of Lot	—
<b>C</b> Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Side Yard Setback (ROW) (Build-to-Zone).	0'-0" to 5'0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Maximum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone"		<b>E</b> Maximum height at rear setback line	Maximum 25'-0"
		<b>F</b> Maximum building height	1 story / 25'-0"



E. **Mixed Use.** The Mixed-Use Building Type is a multi-story building with plate-glass storefronts extending along the length of the Principal Frontage. The Mixed-Use Building Type is employed within walkable commercial districts and is integral in the creation of such districts.



Mixed-Use Building Types are subject to the following design standards:

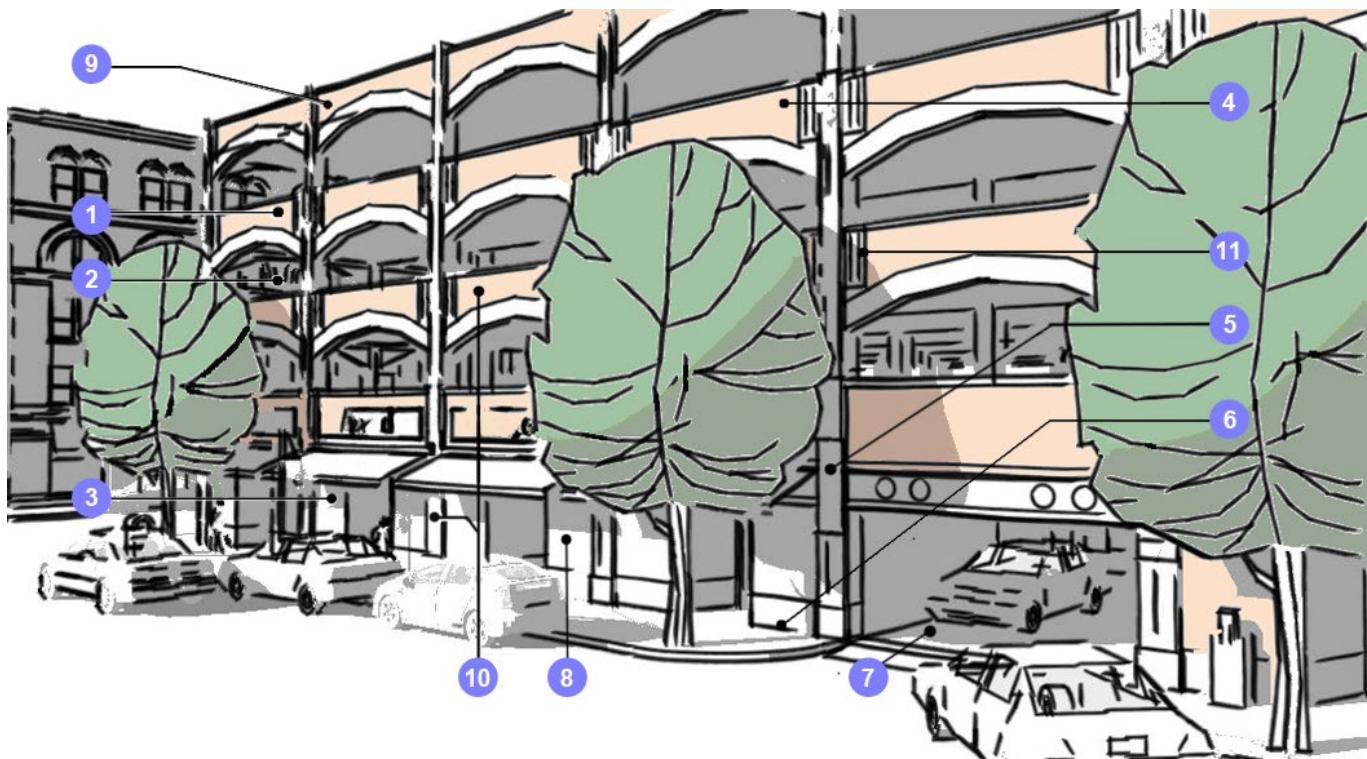
**Mixed Use Building Type – Illustrated Design Standards:**

1. Traditional building façade treatments (including masonry reliefs and/or motifs) shall be provided along Principal Frontages and Secondary Frontages. Side and rear entrances shall be subordinate. A main entrance at the corner may substitute for that listed above.
2. Main entrance doors shall remain operational during business hours.
3. Main level shall be accessible at grade.
4. There shall be a minimum of 50% window glass on front building elevations.
  - a) The maximum distance between any two windows shall be 5 feet.
  - b) The maximum distance between a window and the edge of the wall shall be 10 feet.
  - c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).
5. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along the Principal Frontage. The main entrance shall be along principal frontage or at the corner of two frontages.
6. A minimum of one additional horizontal molding or accent material band projection shall be provided, casting a secondary horizontal shadow line, dividing the façade into layers.
7. Garage doors shall be permitted along frontages and rear of building. A minimum of 50% of garage doors along frontages shall be transparent to foster a pedestrian experience. Front-facing garage doors shall primarily serve as an amenity to retail/commercial-oriented uses rather than for loading/unloading.

Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)	0' to 10'	<b>A</b> Width of Lot	—
<b>B</b> Side Yard Setback (Lot Line)	Minimum 0' (where sharing party wall); 5 ft. otherwise.	<b>B</b> Depth of Lot	—
<b>C</b> Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone"		<b>E</b> Maximum height at rear setback line	Maximum 25'-0"
		<b>F</b> Maximum building height	4 stories / 48'-0"
		<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.



F. **Parking Garage.** The Parking Garage Building Type has structured parking located behind and above retail and restaurant uses. The purpose of the Parking Garage Building Type is to accommodate a customer base large enough to render retail, restaurant, office, and entertainment uses viable within walkable, mixed-use environments, as well as to provide long-term parking for residents.



Parking Garage Building Types are subject to the following design standards:

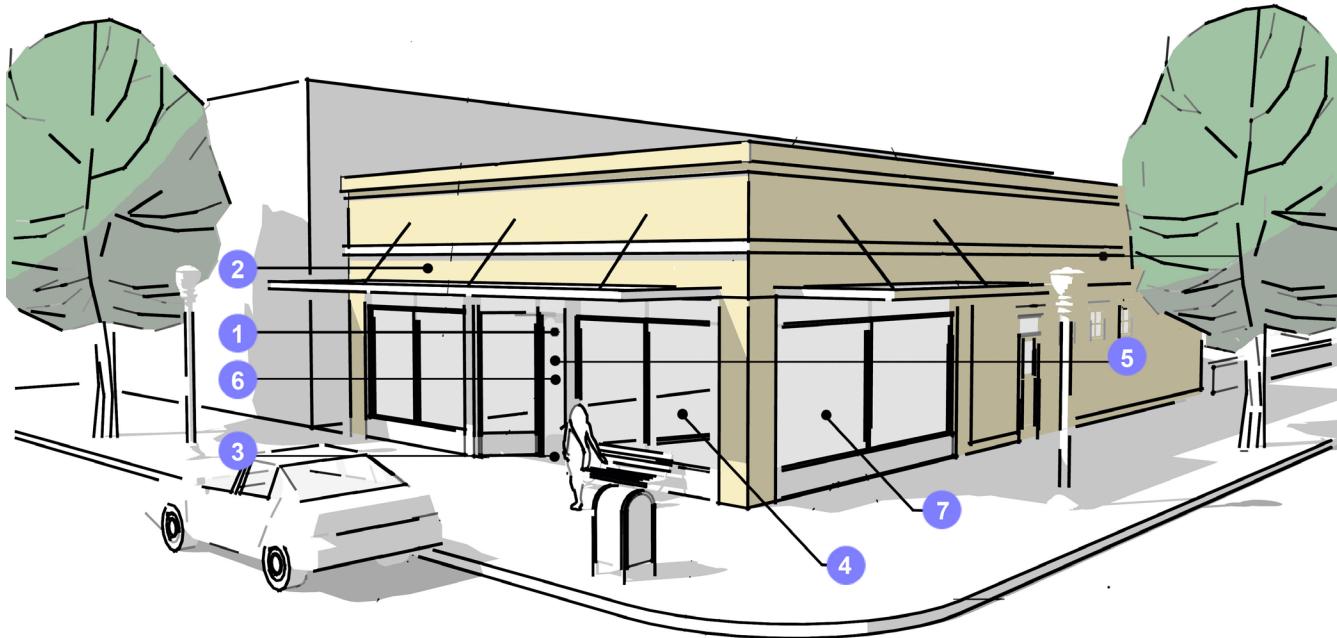
**Parking Garage Building Type – Illustrated Design Standards:**

1. A functional building form shall be provided with level floors (to accommodate adaptive reuse of individual floors for future uses) and dedicated up and down lanes on sloped ramps.
2. Masonry openings shall be able to accommodate windows at some point in the future.
3. Ground floor shopfronts shall be provided along all street frontages. The ground floor shall be made-up of storefronts with minimum 50% glass between 2'-0" and 10'-0" above average grade and shop entrances recessed from the façade min. 3'-0".
4. Brick upper facades shall be provided along street frontages.
5. Decorative articulation and relief shall be provided along street frontages.
6. The Main level shall be accessible at grade.
7. Vehicular entrances and exits shall be from secondary frontages or alleys and pedestrian crossings shall be designed to ensure safety.
8. All windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT). Portions of the window covered by permitted window signage shall be exempt from these requirements.
9. A parking structure in a building with non-parking uses above the first story shall be subject to the requirements of the building type that most closely matches the proposed design, rather than these requirements.
10. Exterior materials shall be minimum 50% brick with the remainder natural concrete. Shopfront frames, sashes and doors shall be of a regular, dark finish.
11. Façades with decorative reliefs shall be required along all frontages.

Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)*	0' to 10'	<b>A</b> Width of Lot	—
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0' (where sharing party wall); 5 ft. otherwise	<b>B</b> Depth of Lot	—
<b>C</b> Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 75% of lot width
<b>D</b> Side Yard Setback (ROW) (Build to Zone)	0'-0" to 5'0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 60'-0"
* A minimum of 75% of the building width shall be within the front "build-to-zone"		<b>E</b> Maximum height at rear setback line or residentially-zoned property line	Maximum 25'-0"
		<b>F</b> Maximum building height	6 stories / 68'-0"
		<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.

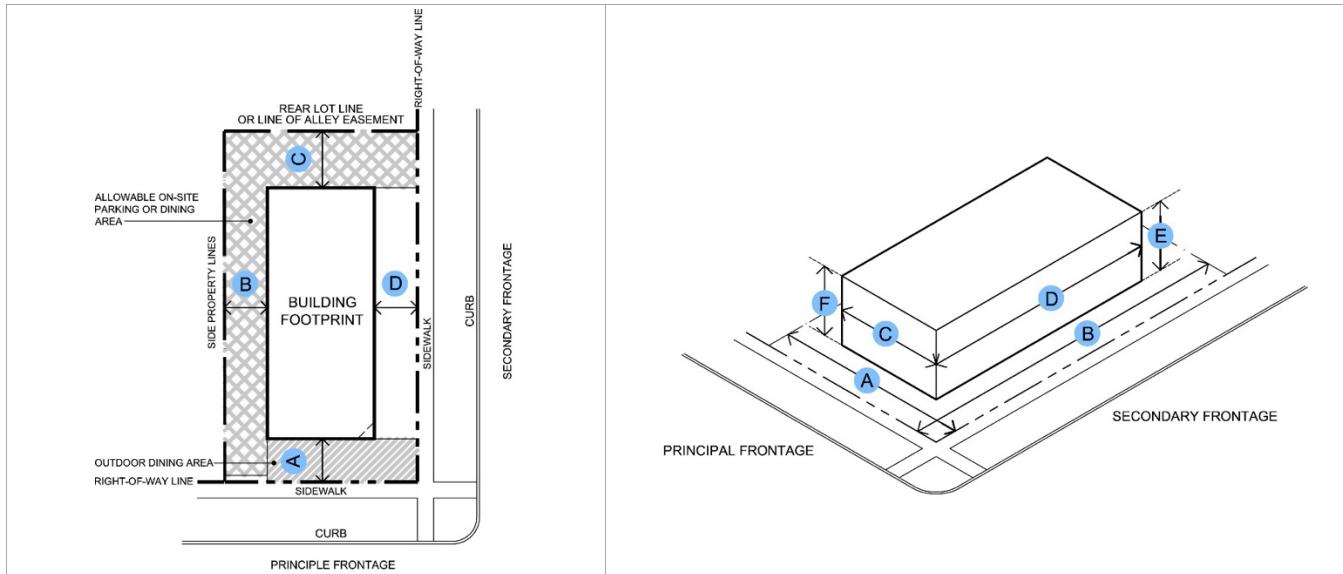


G. **Pedestrian Oriented.** The Pedestrian-Oriented Building Type is a single building designed for retail or office uses, which has a storefront built up to (or near) an urban sidewalk along the entirety of its Principal Frontage. The building itself must be built close to the right-of-way along all frontages, but may be set back up to 10'-0" along the Principal Frontage. Common entrances and other spaces may be shared between uses.



#### Pedestrian Oriented Building Type – Illustrated Design Standards:

1. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along the Principal Frontage. The main entrance shall be along principal frontage or at the corner of two frontages.
2. Traditional building façade treatments (including masonry reliefs and/or motifs) shall be provided.
3. The Main level shall be accessible at grade.
4. Open, plate-glass shopfronts shall be, provided at ground-floor level along street of building address.
5. Main business entrances shall be located along streets of corresponding building address. Side And rear entrances shall be subordinate. Main entrance at corner may substitute for that listed above.
6. Main entrance doors shall remain operational during business hours.
7. There shall be a minimum of 50% window glass on front building elevations.
  - a) The maximum distance between any two windows shall be 5 feet.
  - b) The maximum distance between a window and the edge of the wall shall be 10 feet.
  - c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).



Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)	0'-0" to 10'-0"	<b>A</b> Width of Lot	-
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise	<b>B</b> Depth of Lot	-
<b>C</b> Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	<b>C</b> Minimum Width of Building Façade (Principal Frontage)	Minimum 50% of Lot Width
<b>D</b> Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone"		<b>E</b> Maximum height at rear setback line	Maximum 25'-0"
		<b>F</b> Maximum building height	1 Story / 25'-0"



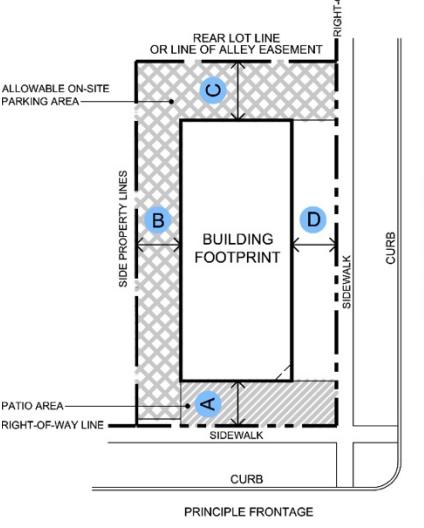
H. **Theater.** The Theater Building Type is intended to provide an exception to the storefronts and otherwise well fenestrated buildings prevalent within walkable mixed-use environments. Accordingly, the side and rear walls of this Building Type may appear blank and without windows. This Building Type shall provide a lobby along the Principal Frontage with partially transparent exit doors.

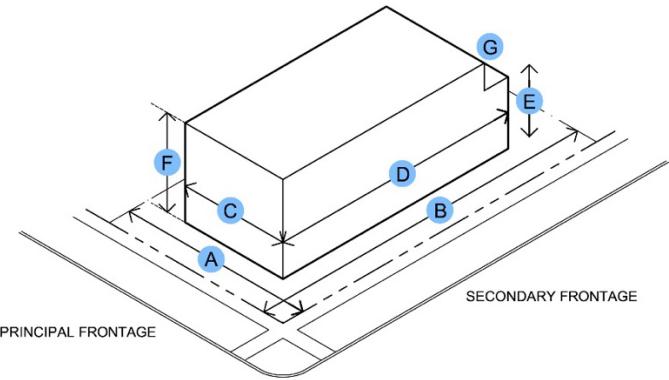
The purpose of the Theater building type to contribute to a walkable mixed-use environment, in keeping with precedents established by historic downtowns. The Theater Building Type is intended to accommodate lobby, retail, and restaurant uses along its principal frontage with auditorium or arena uses behind and office uses above.



#### Theater Building Type – Illustrated Design Standards:

1. Traditional building façade treatments (including masonry reliefs and/or motifs), as well as main business entrance, shall be provided along the Principal Frontage. Side and rear entrances shall be subordinate to the main entrance. A main entrance at the corner may substitute for that listed above.
2. An exterior ticket booth / will call shall be allowable along frontages.
3. A marquee, with illuminated vertical sign, shall be permitted above main entrance and 8'-0" clear above sidewalk.
4. The main level shall be accessible at grade.
5. All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).





Building Disposition		Building Configuration	
Applicable Regulation	Standard	Applicable Regulation	Standard
<b>A</b> Maximum Front Setback (Build-to-Zone)*	0'-0" to 10'-0"	<b>A</b> Width of Lot	—
<b>B</b> Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise	<b>B</b> Depth of Lot	—
<b>C</b> Rear Yard Setback (Build-to-Zone)	Minimum 5' from alley, 15' from residential lot	<b>C</b> Minimum Width of Building façade (Principal Frontage)	Minimum 50% of lot width
<b>D</b> Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"	<b>D</b> Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone".		<b>E</b> Maximum height at rear setback line or residentially-zoned property line	Maximum 25'-0"
		<b>F</b> Maximum building height	3 stories / 38'-0"
		<b>G</b> Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.



## I. DETERMINATION OF BUILDING TYPE:

- (1) The reviewing body may designate an existing structure as a specified building type upon a finding that the structure is substantially similar in form and design to one of the permitted building types for the district in which the structure is located.
- (2) Should the reviewing body designate an existing structure as a specific building type, then all further improvements on the property associated with the existing structure must be constructed and/or brought into conformance with the requirements of this chapter to the maximum extent practicable, as determined by the required reviewing body.

## 4. Permitted Uses by Building Types.

### Key:

P = Principal Uses Permitted

S = Uses Permitted on Special Land Use Approval

P/S = May be Permitted By-Right or as a Special Land Use. Refer to use-specific standards

A+S = Permitted as an Accessory Use upon Special Land Use Approval

[blank] = Not Permitted

\*Existing Buildings erected prior to Adoption of FBC that do not meet a specific building type.

Land Use	Building Type										Pedestrian Oriented	Theater		Existing Buildings*		Use Standards	
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage			Ground Floor	Upper Stories	Ground Floor	Upper Stories		
Ground Floor	Upper Stories	Ground Floor	Upper Stories	Ground Floor			Upper Stories	Ground Floor	Upper Stories								
<b>Residential Uses</b>																	
Multiple-Family Dwellings		P		P				P					P		P		
Senior Housing, Independent		P		P				P					P		P	<u>7.03(42)</u>	
<b>Commercial Uses</b>																	
Artist Studio	P	P	P	P		P	P	P	P		P	P	P	P	P		
Banquet/ Assembly / Meeting Halls (less than 75 persons)	P	P	P	P	P	P	P	P	P		P	P	P	P	S		
Banquet/Assembly/Meeting Halls (greater than 75 persons)	S	S	S	S	S	S	S	S	S		S	S	S	S	S	<u>7.03(5)</u>	
Bars and Taprooms	P	P	P	P		P	P	P	P		P	P	P	P	S		
Business or Trade Schools	P	P	P	P		P	P	P	P		P	P	P	P	P		
Child/Adult Day Care Center and Preschools	P	P	P	P		P	P	P	P		P	P	P	P	P	<u>7.03(6)</u>	
Financial Institutions	P	P	P	P		P	P	P	P		P	P	P	P	P		
General Retail, Small to Mid-Format (up to 30,000 sq. ft.)	P	P	P	P		P	P	P	P		P	P	P	P	P		

Land Use	Building Type													Use Standards		
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage		Pedestrian Oriented	Theater		Existing Buildings*		
	Ground Floor	Upper Stories	Ground Floor	Upper Stories			Ground Floor	Upper Stories	Ground Floor	Upper Stories		Ground Floor	Upper Stories	Ground Floor	Upper Stories	
Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.)						P	P	P	P		P	P	P	P	P	<a href="#">7.03(17)</a>
Hotels and Lodging Facilities	S	S	S	S			S	S					S	S		<a href="#">7.03(20)</a>
Incubator Kitchen or Catering Facility	P	P	P	P		P	P	P	P		P	P	P	P	P	
Indoor Recreational Business	P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S	P/S	<a href="#">7.03(21)</a>
Medical Office	P	P	P	P		P	P	P	P		P	P	P	P	P	
Microbreweries, Wineries and Distilleries	P	P	P	P		P	P	P	P		P	P	P	P	P	
Mobile Food Court (Principal Use)	Refer to <a href="#">Section 7.03(27)</a>															
Mobile Food Site (Accessory Use)	Refer to <a href="#">Section 7.03(28)</a>															
Outdoor Dining and Seating	A	A+ S	A	A/S	A	A	A	A+ S	A		A	A	A+ S	A	A+S	<a href="#">7.03(31)</a>
Outdoor Sales and Display	A		A			A	A		A		A	A		A		<a href="#">7.03(33)</a>
Personal Service Establishments	P	P	P	P		P	P	P	P		P	P	P	P	P	
Pharmacy	P	P	P	P		P	P	P	P		P	P	P	P	P	
Professional Office	P	P	P	P		P	P	P	P		P	P	P	P	P	
Restaurant	P	P	P	P		P	P	P	P		P	P	P	P	P	
Tutoring and Instructional Services	P	P	P	P		P	P	P	P		P	P	P	P	P	
Tobacco/Smoke Shop or Smoke Lounge	S		S			S	S		S		S	S		S		<a href="#">7.03(44)</a>
Theater	P	P	P	P	P	P	P	P	P		P	P	P	P		
Veterinary Clinic or Animal Grooming	P	P	P	P		P	P	P	P		P	P	P	P	P	<a href="#">7.03(46)</a>
<b>Industrial Uses</b>																
Artisan Manufacturing/ Makerspace	P	P	P	P		P	P	P	P		P	P	P	P	P	
Incubator Workspaces	P	P	P	P		P	P	P	P		P	P	P	P	P	

Land Use	Building Type													Use Standards		
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage		Pedestrian Oriented	Theater		Existing Buildings*		
	Ground Floor	Upper Stories	Ground Floor	Upper Stories			Ground Floor	Upper Stories	Ground Floor	Upper Stories		Ground Floor	Upper Stories	Ground Floor	Upper Stories	
Industrial Tool and Equipment Sales, Service, Storage, and Distribution						S								S		
Research, Development and Testing Facilities						S								S		
Contractor's Office	P	P	P	P		P	P	P	P		P	P	P	P	P	<a href="#">7.03(9)</a>
<b>Public &amp; Quasi-Public Uses</b>																
Public Library, Museum, Art Center, Community Center	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Government Office Building/Courthouse/Essential Services	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Post Office	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	<a href="#">7.03(39)</a>
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	S	S	S	S	S	S	S	S	S		S	S	S	S	S	<a href="#">7.03(39)</a>
K-12 Schools, Public or Private					S									S	S	
Institutions of Higher Learning	S	S	S	S	S	S	S	S	S		S	S	S	S	S	
Essential Public Utility Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Other Uses</b>																
Accessory Buildings, Structures and Uses	Refer to <a href="#">Section 8.03</a>															
Temporary Buildings and Uses	Refer to <a href="#">Section 7.03(43)</a>															
Home Occupation, Minor		A		A				A		A			A		A	<a href="#">7.03(18)</a>
Home Occupation, Major	A+ S		A+ S					A+ S		A+ S			A+ S		A+S	<a href="#">7.03(18)</a>
Parking as a Principal Use	Refer to <a href="#">Section 7.03(34)</a>							S	S	Refer to <a href="#">Section 7.03(34)</a>					<a href="#">7.03(34)</a>	
Wireless Communications Facilities	Refer to <a href="#">Section 7.03(47)</a>															

5. **Corner Treatments.** While not required, buildings at intersections may have an entrance facing the corner. Additionally, acceptable corner architectural features include the following.
  - A. Peaked or decorative roof.
  - B. Additional glass.
  - C. Clock tower or similar feature.
  - D. Support column for upper floors.
  - E. Vertical façade differentiation so that the corner stands out.
6. **Waivers.** The Planning and Zoning Administrator or Planning Commission may grant waivers from certain requirements of this Section. Waivers under this Article are separate from dimensional variances and are intended to permit reasonable use of property where altered design standard will still meet the intent and purpose of this Article.
  - A. **Waivers Permitted.** A total of 3 Waiver Requests are permitted per project and may only be considered for the following standards:
    - (1) The Planning and Zoning Administrator or Planning Commission may grant a waiver of up to five feet (5') from any build-to-zone requirement. A waiver from a build-to-zone requirement may also be granted for the provision of a patio or outdoor seating area.
    - (2) Percentage of window glass required.
    - (3) Window location.
    - (4) Building materials
  - B. **Waivers Not Permitted.** No waivers may be granted from the following requirements. In the event that an applicant wishes to vary from any of the following requirements, they must seek a variance from the Zoning Board of Appeals.
    - (1) Maximum Building Height.
    - (2) Building Types. All new or redeveloped buildings shall be constructed as one of the permitted building types.
    - (3) Build-to-zone variances exceeding five feet (5').
  - C. **Criteria.** The Planning and Zoning Administrator or Planning Commission may grant a Waiver Request upon a finding that the following criteria are met:
    - (1) One of the following criteria is met:
      - (a) The building or property is subject to a unique circumstance, not caused by the owner, developer, or designer, which renders compliance with a standard of this Article impossible or not practical; or,
      - (b) The Waiver Request will have the impact of increasing the safety of pedestrians and non-motorized transportation systems of the property and surrounding district.
    - (2) Both of the following criteria are met:
      - (a) The building and site design clearly still meet the intent of the Form Based Code district even though all standards will not be met; and
      - (b) The Waiver will not create an unsafe and/or unwelcoming pedestrian environment.
    - (3) Approval of the waiver will result in development that is compatible with or will positively impact existing or potential future development in the vicinity of the property to be developed.
    - (4) A lesser waiver will not accomplish the same purpose as the requested waiver.
  - D. **Review Procedures.** The applicant shall clearly identify all requested waivers on the application and site plan. The Planning and Zoning Administrator or Planning Commission shall evaluate the requested waivers and approve,

approve with conditions, or deny the waiver request. In evaluating a waiver request, the Planning and Zoning Administrator or Planning Commission shall ensure that the criteria listed above are satisfied.

- (1) The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Article.
7. **Conflicts.** The form-based development standards in this Article are meant to complement and supplement applicable standards found elsewhere in this Zoning Ordinance. Where conflicts exist between this Article and other sections of the Zoning Ordinance, the standards in this Article shall govern.
8. **Review Process.** Review procedures are contained in [Article 15](#). Site plans may be deemed minor or major in accordance with [Section 15.04](#). Site plans shall be reviewed and acted upon by the Planning and Zoning Administrator and/or Planning Commission in accordance with [Section 15.04](#)

## Section 6.02 City Center District

1. **Purpose.** The City Center District covers a concentrated area for commercial and residential activities in the Downtown Development Authority (DDA) area centered at 11 Mile and John R Roads. Per the Master Plan, this area is envisioned to contain a mix of residential, office, retail, restaurants, entertainment, gathering spaces, and recreation areas. Ground floor uses will be uniformly active, containing shopfront retail, restaurants, and cultural amenities; residential and office uses will be in the rear or on the second story or higher. It is also envisioned that 11 Mile and John R Roads will function in such a way as to facilitate a vibrant, compact, pedestrian oriented downtown area.

A standard of excellence in urban and architectural design will be required of new buildings, and a high standard of appearance and upkeep will be required for existing buildings, which will be enforced through future form-based zoning.

This Zoning District will incorporate:

- A. Standards for high-quality, traditional mixed-use development at a variety of scales and intensities.
- B. High standards of appearance and upkeep for new and existing buildings.
- C. New parking maximum standards.
- D. Redevelopment of buildings that incorporate street furnishings such as benches, lighting, and public art.
2. **Permitted Uses and Building Types.** Uses permitted in the CC District are regulated by building type in [Section 6.01\(4\)](#) The following building types are permitted in the CC City Center district:
  - A. Bank. See [Section 6.01\(3\)\(A\)](#)
  - B. Hotel. See [Section 6.01\(3\)\(B\)](#)
  - C. Landmark. See [Section 6.01\(3\)\(C\)](#)
  - D. Maker Space. [See Section 6.01\(3\)\(D\)](#)
  - E. Mixed Use. See [Section 6.01\(3\)\(E\)](#)
  - F. Parking Garage. See [Section 6.01\(3\)\(F\)](#)
  - G. Pedestrian Oriented. See [Section 6.01\(3\)\(G\)](#)
  - H. Theater. See [Section 6.01\(3\)\(H\)](#)
3. **Design Standards.** In addition to the building type design standards contained in [Section 6.01\(3\)](#) the following standards shall apply to development and redevelopment within the City Center District:
  - A. **Encroachments.** The following building elements may encroach into a required minimum setback area, if applicable:
    - (1) **Balconies.** Balconies on upper stories may encroach up to three (3) feet into any required yard, provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.

- (2) **Stoops.** Unenclosed and uncovered front stoops may encroach up to five (5) feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
- (3) **Bay Windows.** Bay windows on the ground floor may encroach up to three (3) feet into any setback area but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three feet into any setback or right-of-way area provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.
- (4) **Eaves.** Roof eaves may encroach up to three (3) feet into any setback provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.

B. **Awnings.** Awnings may be added to buildings over windows or doors on the ground floor or over upper story windows. Awnings shall comply with the following standards.

- (1) Awnings shall be proportional in height and depth to the overall building façade.
- (2) Awnings shall be of an opaque material. Translucent or internally lit awnings are prohibited.
- (3) Awnings shall meet the requirements of [Section 12.05](#). Signs, including, but not limited to, minimum ground clearance and maximum projection standards.

C. **Site Design**

- (1) **Sidewalks.** Sidewalks shall be required along all public street frontages, and pedestrian connections shall be provided from the street frontage to all front building entrances, parking areas and drives, usable open spaces, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations in accordance with [Section 10.10, Access Management](#).
- (2) **Street Furnishings.** Public plazas, amenity zones, pedestrian pathways, and other public open spaces may include amenities such as water features, public art, gazebos, shade trees, shade structures, drinking fountains, trash receptacles, benches, lights, trellises, or other similar features.
- (3) **Pedestrian Protection.** Bollards, street trees, planters, and/or street furniture shall be used as a barrier to protect pedestrians and buildings where needed.
- (4) **Off-Street Parking.** Off-street parking shall only be permitted in the side or rear yard, in accordance with [Section 10.01](#). Parking areas within a side yard shall be located behind the front line of the principal building, but in no case less than five (5) feet from the front or street property line.
- (5) **Landscaping.** Landscaping shall be provided in accordance with [Article 11, Landscaping](#).

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# Article 7. Standards Applicable to Specific Uses

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The intent of this Article is to house the regulations that pertain to specific uses that are identified in the permitted use table and zoning district summary tables.

## Section 7.01 General Standards

1. The use-specific standards listed in this Article apply to those uses listed in the Permitted Use Table of [Section 3.05](#) and the permitted use table(s) contained within Form Based Code districts of [Article 6](#).
2. **Resolution of Conflicting Standards:**
  - A. Where there is a conflict between the use-specific standards of this Article and the development and design standards contained in [Article 8](#) (General Provisions), [Article 9](#) (Performance Standards), [Article 10](#) (Parking, Loading and Access Management), [Article 11](#) (Landscaping), and/or [Article 12](#) (Signs), the use-specific standards of this Article shall apply, unless otherwise noted.
  - B. Where there is a conflict between the use-specific standards of this Article and the development and design standards contained in the Form Based Districts, [Article 6](#), the standards of the Form Based Code district shall apply.
  - C. Where there is a conflict between the use-specific standards of this Article and the development and design standards of the MUI-1 and MUI-2 Districts, Section 3.18 and Section 3.19, the standards of the MUI-1 and MUI-2 District shall apply.

## Section 7.02 General Design Standards

1. **Commercial, Mixed Use, and Public/Quasi-Public Design Standards**
  - A. **Applicability.** The standards of this sub-section shall apply to each principal building or development in which a majority of the gross floor area is intended to be occupied by uses classified in the Permitted Use Table as Commercial or Public & Quasi-Public Uses, or where an individual building contains a mix of commercial and residential uses. This sub-section shall not apply to buildings/developments in the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards. Where there is conflict between these general design standards and use-specific standards of Section 7.03, the use-specific standards shall apply, unless otherwise noted.
  - B. **Design Standards.** All commercial, commercial/residential mixed-use, and public/quasi-public buildings shall be designed in accordance with the following standards:
    - (1) **Building Façade Materials:**
      - (a) At least 75% of each street-facing facade and primary facades containing the principal entrance shall incorporate high-quality materials, including brick, natural stone, cultured stone, smooth wood siding, fiber cement siding, or non-reflective/opaque glass. Accent materials (up to 25% of the net façade) may

include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator or approving body may consider alternative accent materials keeping with the intent of high-quality facades.

(b) High architectural quality shall be expressed on all facades visible from a public right-of-way. Materials on the primary façade shall not change at outside corners and shall continue along any side façade visible from a street right-of-way for at least ten (10) feet.

(2) **Articulation:**

(a) Each primary or street-facing facade greater than one-hundred (100) feet in length shall incorporate wall plane recesses, offsets, projections, or other building material treatments that visually interrupt the wall plane. Recesses, offsets, and projections shall be at least two (2) feet deep and at least ten (10) feet wide. Alternatives to building offsets may include roofline or roof plane variations that align with a change in façade material or colors.

(b) Any principal building greater than thirty (30) feet in height shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top when viewed from the abutting street. This may be achieved by a mid-façade cornice or trim, a change in material, style or color, or a façade step-back.

(3) **Transparency:**

(a) The ground floor of a primary façade and all facades facing a street shall maintain a minimum transparency of 30% measured between 2 and 10 feet in height, from grade. Mirrored or opaque glass shall not count towards the minimum transparency requirement.

(b) Portions of the primary façade, and all facades facing a street, at second floor or higher shall maintain a minimum transparency of 15% of the wall area on each story. Mirrored or opaque glass shall not count towards the minimum transparency requirement.

(4) **Rooftop Equipment:** Rooftop mechanical equipment shall be substantially hidden from view from any adjacent right-of-way or adjacent residentially-zoned property utilizing pitched roofs, parapet walls, or alternative screening method as approved by the Planning and Zoning Administrator or approving body.

(5) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, adjacent residential properties, and street rights-of-ways.

C. **Multi-Building Development.** In addition to the design standards above, developments composed of multiple buildings or outbuildings shall be designed in accordance with the following standards:

(1) The site shall be broken up into a series of smaller blocks, defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes. Pedestrian connections shall be provided between each building.

(2) Primary building entrances shall be oriented towards a street along the perimeter of the development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

(3) To the maximum extent possible, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering, plazas, or seating between buildings.

(4) Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

2. **Residential/Commercial Mixed-Use Standards.** In addition to the design standards above, buildings composed of a mix of commercial and residential uses shall be subject to the following standards:

A. Residential uses may be permitted on the first floor if the non-residential use, which shall be a permitted use in the district, comprises at least 25 percent of the gross ground floor area, with a usable entrance on the front façade.

B. A maximum of one drive-through accessory use, if permitted in the district, shall be permitted in a residential mixed-use development.

- C. A separate, private pedestrian entranceway shall be provided for the residential use.
- D. **Planning Commission Review and Action.** Major site plans for mixed-use developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per [Section 15.04](#)

3. **Industrial Design Standards**

- A. **Applicability.** The standards of this sub-section shall apply to each principal building or development in which a majority of the gross floor area is intended to be occupied by uses classified in the Permitted Use Table as Industrial uses, or where an individual building contains a mix of industrial and residential uses. This sub-section shall not apply to buildings/developments in the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards. Where there is conflict between these general design standards and use-specific standards, the use-specific standards shall apply, unless otherwise noted.
- B. **Design Standards.** All industrial and industrial/residential mixed-use buildings shall be designed in accordance with the following standards:
  - (1) **Building Façade Materials:**
    - (a) Facades serving as the principal entrance and facades visible from a public right-of-way (excluding alleys) or an adjacent residentially zoned property shall incorporate high-quality primary materials, including brick, natural stone, cultured stone, smooth wood siding, fiber cement siding, or non-reflective/opaque glass. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, wood paneling, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator may consider alternative accent materials keeping with the intent of high-quality facades.
    - (b) Facades that do not serve as a primary entrance and are not visible from a public right-of-way (excluding alleys) or an adjacent residentially zoned property may incorporate as primary materials CMU, EIFS, pre-cast/poured concrete, stucco, wood paneling, or clear and lightly tinted glass, in addition to those materials listed above. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, or corrugated metal. The Planning and Zoning Administrator may consider alternative accent materials.
  - (2) **Horizontal Articulation:** Any façade greater than one hundred (100) feet in length, measured horizontally, shall incorporate at least two (2) of the following articulation techniques:
    - (a) Wall plane projections or recesses having a depth of at least two (2) feet and extending at least ten (10) feet.
    - (b) Height variations, with a minimum height difference of four (4) feet, extending a width of at least ten (10) feet.
    - (c) Variation in building material and/or color.
    - (d) Landscaping at intervals adjacent to the façade that incorporates a mix of evergreen and deciduous trees of at least six (6) feet in height at the time of installation.
  - (3) **Vertical Articulation:** Any principal building greater than thirty (30) feet in height shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top when viewed from the abutting street. This may be achieved by a mid-façade cornice or trim, a change in material, style or color, or a façade step-back.
  - (4) **Transparency:** Facades serving as the principal entrance and facades facing a public right-of-way (excluding alleys) shall maintain a minimum transparency of 25% measured between 2 and 10 feet in height, from grade. Mirrored or opaque glass shall not count towards the minimum transparency requirement.
  - (5) **Building Entryways:** Principal building entrances shall be clearly defined and visible from the public right-of-way and shall include a unique architectural element such as an awning, roof overhang, portico, raised parapet, arches, or a canopy. The Planning and Zoning Administrator or approving body may consider similar architectural features not found on the remainder of that building façade.
  - (6) **Rooftop Equipment:** Rooftop mechanical equipment shall be substantially hidden from view from any adjacent right-of-way (excluding alleys) or adjacent residentially-zoned property utilizing pitched roofs, parapet

walls, or alternative screening method as approved by the Planning and Zoning Administrator or approving body.

- (7) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, adjacent residential properties, and street rights-of-ways.

4. **Residential/Industrial Mixed-Use Standards:** In addition to the design standards above, developments composed of a mix of industrial and residential uses shall be subject to the following standards:

- A. Residential uses may be permitted on the first floor if the non-residential use, which shall be a permitted use in the district, comprises at least 25 percent of the gross ground floor area, with an entrance on the front façade.
- B. A maximum of one drive-through accessory use, if permitted in the district, shall be permitted in a residential mixed-use development.
- C. A separate, private pedestrian entranceway shall be provided for the residential use.
- D. **Planning Commission Review and Action.** Major site plans for mixed-use developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per [Section 15.04](#)

## Section 7.03 Use-Specific Standards

### 1. ACCESSORY DWELLING UNITS

#### A. ADUS Permitted:

- (1) One (1) ADU is permitted per parcel, and only on parcels that are improved with a single-family detached dwelling unit. ADUs shall not be permitted on parcels improved with a duplex, townhouse, multiplex, or multi-family structure.
- (2) An ADU may be integrated into the principal dwelling structure, attached to the principal dwelling structure, or located in, or above, a detached accessory structure.
- (3) Mobile homes, recreational vehicles, and travel trailers shall not be used as ADUs.

#### B. Ownership and Occupancy:

- (1) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through a land division, condominium, or other means.
- (2) Prior to leasing either the principal dwelling unit or ADU, the property owner shall file for a landlord license in compliance with City Ordinances.

#### C. Location and Setbacks:

- (1) **Attached ADUs.** ADUs attached to the principal dwelling shall comply with the setback and lot coverage standards for the principal structure.
- (2) **Detached ADUs.** ADUs located within a detached accessory structure shall comply with the location, lot coverage, and setback standards for accessory structures, Section 8.03. However, ADUs located within a detached accessory structure, including those on a second floor, shall be located at least five (5) feet from the side and rear property lines, with eaves no closer than four (4) feet to such property lines.

#### D. Height:

- (1) **Attached ADUs.** ADUs attached to the principal dwelling shall comply with the height standards for the principal structure.
- (2) **Detached ADUs.** ADUs located within a detached accessory structure shall comply with the following height standards:
  - (a) A single-story accessory structure featuring an ADU shall not exceed a height of fifteen (15) feet.

(b) An accessory structure featuring an ADU on the second floor shall not exceed a height of twenty-two (22) feet.

(c) In no case shall the height of a detached ADU exceed the height of the principal building.

E. **Size.** The floor area of the ADU shall not exceed 750 sq. ft., or 50% of the gross floor area of the principal dwelling, whichever is less. When an ADU is located above a detached accessory structure or otherwise attached to the principal or accessory structure, the square footage of the remainder of that structure does not count towards the floor area of the ADU. Staircases and landings up to 36 sq. ft. shall not count towards the floor area of the ADU.

F. **Nonconforming Detached Structures.** A nonconforming detached accessory building existing prior to the Effective Date of this ordinance which is greater than 250 sq. ft. may be converted into an ADU as long as the change in use does not increase the nonconformity of the structure, or if a variance is received from the Zoning Board of Appeals. In considering such requests, the City may require fencing and/or landscape screening around the structure along neighboring property lines. The fence or landscaping shall be at least six (6) feet in height and achieve a high level of opacity to obscure views from neighboring properties.

G. **Entry and Design:**

(1) **Attached ADU.** The primary entry, and any associated external staircases, for an attached unit shall be placed at the side or rear of the principal structure. An attached ADU shall be designed to maintain the appearance of the detached single-family home.

(2) **Detached ADU:**

(a) The primary entry for a detached unit shall be oriented towards the front or interior of the lot. This standard does not apply to side street lot lines or rear lot lines with alley access.

(b) A detached ADU shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house.

(c) No rooftop or second-story decks are permitted on a detached ADU unless oriented towards the interior of the lot and designed to limit visibility from properties sharing a common side or rear lot line. This standard does not apply to side street lot lines or rear lot lines with alley access.

(3) ADUs shall be designed of high-quality, natural materials. Metal siding shall not be permitted as a primary building material.

H. **Utilities.** An ADU shall be connected to an approved water and sewer system. However, utilities for the ADU shall not be metered separately from the principal structure.

I. **Parking.** Additional off-street parking is not required for ADUs.

J. **Requirements for Occupancy.** The following shall be required prior to occupancy of an ADU:

(1) Building Permit

(2) Landlord License

(3) Certificate of Occupancy

2. **AUTO REPAIR AND SERVICE FACILITIES (MINOR AND MAJOR):**

A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of an auto repair/service facility (e.g., buildings, access drives, parking area) and the property line of a residentially-zoned or used parcel, screened and landscaped in accordance with [Section 11.04](#) (Transitional Landscaping).

B. **Location of Repair and Servicing.** All repair and servicing operations shall be conducted entirely within an enclosed building. All equipment used in the servicing and repair of vehicles shall be located within an enclosed building.

C. **Outside Storage Prohibited:**

(1) Outside storage or parking of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted with the exception of those areas specifically designated for said purpose on an approved site plan. Such areas shall be screened in accordance with [Section 8.03\(6\)](#) (Accessory Outdoor Storage).

(2) Outdoor storage of materials, such as tires, barrels, or other materials used or sold on the premises, shall not be permitted with the exception of those areas specifically designated for said purpose on an approved site plan. Such areas shall be screened in accordance with [Section 8.03\(6\)](#) (Accessory Outdoor Storage).

**D. Hours of Operation.** No auto repair or maintenance services shall be performed before 7 a.m. or after 9 p.m.

**E. Service Bays:**

(1) Service bays that are oriented toward a public street shall be screened from the right-of-way, at minimum, in accordance with perimeter parking lot screening standards, [Section 11.06](#).

(2) Doors to repair service bays shall be closed when providing services to vehicles, except for conveyance into and out of the service bays.

**F. Vehicular Access and Circulation:**

(1) Auto repair and service facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five feet from the intersection of the property lines at the corner.

(2) A maximum of one (1) curb cut is permitted per street frontage. All curb openings shall not exceed thirty-five (35) feet in width at the property line.

(3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line.

(4) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a repair or service bay.

(5) All maneuvering areas, stacking lanes, and exit driveways shall be located within the auto repair and service facility property.

**G. Vehicles awaiting repair.** All vehicles awaiting repair or service shall be parked on site. No vehicles shall be parked on a public street, including those towed to the facility.

**3. AUTO SALES (NEW AND USED) AND RENTAL:**

**A. Minimum Lot Area and Width.** The parcel shall contain a minimum area of 20,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.

**B. M-1/M-2 Special Land Use when abutting Residential.** Within the M-1 and M-2 zoning districts, special land use approval shall be required when the auto sales parcel shares a property line with a residentially-zoned or used parcel.

**C. MUI-1 and MUI-2 Indoor Display/Sales Only.** Auto sales uses within the MUI-1 and MUI-2 districts shall not involve outdoor sales or display lots. All vehicle sales, displays, and storage shall occur within an enclosed showroom.

**D. Vehicular Access and Circulation:**

(1) Auto sales facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the intersection of the property lines at the corner.

(2) A maximum of two (2) curb cuts are permitted per street frontage.

**E. Paving.** Auto display, parking, and circulation areas shall be paved with a durable surface.

**F. Vehicle Display and Storage.** Outdoor vehicle display, sales and storage areas, when permitted, shall be located a minimum of 10 feet from all property lines and right-of-way lines and shall be screened in accordance with [Section 11.06](#) (Parking Lot Landscaping). Within the M-1/M-2 zoning districts, vehicle display areas may be permitted in the front yard a minimum of 20 feet from right-of-way lines. All display vehicles shall be parked in

designated display spaces and shall not be parked in required parking spaces. Vehicles displayed for sale shall not be artificially elevated above grade.

- G. **Sales Office.** A minimum of 500 square foot permanent structure shall be provided on the lot to serve as offices and restrooms for vehicle sales use.
- H. **Accessory Auto Repair and Service.** Auto repair and service associated with the auto sales use shall receive separate approval for "auto repair and service facility", in districts where permitted, and shall be subject to the use-specific standards for "auto repair and service facilities" in [Section 7.03\(2\)](#)

#### 4. AUTO WASH

- A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of an auto wash facility (e.g., buildings, access drives, vacuuming areas, parking areas) and the property line of a residentially-zoned or used parcel, screened and landscaped in accordance with [Section 11.04](#) (Transitional Landscaping). Vacuum stations shall be further setback in accordance with Section 7.03(4)(D) below.
- B. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 14,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.
- C. **Auto Wash Design**
  - (1) All washing services, except vacuuming and hand-towel drying, shall be completely within an enclosed building.
  - (2) Bay doors facing a right-of-way shall be adequately screened with landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of [Section 11.06](#).
  - (3) The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.
- D. **Vacuum Stations.** Outdoor vacuum station areas shall comply with the minimum setbacks for the principal structure, with the following additional provisions:
  - (1) Vacuum areas shall be set back a minimum of fifty (50) feet from the property line of a residentially-zoned or used parcel.
  - (2) Outdoor vacuum stations shall not be permitted between the principal building and the principal street right-of-way, nor project closer to the principal street right-of-way line than the principal building.
  - (3) Outdoor vacuum stations and related equipment visible from a street or adjacent residential property shall be adequately screened by landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of [Section 11.06](#).
- E. **Vehicular Access and Circulation**
  - (1) Auto wash facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the intersection of the property lines at the corner.
  - (2) A maximum of one (1) curb cut is permitted per street frontage. All curb openings shall not exceed thirty-five (35) feet in width at the property line.
  - (3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
  - (4) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
  - (5) All maneuvering areas, stacking lanes, and exit driveways shall be located within the auto wash property. Exit driveways leading immediately from the auto wash building shall not directly connect to the public right-of-way.
- F. **Hours of Operation.** No auto wash services or vacuuming shall be performed before 7 a.m. or after 10 p.m.

G. **Water Recycling.** Auto washes are required to have operational recycled water systems where a minimum of fifty (50) percent of water utilized is recycled.

5. **BANQUET/ ASSEMBLY/MEETING HALL.** For the requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal and/or Building Official.

6. **CHILD DAY CARE CENTERS AND PRESCHOOLS**

- A. Outside activity areas shall be set back a minimum of fifty (50) feet from any R-1, R-2, R-3 or R-MN residential zoning district and in an area that is safe and protected from vehicles.
- B. For child-care centers, appropriate fencing shall be provided for the safety of the children.
- C. The applicant shall submit a copy of the State license for the facility upon application for a Certificate of Occupancy.

7. **CHILD FAMILY AND GROUP DAY CARE HOMES**

- A. The licensee must permanently reside as a member of the household.
- B. The limit on the number of children does not include children who are related to an adult member of the family by blood, marriage, or adoption.
- C. Family and Group Day Care Homes include care to unrelated minor children for more than 4 weeks in a calendar year.
- D. The applicant shall submit a copy of the State license for the facility upon obtaining a Certificate of Occupancy.

8. **COMMERCIAL KENNELS AND BOARDING FACILITIES**

- A. Buildings in which animals are kept, boarded, and provided with care services, and any outdoor areas used as animal runs or exercise areas, shall be set back a minimum of one hundred (100) feet from any residentially-zoned or used property.
- B. Outdoor runs, kennels, and storage areas shall not be visible from streets or adjacent properties. All outdoor areas shall be surrounded by a six-foot-tall fence or wall.
- C. Outdoor areas shall only operate between the hours of 7 a.m. and 9 p.m.

9. **CONTRACTOR'S OFFICE.** Accessory outdoor storage shall only be permitted in the MUI-1, M-1 and M-2 zoning districts in accordance with Section 8.03(6).

10. **DETACHED ONE-FAMILY DWELLINGS**

A. **DWELLING UNIT DESIGN:**

- (1) Dwelling units that front a public street shall have at least one (1) entrance facing, or visible from, the public street.
- (2) **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete. The Planning and Zoning Administrator may consider alternative accent materials.

B. **GARAGES:**

- (1) **Detached Garages.** Detached garages shall comply with the Accessory Buildings standards, Section 8.03.
- (2) **Attached Garages.** Garages shall not be the prominent feature of the front elevation of the home or of the street frontage. Attached garages shall comply with the following standards:
  - (a) Attached garages are subject to the minimum building setback provisions for the principal structure.
  - (b) The total width of front-loaded attached garages shall not occupy more than 50% of the total width of the front façade of the house, as measured along any building line that faces the street, which excludes any architectural elements such as bay windows or unenclosed porches. The width of the garage is measured at the width of the door and not necessarily the space it occupies in the dwelling behind the

door. Garage width may be increased to not more than 60% of the total width of the front façade on parcels with a lot width of 40 ft. or less.

- (c) Front-loaded attached garages shall be recessed at least two (2) feet from the front façade of the house. Front porches may be considered the front façade and be used as the point of measurement for those homes where the porch comprises at least 30 percent of the front façade.

## C. DRIVEWAYS

- (1) Minimum driveway width at the right-of-way line: 9 feet.
- (2) All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete.
- (3) Driveways shall be set back a minimum of one (1) foot from side and rear lot lines, except in cases where the driveway is accessed from a rear alley or where a driveway is shared between two or more properties. Driveways shall not be permitted in front of the residential dwelling, except as permitted within this Section.
- (4) Driveways leading to an Attached Garage: A driveway providing access to an attached garage shall be no wider than 20 feet at the front or street side lot line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening; the taper shall begin a minimum of five (5) feet from the property line adjacent to the street and shall be angled no greater than forty-five (45) degrees. However, in no case shall any part of the driveway be located directly in front of the residential dwelling, with the exception of living spaces above the garage.
- (5) Driveways leading to a Detached Garage: A driveway that provides access to a detached garage shall be no wider than twelve (12) feet in width at the property line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening; the taper shall begin in the side or rear yard and shall be angled no greater than forty-five (45) degrees. In no case shall any part of the driveway be located directly in front of the residential dwelling, with the exception of accessory dwelling living spaces above/within the detached garage.

On a corner property, a driveway leading to a detached garage facing a side street shall be no wider than 20 feet at the side street property line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening; the taper shall begin a minimum of five (5) feet from the side street property line. However, in no case shall any part of the driveway be located directly in front of the residential dwelling, with the exception of accessory dwelling living spaces above/within the garage.

- (6) Driveways on Properties without a Garage: Where no garage exists, a driveway shall be no wider than twelve (12) feet in width at the property line but may taper to a maximum of twenty (20) feet in the side and rear yard. In no case shall any part of the driveway be located directly in front of the residential dwelling.
- (7) Circular Driveways: A circular driveway with two approaches on the same street, or one per street on a corner lot, is permitted on parcels containing 200 feet or more of combined lot width.
- (8) Ribbon Driveways: Ribbon driveways are permitted for residential driveways, subject to the same dimensions and paving standards for standard driveways. Individual ribbons shall only be permitted within the boundary of the lot and shall not be less than eighteen (18) inches or more than thirty (30) inches wide.
- (9) Additional Parking Pad: One (1) additional parking pad for parking and turnarounds, no greater than 18 x 20 feet, is permitted adjacent to a permitted driveway within a side or rear yard. Parking pads shall be set back a minimum of one (1) foot from side and rear property lines.

For properties fronting an arterial or collector street, as denoted within the Master Plan, one (1) parking pad, no greater than 18 x 20 feet, may be located within a required front or street side yard setback to allow for safe vehicular turnaround. Such parking pad shall be screened from the abutting street with plant materials or an alternative screening method approved by the Planning and Zoning Administrator, and shall be set back a minimum of five (5) feet from the street right-of-way line.

- (10) Non-conforming Residential Driveways: The following types of non-conforming residential driveways may be repaved or reconstructed in-kind without the need to seek a dimensional variance, but in no case shall the extent of the existing non-conformity increase:

- (a) A driveway, or a portion of a driveway, which is non-conforming due to a failure to meet the one (1) foot side-yard setback requirement of paragraph (3), above, may be repaved or reconstructed in-kind, irrespective of non-conforming driveway width at the property line, if at least one of the following conditions are met:
  - (i) The existing parcel features a lot width of 40 feet or less.
  - (ii) The non-conforming portion of the driveway to be repaved or reconstructed is ten (10) feet wide or less.
- (b) A driveway, or a portion of a driveway, which is non-conforming due it extending directly in front of a residential dwelling may be repaved or reconstructed in-kind, irrespective of non-conforming driveway width at the property line. However, in no case shall the portion of the driveway extending in front of the dwelling exceed five (5) feet in width.

D. **DETACHED ONE-FAMILY DWELLINGS IN N-P DISTRICT.** Detached one-family dwellings within the N-P, Natural Preservation and Recreation District, shall only be permitted upon parcels with a minimum area of one acre, and shall require Special Land Use approval.

[Δ Ord. 2023 – ZTA 24-02; Δ Ord. 2026 – ZTA 25-01]

## 11. DRIVE-THROUGH FACILITIES

- A. Where allowed per the use matrix, drive throughs shall only be permitted as an accessory use to a principal use permitted within the zoning district.
- B. All vehicle stacking for the drive-through use shall occur on site. The site plan shall be designed to provide safe and efficient traffic circulation both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic, to the maximum extent possible.
- C. **Drive-Through Lanes.** Drive through lanes shall satisfy the following standards:
  - (1) Drive-through facilities shall provide a minimum of one bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served.
  - (2) Drive-through lanes shall have a minimum width of 10 feet.
  - (3) Drive-through lanes serving a restaurant use shall provide a minimum of ten vehicle stacking spaces per lane. Drive-through lanes serving non-restaurant uses (e.g., banks, pharmacies) shall provide a minimum of five vehicle stacking spaces per lane. Stacking spaces shall measure, at minimum, 19 feet by 10 feet.
- D. **Speakers and Ordering/Menu Boards.** Speakers and ordering/menu boards shall be so directed or muffled as to prevent sound from being audible beyond boundaries of site. Speakers and ordering/menu boards shall be oriented and directed away from adjacent residential uses.
- E. The following additional requirements apply to drive-through facilities within the O-1, B-1, MUI-1, and MUI-2 zoning districts:
  - (1) Drive-through-related features, including drive-through windows, ordering and menu boards, and any canopies, must be located adjacent to the rear façade of the building or in the rear of the lot behind the building; however, corner parcels may use one (1) side of the building for drive-through window service. In the case of corner lots, all drive-through service windows must be set back a minimum of eight (8) feet from the front of the building wall of the primary structure.
  - (2) **Walk Up Service Window.** Where a public lobby or indoor service is not provided for the principal use, an exterior walk-up window shall be provided for customers without a vehicle.
  - (3) Stacking lanes shall not be located in a required front yard setback and shall not create hazardous conditions for pedestrians or other users on the site or in any adjacent right of way.

## 12. DUPLEXES

- A. Duplexes may be of a “side-by-side”, “front-to-back” or “stacked” design, or combination thereof, and may have separate entrances or a shared common entrance.

B. Duplexes shall comply with all Detached One-Family standards, [Section 7.03\(10\)](#), with the following exceptions and additional provisions:

- (1) At least one exterior entrance shall face a public or private street.
- (2) Duplexes may include a 20-foot shared driveway and/or a maximum of two (2) individual 12-foot wide driveways, located on opposite ends of the front property lines.

#### 13. FIREARM RETAIL SALES

- A. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment or firearm retail sales as an accessory use in any location in the City except as provided for in this section.
- B. Firearm sales may be permitted in the M-1 and M-2 only as an accessory use to a permitted indoor shooting range, subject to use-specific standards of [Section 7.03\(22\)](#) (Indoor Shooting Range).
- C. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:
  - (1) A school or childcare facility.
  - (2) A public park.
  - (3) A public community center.
  - (4) Any residential zoning district or any parcel used for residential purposes.
- D. A firearm retail sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, public community center, residential district, or a residential lot within three hundred (300) feet of the firearm retail sales establishment. However, if the firearm retail establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.
- E. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

#### 14. FOSTER CARE HOMES

- A. The licensee must permanently reside as a member of the household.
- B. The applicant shall submit a copy of the State license for the facility upon submittal for a Certificate of Occupancy.

#### 15. FUNERAL HOMES

- A. Assembly of vehicles for funeral processions shall not occur in a public street.
- B. Where a funeral home is permitted, a funeral chapel shall also be permitted.

#### 16. GASOLINE/RECHARGING SERVICE STATIONS

- A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of a gas station facility (e.g., buildings, access drives, pumps, canopies, parking areas) and the property line of a residentially-zoned parcel, screened and landscaped in accordance with [Section 11.04](#) (Transitional Landscaping).
- B. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 14,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the station.
- C. **Vehicular Access:**
  - (1) Gasoline service stations, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the corner intersection of the property lines.
  - (2) All curb openings, whether on a corner lot or not, shall not exceed thirty-five (35) feet in width at the property line.

- (3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- D. **Canopy Setbacks.** Fuel station pumps, recharging stations, and canopies shall be subject to the minimum principal building setback requirements for the district, with the exception of those abutting residential properties which shall be setback in accordance with the residential separation buffer requirement, above.
- E. **Canopy Height.** Fuel station canopies shall not exceed a height of 20 feet, measured to the highest point of the canopy.
- F. **Canopy Architecture.** Fuel station canopies shall be architecturally compatible with the design of the principal structure regarding roof pitch, architectural detailing, materials and color schemes.
- G. **Canopy Lighting.** Canopy lighting shall comply with the standards of Section 8.04 (Exterior Lighting). With the exception of illuminated signage, the exterior of canopies shall not be illuminated.
- H. **Vehicle Storage.** Disabled vehicles shall not be stored on the property. Rental or storage of trucks, trailers, and other vehicles is prohibited.
- I. **Outdoor Display and Sales.** Outdoor ancillary sales display areas (including display of windshield solvent, motor oil, propane, and ice) shall be denoted on the site plan and shall not restrict pedestrian movement on the site. Outdoor display and sales are subject to the use-specific requirements for outdoor display and sales, [Section 7.03\(33\)](#).

17. **HOME IMPROVEMENT CENTER, GARDEN CENTERS, AND LUMBER YARDS.** Building material sales, garden centers, lumber yards, and similar uses which may include outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.

- A. Outdoor sales and displays of equipment, materials, and products shall be subject to the standards set forth in [Section 7.03\(33\)](#), Outdoor Sales and Display.
- B. Outdoor storage of equipment and materials separate from outdoor sales and display areas shall be subject to [Section 8.03\(6\)](#), Accessory outdoor storage.

18. **HOME OCCUPATION (MINOR AND MAJOR)**

- A. Unless otherwise noted, the standards of this section shall not apply to live-work units, which are regulated separately under [Section 7.03\(23\)](#)
- B. **Home Occupation, Minor**
  - (1) The operation of a Minor Home Occupation shall be conducted solely within the dwelling unit and not within any detached accessory structure, except for incidental storage of equipment or materials related to the residential use.
  - (2) The Minor Home Occupation shall be conducted solely by the person or persons occupying the lot and a maximum of one (1) non-resident employee.
  - (3) The dwelling unit shall have no exterior evidence to indicate the dwelling unit is being utilized for a Minor Home Occupation.
  - (4) Only one (1) guest or client of the Minor Home Occupation shall be permitted at a time.
  - (5) The floor area used for the Minor Home Occupation shall not exceed 10% of the gross floor area of the dwelling unit.
  - (6) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
  - (7) No signage shall be permitted, except where specifically required by law.
  - (8) No display of any kind shall be visible from the exterior of the premises.

- (9) No outside storage of equipment or materials related to the Minor Home Occupation is permitted on the property.
- (10) The Minor Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Minor Home Occupation.
- (11) Minor Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) Minor Home Occupations in accordance with these standards do not require the approval of a Certificate of Occupancy or zoning-related permit.

#### C. **Home Occupation, Major**

- (1) The operation of a Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.
- (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection equipment or materials necessary for their work at another site, or documents relating to their employment.
- (3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted towards required parking spaces.
- (4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.
- (5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.
- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
- (9) No signage shall be permitted, except where specifically required by law.
- (10) No display of any kind shall be visible from the exterior of the premises.
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) In addition to Special Land Use approval in accordance with [Section 15.05](#), a Certificate of Occupancy shall be required for Major Home Occupations, in accordance with [Section 15.03](#).

#### 19. **HOSPITAL**

- A. Hospital sites shall contain a minimum area of two (2) acres.
- B. Hospital sites shall have at least one property line abutting a road classified as an arterial road, per the Madison Heights Master Plan. The principal ingress and egress to the site shall be directly from said thoroughfare.
- C. Emergency rooms, ambulance bays, and helipads shall be set back at least 150 feet from residential use or a residential zoning district.

D. Ambulance and delivery areas shall be obscured from all adjacent residentially-zoned or used properties by an obscuring wall or fence not less than six (6) feet in height

**20. HOTELS AND LODGING FACILITIES**

- A. Guestrooms shall be accessed from an interior corridor rather than individual exterior entrances.
- B. Hotels may provide accessory services and uses that are permitted within the zoning district, per the Permitted Use Table, [Section 3.06](#). Parking for accessory uses shall be provided in accordance with [Article 10](#).

**21. INDOOR RECREATIONAL BUSINESS**

- A. Indoor recreational businesses do not include indoor shooting ranges, which are regulated under [Section 7.03\(22\)](#)
- B. The following standards shall apply for indoor recreational business located in the B-1, CC, MUI-1, and MUI-2 districts.
  - (1) Indoor Recreational Businesses exceeding 15,000 usable square feet shall require special land use approval.
  - (2) Hours of operation shall be limited to between 7 a.m. and 10 p.m.

## 22. INDOOR SHOOTING RANGE (FIREARMS AND ARCHERY)

- A. The sale or consumption of alcohol on the premises of an indoor shooting range is prohibited.
- B. It shall be unlawful to operate or cause to be operated an indoor shooting range within 500 feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:
  - (1) A school or childcare facility.
  - (2) A public park.
  - (3) A public community center.
  - (4) Any residential zoning district or any parcel used for residential purposes.
- C. An indoor shooting range lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, public community center, residential district, or a residential lot within five hundred (500) feet of the shooting range establishment. However, if the indoor shooting range establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.
- D. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.
- E. Upon application for a special land use, the applicant shall provide:
  - (1) Certification from the indoor range equipment manufacturer that the equipment meets all applicable Federal, State, and Local regulations for archery and shooting ranges and indicates the size or type of weapon for which the range is designed.
  - (2) The Certification from the project architect and/or professional engineer that the facility design meets the current requirements for all applicable Federal, State, and Local regulations for archery and shooting ranges.
  - (3) Certification from the contractor or installer that the equipment described in the application is designed and complies with all manufacturer and architectural directions, requirements and specifications.
  - (4) Certification that the facility will at all times comply with all Federal, State, and Local regulations, will meet or exceed all commonly accepted shooting range safety and design practices, and will be operated in a manner that protects the health, safety and welfare of the general public.
- F. The shooting range shall be subject to inspection upon request of the City to verify ongoing compliance with the requirements of this section.
- G. Hours of Operation shall be limited to between 8 a.m. to 9 p.m.
- H. **Commercial sale of guns or ammunition.** The indoor range may include a commercial operation for the sale of guns or ammunition and ancillary equipment provided this area is accessory to the principal use, subject to the use-specific standards for firearm retail sales, [Section 7.03\(13\)](#).

## 23. LIVE/WORK UNIT

- A. **Accessibility.** Space devoted to nonresidential uses shall be accessible from the dwelling area.
- B. **Use of Nonresidential Space.** Only residents of the dwelling unit shall use the nonresidential space for purposes of employment. No portion of the live/work unit may be rented or sold separately.
- C. The non-residential use shall not exceed fifty percent (50%) of the gross floor area of the entire unit.
- D. Non-residential uses shall be compatible with residential uses and shall be limited to the following uses:
  - (1) Personal Service Establishments
  - (2) Professional Offices
  - (3) Artist Studio
  - (4) Artisan Manufacturing

(5) Other uses similar to the above, as determined by the Planning and Zoning Administrator, using reasonable discretion.

E. A Certificate of Occupancy shall be issued for non-residential uses, in compliance with [Section 15.03](#).

**24. MEDICAL MARIHUANA CAREGIVER**

- A. Medical Marihuana Caregivers shall only be permitted within the Primary Caregiver Marihuana Grow Overlay District, per [Section 5.01](#).
- B. Medical Marihuana Caregivers shall meet the requirements of [Section 5.01](#), Primary Caregiver Marihuana Grow Overlay District.

**25. MEDICAL MARIHUANA AND ADULT USE MARIHUANA SAFETY COMPLIANCE FACILITY**

- A. Medical Marihuana Safety Compliance Facilities are subject to the regulations of Article XVI (Medical Marihuana Facilities) of the City's Business Regulations and Licenses Ordinance.
- B. Adult Use Marihuana Safety Compliance Facilities are subject to the regulations of Article XVII (Marihuana Establishments) of the City's Business Regulations and Licenses Ordinance.

**26. MEDICAL MARIHUANA AND ADULT USE MARIHUANA FACILITIES**

- A. Medical Marihuana Facilities are subject to the location requirements and all other requirements of Article XVI (Medical Marihuana Facilities) of the City's Business Regulations and Licenses Ordinance.
- B. Adult Use Marihuana Facilities are subject to the location requirements and all other requirements of Article XVII (Marihuana Establishments) of the City's Business Regulations and Licenses Ordinance.

**27. MOBILE FOOD COURT (PRINCIPAL USE)**

A. **Purpose, Intent and Applicability.** The standards of this section are intended to:

- (1) Expand convenient and varied eating options in the City of Madison Heights;
- (2) Support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and
- (3) Protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g., ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

**B. Approvals Required**

- (1) A private property owner intending to designate their property as a mobile food court shall obtain the following approvals:
  - (a) **Special Use Approval.** The property owner shall apply for special use approval under the provisions of [Section 15.05](#) and satisfy the mobile food court standards below.
  - (b) **Site Plan Approval.** Upon receiving special use approval through City Council, the property owner shall apply for major site plan approval under the provisions of [Section 15.04](#) and satisfy the mobile food court standards, below.
- (2) A mobile food vendor shall obtain the following prior to operating a mobile food vehicle within the City of Madison Heights:
  - (a) **Mobile Food Vendor Certificate of Occupancy.** Mobile food vendors shall obtain a Certificate of Occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section 7.03(27)(D), below.

(b) **Business License.** Mobile food vendors shall obtain a business license from the City Clerk in accordance with Chapter 7 of the Code of Ordinances of the City of Madison Heights.

C. **Mobile Food Courts.** Any person intending to create and designate a mobile food court as a principal use on their property shall first obtain mobile food court approval in accordance with the following provisions.

(1) **Locational Requirements.** Mobile food courts shall satisfy the following locational requirements: The property shall be zoned City Center, MUI-1 or MUI-2.

(2) **General Requirements.** A mobile food court shall satisfy the following general requirements:

- (a) The mobile food court site plan shall designate a minimum of one (1) and a maximum of eight (8) pads for the operation of mobile food vehicles. All mobile food vehicle pads shall be on a paved surface.
- (b) Permanent structures shall satisfy the setback, height, and lot coverage requirements contained in [Article 4 – Schedule of Regulations](#).
- (c) **Outdoor Seating Areas.** Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8 foot-high solid obscuring wall.
- (d) **Landscaping.** The site plan shall satisfy the landscaping and screening requirements contained in [Article 11 – Landscaping and Screening](#).
- (e) **Parking.** A minimum of two (2) parking spaces shall be required per each individual mobile food vehicle pad on site. Parking dimensions and design shall satisfy the requirements of [Article 10 – Parking Requirements](#).
- (f) **Lighting.** On-site exterior lighting shall satisfy the provisions of [Section 8.04 – Exterior Lighting](#).
- (g) **Restrooms.** Permanent restroom facilities shall be provided within the boundaries of the mobile food court in accordance with the Michigan Plumbing Code.
- (h) **Water requirements.** Water hookup/access shall be provided for each individual mobile food vehicle pad on site.
- (i) **Electrical requirements.** Electricity access shall be provided for each individual mobile food vehicle pad on site. Portable generators are prohibited.
- (j) **Signs.** A master sign plan for the mobile food court shall be submitted for review and approval as part of the site plan approval process. The plan shall provide information relating to permanent signs for the mobile food court, as well as individual signs for each business. Permanent ground and wall signs shall satisfy the standards of [Article 12 – Sign Regulations](#).
- (k) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
- (l) Alcohol sales shall only be permitted from a permanent structure on-site.

(3) **Submittal Requirements.** A private property owner intending to operate a mobile food court as a principal use shall submit the following:

- (a) A Special Use Approval application, in accordance with [Section 15.05](#)
- (b) A Site Plan application, in accordance with the procedures and submittal requirements of [Section 15.04](#). In addition to the requirements of Section 15.04, the site plan shall denote the following:
  - (i) The location and orientation of each mobile food vehicle pad and each permanent structure.
  - (ii) The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.
  - (iii) The location of all fire lanes.
  - (iv) The location of fire hydrants.

- (v) Lighting Plan.
- (vi) The location and type of water supply and electrical outlet(s) provided for each mobile food vendor pad.
- (vii) Signage plan.

D. **Mobile Food Vendor Certificate of Occupancy.** A mobile food vendor must obtain a Certificate of Occupancy for each mobile food court in which they intend to operate in accordance with the following provisions.

(1) **Operational Requirements.** Mobile food vendors shall comply with the following operational requirements:

- (a) Mobile food vendors shall be permitted to operate from a mobile food court approved in accordance with this section.
- (b) Mobile food vendors shall not operate at a mobile food court without first obtaining written approval from the private property owner.
- (c) Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food court.
- (d) Mobile food vendors shall maintain a valid business license issued by the City Clerk, and shall display such license on the mobile food vehicle.
- (e) Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division, and shall display such approval on the mobile food vehicle.
- (f) Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.
- (g) A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.
- (h) Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board "A-frame" sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.
- (i) Flashing, blinking, or strobe lights are prohibited.
- (j) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
- (k) A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.

(2) **Submittal Requirements.** A mobile food vendor intending to obtain a Certificate of Occupancy shall submit the following:

- (a) Mobile Food Vendor Certificate of Occupancy application.
- (b) Written approval from the property owner of the mobile food court to operate on said property.
- (c) A copy of the approved food license from the Oakland County Environmental Health Division.
- (d) A copy of the approved Madison Heights business license.
- (e) A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.
- (f) Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.

- (g) A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.
- (3) **Annual Renewal Required.** Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.
- (4) **Revocation of Certificate of Occupancy.** An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

## 28. MOBILE FOOD SITE (ACCESSORY USE)

### A. Purpose, Intent and Applicability.

These sections are intended to:

- (1) Expand convenient and varied eating options in the City of Madison Heights;
- (2) Support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and
- (3) Protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g., ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

### B. Approvals Required

- (1) A private property owner intending to designate their property as a mobile food site shall obtain the following approvals:
  - (a) **Mobile Food Site Approval.** The property owner shall apply for mobile food site approval in accordance with the provisions below. Mobile food site approval constitutes general zoning approval for the operation of a mobile food vehicle as an accessory use on the site.
- (2) A mobile food vendor shall obtain the following prior to operating a mobile food vehicle within the City of Madison Heights:
  - (a) **Mobile Food Vendor Certificate of Occupancy.** Mobile food vendors shall obtain a Certificate of Occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section 7.03(28)(D), below.
  - (b) **Business License.** Mobile food vendors shall obtain a business license from the City Clerk in accordance with Chapter 7 of the Code of Ordinances of the City of Madison Heights.

### C. Mobile Food Sites.

Any person intending to create and designate a mobile food site as an accessory use on their property shall first obtain mobile food site approval in accordance with the following provisions. This section does not apply to mobile food courts.

- (1) **Locational Requirements.** Mobile food sites shall satisfy all of the following locational requirements:
  - (a) The property shall be zoned City Center, MUI-1 or MUI-2.
  - (b) The property shall contain a principal building or use. A mobile food site shall be deemed an accessory use of a property.
  - (c) The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property containing an existing brick and mortar restaurant, measured from the mobile food vehicle service window to the nearest property line of the property containing such brick-and-mortar

restaurant(s). The 100-foot separation requirement shall only apply on the same linear block face as the mobile food vehicle. The following exceptions apply:

- (i) This standard may be waived if all of the affected brick and mortar restaurant(s) submit a letter to the Community and Economic Development Department indicating that they choose to waive the 100-foot separation requirement.
- (ii) A brick-and-mortar restaurant owner may operate a food truck at the site of their own brick and mortar restaurant upon satisfying the remaining locational and general requirements of this Ordinance.
- (d) The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 50 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the mobile food vehicle service window to the nearest property line of the residential property. A mobile food site may be established within 50 feet of a property zoned R-1, R-2, R-3, or R-M as a special use, in compliance with the process outlined in [Section 15.05.](#)

(2) **General Requirements.** A mobile food site shall satisfy the following general requirements:

- (a) No more than one (1) mobile food vehicle may operate or be placed on a mobile food site at one time. Only one (1) mobile food vehicle pad may be designated on the site plan.
- (b) The designated mobile food vehicle pad shall be located a minimum of 15 feet from any fire hydrant and 5 feet from any property line, driveway, sidewalk, utility box or vault, accessible ramp, building entrance or exit, or emergency call box.
- (c) The designated mobile food vehicle pad shall be on a paved surface.
- (d) The placement of the mobile food vehicle shall not reduce the availability of the minimum number of parking spaces required for the principal use on site nor impede vehicular or pedestrian circulation on site.
- (e) No portion of the mobile food vehicle shall hang over a public right-of-way or interfere with clear vision triangles.
- (f) An outdoor seating area may be designated consisting of portable tables and a seating capacity of eight. Outdoor seating areas shall not be placed within the right-of-way and shall not impede vehicular or pedestrian circulation in site.

(3) **Submittal Requirements.** A private property owner intending to designate their property as a mobile food site shall submit the following:

- (a) Mobile Food Site application.
- (b) Site Plan. Dimensioned site plans shall be 11" x 17" in size and shall denote, at minimum, the following:
  - (i) Street, curbs, sidewalks, and property lines.
  - (ii) The zoning classification of the subject site and adjacent sites.
  - (iii) Existing building footprints with tenant spaces labeled.
  - (iv) Existing accessory structures and refuse container footprints.
  - (v) Parking spaces and drive aisles.
  - (vi) The general layout and dimensions of the mobile food vehicle pad.
  - (vii) The location and surface material of all paved areas.
  - (viii) The on-site storage location of the mobile food vehicle during non-operational hours, if applicable.
  - (ix) The location of fire hydrants.
  - (x) The location of on-site water, generator and/or electric utilities that will serve the mobile food vehicle.
  - (xi) The location of any designated outdoor seating areas.

- (xii) Sufficient details to demonstrate that the locational and general requirements of Section 7.03(28)(C) can be satisfied.
- (c) Restaurant Map. A map identifying existing brick and mortar restaurants within a 150-foot radius of the subject property.
- (4) Technical Review Committee Approval. All applications and associated site plans for proposed mobile food sites shall be forwarded to the Technical Review Committee for review and approval.
- (5) Annual Approval Required. Mobile Food Site approval shall be valid for a period of one (1) year. Property owners shall be required to apply for mobile food site approval annually under the provisions of this Ordinance.

D. **Mobile Food Vendor Certificate of Occupancy.** A mobile food vendor must obtain a Certificate of Occupancy for each mobile food site in which they intend to operate in accordance with the following provisions.

- (1) **Operational Requirements.** Mobile food vendors shall comply with the following operational requirements:
  - (a) Mobile food vendors shall be permitted to operate from a mobile food site approved in accordance with 7.03(28) or a mobile food court approved in accordance with 7.03(27)
  - (b) Mobile food vendors shall not operate at a mobile food site without first obtaining written approval from the private property owner.
  - (c) Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food site.
  - (d) Mobile food vendors shall maintain a valid business license issued by the City Clerk and shall display such license on the mobile food vehicle.
  - (e) Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division and shall display such approval on the mobile food vehicle.
  - (f) During non-operational periods in excess of 24 hours, the mobile food vehicle and associated equipment (i.e., tables and signs) shall either be removed from the mobile food site or moved to a location on-site that is not readily visible from the public right-of-way. The on-site storage location shall be shown on the mobile food site plan.
  - (g) Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.
  - (h) A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.
  - (i) Sales of alcoholic beverages are prohibited from a mobile food vehicle.
  - (j) Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board "A-frame" sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.
  - (k) Flashing, blinking, or strobe lights are prohibited.
  - (l) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
  - (m) A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.
  - (n) Permanent connections to water and sanitary sewer lines and mains are prohibited.

(2) **Submittal Requirements.** A mobile food vendor intending to obtain a Certificate of Occupancy shall submit the following:

- (a) Mobile Food Vendor Certificate of Occupancy application.
- (b) Written approval from the property owner of the mobile food site or mobile food court to operate on said property.
- (c) A copy of the approved food license from the Oakland County Environmental Health Division.
- (d) A copy of the approved Madison Heights business license.
- (e) A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.
- (f) Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.
- (g) A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(3) **Annual Renewal Required.** Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(4) **Revocation of Certificate of Occupancy.** An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

29. **MULTIPLEXES.** Multiplexes shall comply with all Detached One-Family standards, with the following exceptions and additional provisions:

- A. A maximum of two (2) exterior doors facing the street are permitted. Where located on a corner lot, two (2) exterior doors may be permitted per street.
- B. A maximum of one (1) front-facing attached garage is permitted per frontage. Additional attached garages shall be located at the side or rear of the building. Front facing attached garages are subject to the Detached One-Family standards.
- C. Multiplex structures are subject to minor site plan review, [Section 15.04](#).

30. **MULTI-FAMILY DWELLINGS.**

A. **Exemptions:**

- (1) The use-specific standards of this section shall not apply to multi-family developments within the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards.
- (2) Multi-family developments featuring townhome structures shall be subject to the use-specific standards for townhomes, [Section 7.03\(45\)](#).

B. **Internal Setbacks.** In multi-family developments containing more than one principal structure, a minimum internal setback of ten (10) feet shall be provided between structures.

C. **Accessibility.** Multi-family developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures.

D. Multi-family residential development shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas. Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists.

E. **Façade Variation:** Each multiple-family building shall feature a variety of massing elements, wall planes, roof lines, and other characteristics which divide facades into human-scaled proportions. Variation may be provided by one or more of the following means:

- (1) Building projections and recesses.
- (2) Balconies
- (3) Covered box or bay windows.
- (4) Changes in roof plane and elevation.
- (5) Dormers or gables.
- (6) Variation in building height or cornice heights
- (7) Change of wall material or wall color.

F. **Variation among Repeated Buildings.** To the maximum extent feasible, multi-family developments containing more than one principal structure shall feature distinct but cohesive building designs and types. Variation may be achieved through different building heights, footprints, lengths, roof forms, and colors and building materials. All sides of a structure open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.

G. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator or Planning Commission may consider alternative accent materials.

H. **Parking.** To the maximum extent feasible, parking structures, carports, and garages shall not be located between the front or primary façade of a multi-family building and the street frontage/internal drive frontage adjacent to the front lot line. Parking shall be internalized within building groups so as not to be directly visible from the street frontage.

I. **Planning Commission Review and Action.** Major site plans for multi-family developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per [Section 15.04](#).

31. **OUTDOOR DINING AND SEATING.** Outdoor seating and dining is permitted as an accessory use, subject to the following standards:

- A. The hours of operation shall not exceed the normal hours of operation for the principal use.
- B. **Location.** Outdoor seating areas shall be located in a manner to maintain a minimum pathway of six (6) feet (clear of structures, such as light poles, trees, and hydrants) along the private sidewalk area so as not to interfere with pedestrian traffic. In instances where the minimum width for the pathway cannot be maintained, an alternate pathway may be provided to maintain pedestrian connectivity.
- C. Outdoor dining areas shall be connected to an entrance to the principal building by a paved, barrier free path.
- D. Properties that directly abut residential districts (not including mixed-use districts) are subject to the following additional standards:
  - (1) Outdoor seating areas shall be set back a minimum of forty (40) feet from any property line that abuts residential district(s). Portions of outdoor seating areas that directly face residential districts or uses shall be screened in a manner to reduce visual and noise impacts to residential neighbors.
  - (2) Outdoor seating areas shall not be used between the hours of 11:00 p.m. and 7:00 a.m.
  - (3) Outdoor seating areas on a second story balcony or above, or rooftop, shall require special land use approval.
  - (4) External speakers or live entertainment may be permitted up to close of business and shall not exceed 25 decibels at the property line abutting the residential district.
- E. Properties that do not directly abut residential districts are subject to the following additional standards:

- (1) Outdoor seating on a second story balcony or above, or rooftop, may be permitted by right.
- (2) External speakers or live entertainment may be permitted up to close of business and shall not exceed 65 decibels between the hours of 7:00 a.m. and 11:00 p.m. or 50 decibels between the hours of 11:00 p.m. and 7:00 a.m. at the property line.

**F. Enclosure and Shade Structures.** Proposed enclosures or shade structures are subject to the following standards:

- (1) Outdoor seating areas shall be enclosed by a permanent edge feature where there is alcohol service or when located within fifteen (15) feet of parking or maneuvering lanes. Enclosures shall be a minimum of 36 inches tall and shall consist of metal railings, wood railings, brick walls, bollards, or other suitable materials, subject to approval of the approving body.
- (2) Temporary open shade structures such as an umbrella similar to what is used in a residential backyard may be permitted without a building permit.
- (3) Enclosed structures which exceed 120 square feet in area, such as tents, canopies, pergolas, etc. shall require a building permit.

**G. Maintenance.** Chairs and tables shall be of quality durable material such as metal or wood. Waste receptacles shall be provided in instances where wait staff does not clear all tables. The outdoor dining area must be kept sanitary, neat, and clean at all times.

**H. Application Requirements:**

- (1) For outdoor seating areas requiring additional hardscape improvements in excess of 1,500 square feet, a major site plan shall be submitted in accordance with [Section 15.04](#).
- (2) For outdoor seating areas which do not involve additional hardscape improvements in excess of 1,500 square feet, or do not require additional site improvements, a minor site plan shall be submitted in accordance with [Section 15.04](#).

**32. OUTDOOR RECREATIONAL BUSINESS.**

- A. Outdoor recreational uses shall be set back at least fifty (50) feet from residentially-zoned or used parcels, measured from the edge of any area utilized for outdoor recreation and the residential property line.
- B. Screening shall be provided between outdoor recreational uses and all adjacent properties and right-of-way lines in accordance with Transitional Landscaping, [Section 11.04](#)
- C. Exterior lighting shall be turned off after regular hours of operation.
- D. Hours of operation shall be limited to between 9 a.m. and 10 p.m.

**33. OUTDOOR SALES AND DISPLAY (PERMANENT).**

- A. Exemptions: This section shall not apply to the following situations:
  - (1) Items sold or displayed outdoors that are six (6) feet or less from the edge of the storefront (including private sidewalk areas), where the aggregate display area does not exceed 25% of the linear frontage of the storefront or twenty (20) linear feet, whichever is greater. In such cases, a minimum continuous pavement walkway and clear pedestrian path of not less than five (5) feet in width shall be maintained.
  - (2) Temporary outdoor sales and display areas or temporary seasonal sales lots, [Section 7.03\(43\)](#).
  - (3) Accessory Outdoor Storage, [Section 8.03\(6\)](#).
  - (4) Outdoor Dining and Seating, [Section 7.03\(31\)](#).
  - (5) The outdoor sales/display of vehicles at an Auto Sales and Rental establishment, [Section 7.03\(3\)](#).

**B. Permanent Outdoor Sales and Display Areas are Subject to the Following Standards:**

- (1) Permanent outdoor sales and display areas are permitted as listed within the Permitted Use Table, [Section 3.06](#), as an accessory use to a principal use listed in the same district. Only those products that are sold or similar to the products sold within the principal building on the sale lot shall be sold or displayed outdoors.
- (2) Outdoor sales and display areas shall be subject to the minimum setback standards of the zoning district.
- (3) Outdoor sales and display areas shall not be permitted within 50 ft. of any residential zoning district or residential use, with the exception of mixed-use buildings.
- (4) Outdoor sales and display areas shall not be located within any designated parking areas, vehicle circulation areas, pedestrian circulation areas, fire lanes, or required landscape areas.
- (5) Outdoor sales and display areas shall be located immediately adjacent to the front, side, or rear building façade.
- (6) A permanent barrier must maintain a separation between the outdoor sales and display area and any parking or drive aisles.
- (7) Outdoor sales and display areas greater than five-hundred (500) square feet shall be enclosed with a solid fence or wall to screen views from public rights of way and adjacent properties. The design of the fencing or wall shall be compatible with the principal building(s).
- (8) The area used for permanent outdoor sales and display areas shall not exceed twenty-five percent (25%) of the gross floor area of the corresponding principal commercial building.
- (9) Outdoor sales and display areas shall be paved with asphalt, concrete, or other material that can be maintained in a dust-free condition. Gravel is not permitted.

**34. PARKING AS A PRINCIPAL USE.**

- A. Parking as a principal land use shall require special land use approval in all zoning districts and is subject to the standards of [Section 10.06](#), Parking as a Principal Use.
- B. Parking Garages are permitted as a building type in the City Center district, [Section 6.02](#).

**35. RECYCLING DROP-OFF CENTERS.** Recycling drop-off centers are intended to serve the public by providing a convenient and safe place, in a location normally used by the public, to drop off their recyclable materials. Recycling drop-off centers are subject to the following standards:

- (1) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:
  - (a) 100 feet from a residentially-zoned or used parcel; and
  - (b) 25 feet from all other property lines and rights-of-way; and recycling, storage, and
  - (c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.
- B. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
- C. The recycling drop-off center shall be screened from adjacent public rights of way and properties, and from public view in accordance with perimeter landscaping requirements, [Section 11.06](#). City Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.
- D. The types of recyclable materials to be collected shall be approved by City Council as part of the Special Land Use Approval process. No motor oil, batteries, paint, lead, mercury, or other hazardous materials shall be collected.
- E. The operator shall provide plans showing all container locations and screening. Plans shall show the location of entrances, exits and unloading areas for the location as well as the distances to property lines and any adjacent residential districts.

## 36. RECYCLING TRANSFER AND PROCESSING FACILITIES

### A. Recycling Transfer Facilities.

Recycling transfer facilities are subject to the following regulations:

- (1) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:
  - (a) 150 feet from a residentially-zoned or used parcel; and
  - (b) 100 feet from all other property lines and rights-of-way; and
  - (c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.
- (2) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
- (3) Adequate parking shall be provided for all employees and visitors.
- (4) The site shall be controlled to prevent unauthorized access during non-business hours.
- (5) All transfer operations shall be conducted inside a fully enclosed structure.
- (6) No recyclable materials may remain on-site longer than seven calendar days.
- (7) Overnight storage or parking of loaded vehicles shall not be permitted.
- (8) If public access is provided to the site for the drop-off of recyclable materials, the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

### B. Recycling Processing Facilities.

**Due to the large volume of truck traffic, storage, and recyclable material handling, combined with the increased possibility of odor, noise, dust and debris, recycling processing facilities are subject to the following regulations:**

- (1) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
- (2) Adequate parking shall be provided for all employees and visitors.
- (3) The site shall be controlled to prevent unauthorized access during non-business hours.
- (4) Overnight storage or parking of loaded vehicles shall not be permitted.
- (5) If public access is provided to the site for the drop-off of recyclable materials, the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
- (6) All processing shall be conducted inside a fully enclosed building.
- (7) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:
  - (a) 300 feet from a residentially-zoned or used parcel; and
  - (b) 100 feet from all other property lines and rights-of-way; and
  - (c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.
- (8) The recycling processing center shall be screened from adjacent public rights of way and properties in accordance with perimeter landscaping requirements, [Section 11.06](#). City Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.

- (9) In order to contain windblown debris and provide security, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the recycling process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
- (10) The types of materials to be recycled shall be approved by Council as part of the Special Land Use Approval Process.
- (11) Copies of all Michigan Department of Environment, Great Lakes, and Energy (EGLE) applications and/or permits, if required, shall be provided with the application.

37. **[RESERVED]**

38. **REGULATED USES.** Regulated Uses are subject to the standards of [Section 5.03](#) of this Zoning Ordinance.

39. **RELIGIOUS INSTITUTIONS, PRIVATE CLUBS AND LODGES.**

- A. The property shall have primary frontage an arterial or collector road, as defined in the Madison Heights Master Plan.
- B. For the requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal and/or Building Official.
- C. Accessory child care and educational facilities at a religious institution shall be conducted by the religious organization, where children are in attendance for not greater than four (4) hours per day while persons responsible for the children are attending religious classes or services. Anything in excess of these provisions shall be treated as a principal use and shall be subject to relevant use-specific standards.

40. **SELF STORAGE FACILITIES.**

- A. Internal setbacks between mini-warehouses and buildings on the same site shall be 25 feet apart.
- B. Maximum lot coverage shall not exceed 40 percent.
- C. The maximum length of any mini-warehouse shall be 250 feet.
- D. Limited retail sales of products and supplies incidental to the principal use may be permitted, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains.
- E. Outdoor storage of recreational vehicles may be permitted in the M-1 and M-2 district in compliance with the accessory outdoor storage standards of [Section 8.03\(6\)](#).

41. **SENIOR HOUSING, ASSISTED.**

- A. All bedrooms within the assisted senior housing development shall have a minimum of two-hundred (200) square feet.
- B. All ambulance access areas shall be visually screened from view of adjacent residential uses by an opaque wall or fence a minimum of six (6) feet in height.
- C. Assisted senior facilities may include on-site accessory services, such as cafes, entertainment, laundry, and personal services. However, said services shall only be accessible to residents, visitors, and staff.
- D. Assisted Senior Housing developments are further subject to the use-specific standards for Multi-Family Residential uses, [Section 7.03\(30\)](#).

42. **SENIOR HOUSING, INDEPENDENT.**

- A. Independent Senior Housing developments are subject to the use-specific standards for Multi-Family Residential uses, [Section 7.03\(30\)](#), or Townhomes, [Section 7.03\(45\)](#), dependent upon the type of development.

43. **TEMPORARY USES.**

- A. Except as otherwise provided in this Zoning Ordinance, the temporary uses listed in this Section shall require the issuance of a Temporary Use Permit in accordance with this Section and the process/requirements of Section

10.08. Temporary/Seasonal Business Licenses shall also be required in accordance with Chapter 7 of the Madison Heights Code of Ordinances.

- B. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter, or for a temporary use not specifically permitted in this chapter (or not deemed similar by the Planning and Zoning Administrator), shall submit for approval through the Planning Commission; provided, that it complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.
- C. Exempt Temporary Uses: The following temporary uses are exempt from the procedural and licensing requirements of this section but remain subject to other Sections of this Zoning Ordinance and the Madison Heights Code of Ordinances.
  - (1) Emergency Facilities: Temporary facilities to accommodate emergency health and safety needs and activities.
  - (2) Temporary Construction Yards – on-site: Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
  - (3) Temporary Construction Office or Temporary Real Estate Office. A temporary construction or real estate office used during the construction of a principal building, buildings, or uses on the same site, subject to building permits and trade permits.
  - (4) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the Zoning Ordinance or Municipal Code.
  - (5) Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.
  - (6) Mobile Food Sites, in accordance with [Section 7.03\(28\)](#)
  - (7) Temporary portable on-site storage units in accordance with [Section 8.03\(2\)](#).
- D. **Standards Applicable to all Temporary Uses.** All temporary uses, including but not limited to those listed in this Section, shall comply with the following standards:
  - (1) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience, and general welfare, either on or off the premises.
  - (2) Temporary uses shall be set back a minimum of twenty-five (25) feet from abutting residentially-zoned parcels or residential uses, with the exception of existing mixed-use buildings.
  - (3) Temporary use applicants shall either be the property owner or, if not the property owner, present a signed letter of authorization from the property owner agreeing to such temporary use.
  - (4) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, clear vision triangle, ADA spaces or aisles, or egress from buildings on the lot or on adjoining property.
  - (5) Temporary uses shall provide adequate parking area and improvements adequate to accommodate anticipated vehicular traffic. Safe pedestrian accessibility shall be provided between parking areas and the temporary use, with a separation between vehicular and pedestrian traffic areas.
  - (6) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City authorizes the use of City-owned property or right-of-way.
  - (7) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area.
  - (8) Signs for temporary uses shall be permitted only in accordance with [Article 12](#), Signs.
  - (9) Temporary uses shall comply with all requirements of the Fire Prevention Code and other applicable codes and regulations.

**E. Allowed Temporary Uses and Use-Specific Standards.** The following temporary uses may be permitted via approval from the Planning and Zoning Administrator, subject to satisfying use-specific standards. Such uses shall also require the issuance of a valid Temporary/Seasonal Business License:

- (1) **Temporary Outdoor Displays/Sales.** The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, sidewalk sales, and parking lot sales, may be conducted accessory to an otherwise lawfully permitted or allowed principal use on the same site, subject to the following:
  - (a) Temporary outdoor displays and sales shall only be permitted in a non-residential or mixed-use zoning district, accessory to an existing business located on the same property.
  - (b) Products displayed and sold outdoors shall relate to the on-site use and business, and all activities shall be conducted within the lot.
  - (c) Temporary outdoor displays and sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.
  - (d) Sales and display areas may not occupy more than fifteen percent (15%) of the parking area and shall not substantially alter the existing circulation or fire access on site.
- (2) **Seasonal Sales Lots.** Temporary seasonal sales activity (e.g., Christmas trees, pumpkin sales, plant sales, fireworks sales) may be permitted, subject to the following:
  - (a) Seasonal sales lots may be permitted in any non-residential or mixed-use zoning district, or on any public, quasi-public, or institutional site that abuts an arterial or collector road.
  - (b) Temporary seasonal sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.
  - (c) Sales and display areas may not occupy more than fifteen percent (15%) of a parking area and shall not substantially alter the existing circulation or fire access on site.
- (3) **Special Events.** Special events such as auctions, craft fairs, farmers markets, outdoor entertainment, and carnivals, may be permitted, subject to the following:
  - (a) Special events may be permitted in any non-residential or mixed-use zoning district, or on any property approved for public, quasi-public, or institutional uses that abuts an arterial or collector road, as defined in the Madison Heights Master Plan.
  - (b) The temporary special event is limited to a maximum of seven (7) consecutive days. A total of three (3) temporary special events are permitted per business per calendar year, separated by a stretch of fourteen (14) consecutive days.

A recurring event that typically does not take place over consecutive days, but may take place on no more than two consecutive days, may be submitted as a single temporary special event permit. A recurring event is not subject to the 14-day separation standard listed in subsection (E)(3)(b), above. A recurring event is limited to a total of ten (10) days per calendar year and shall count toward the total number of special events.
  - (c) Permitted hours of operation shall be limited to between 12:00 (noon) to 10:00 p.m.

F. When a temporary use is not specifically mentioned in this section, the Planning and Zoning Administrator may determine that such use is similar in nature to listed use(s) above and shall establish the term, and make necessary findings and conditions for the particular use. The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Planning Commission for action, in accordance with [Section 15.08](#).

G. In issuing a temporary use permit, the approving authority may impose conditions which it finds necessary for the protection and preservation of property rights and values of adjacent properties.

[Δ Ord. No. 2024 – ZTA 24-03]

#### 44. TOBACCO/SMOKE SHOP/SMOKE LOUNGE.

- A. It shall be unlawful to operate or cause to be operated a tobacco/smoke shop/smoke lounge within 200 feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:
  - (1) A school or childcare facility.
  - (2) A public park.
  - (3) A public community center.
- B. In addition to the separation requirements listed above, a smoke lounge shall be located a minimum of 200 feet from a residentially-zoned or used property, measured from the nearest lot line to the nearest lot line on a straight line basis. A smoke lounge may include a tobacco/smoke shop component.
- C. Tobacco/smoke shops/smoke lounges shall not be located within 500 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) from another tobacco/smoke shop/smoke lounge.
- D. **Minors Prohibited.** No persons under 21 years of age shall be permitted within a smoke lounge establishment, including employees, and business owners shall require proof of identification to verify the age of customers, visitors, and employees.
- E. **Indoor Operation Only.** All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating shall not be permitted.
- F. A tobacco/smoke shop lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, or public community center within two hundred (200) feet of the tobacco/smoke shop establishment. However, if the tobacco/smoke shop establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.

#### 45. TOWNHOMES

- A. Multiple townhome units may be placed on a single parcel, similar to a multi-family development, or be placed on individual fee-simple lots. Townhomes are subject to the following dimensional regulations:

Max. Attached Units	Min. Distance btw. Groups of Townhomes (ft.)	Min. Lot Size			Min. Unit Width (ft.)	Max. Height (ft.)	Min. Yard Setback (ft.)				Max. Lot Coverage	
		Non-Fee-Simple Lots		Fee-Simple Lots			Front	Sides			Non-Fee-Simple Lots	Fee-Simple Lots
		Area (sq. ft.)	Width (ft.)					Shared Wall	End Unit			
8 Units	10	Per District. In R-MN district, minimum 1,000 square feet of lot area required per townhome unit, no less than 4,000 square feet total.	1,600	20	18	40	15 *	0	5	15	Per District	65%

\* In districts where the required front setback or build-to-zone is less than 15 feet, front setbacks for townhome units shall be reduced to the minimum or maximum permitted in the district.

- B. A single row of townhomes shall contain a minimum of two (2) and a maximum of eight (8) consecutive townhome units sharing a common wall. However, two (2) units on one parcel shall be considered a duplex, subject to the use-specific standards for duplexes [Section 7.03\(12\)](#).
- C. The frontage width of an individual townhome dwelling unit shall be no less than eighteen (18) feet.
- D. Each individual townhome dwelling unit shall have a separate entrance facing the street frontage or internal drive to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- E. Each townhome unit shall have a covered, main entry-related porch or stoop area, which may encroach into a required front yard setback up to six (6) ft.

- F. Townhomes shall feature design elements which create visual distinctions for each unit, such as, but not limited to, varying roof forms, massing, projections and recesses, modulations, or change of materials, colors or textures.
- G. Townhome structures that are proposed on a parcel adjoining a parcel that is zoned single-family residential or improved with a single-family detached structure shall be "stepped-down" to a maximum height of twenty-five (25) feet along the adjoining property line. The "stepped-down" portion of the building shall be a minimum of ten feet in width. Alternatively, the minimum required end unit side yard setback adjacent to the adjoining parcel may be increased by one (1) foot for each one (1) foot of building height in excess of twenty-five (25) feet. For example, a townhome unit with a building height of thirty-two (32) feet shall be set back twelve (12) feet from the adjoining single-family property line (5-foot end unit setback + 7 foot setback for additional height).
- H. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete. The Planning and Zoning Administrator may consider alternative accent materials.
- I. **Garage Doors.** Front-loaded attached garages are prohibited. Attached garages shall be accessed from the side or rear of the structure.
- J. **Site Plan Review.** Townhome developments/structures containing 4 or less units are subject to Minor Site Plan review, per [Section 15.04](#). Townhome developments/structures exceeding 4 units are subject to Major Site Plan review, per [Section 15.04](#).
- K. **Planning Commission Review and Action.** Major site plans for multi-family developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per [Section 15.04](#).

#### 46. VETERINARY CLINICS AND ANIMAL GROOMING.

- A. Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property
- B. Overnight boarding, outdoor runs, kennels, and storage areas are not permitted. However, veterinary clinics and animal grooming facilities may include commercial kennels, boarding facilities, and outdoor facilities if permitted in the district where the facility is located, subject to special use approval, if required, and the requirements of [Section 7.03\(8\)](#), Commercial Kennels and Boarding Facilities.

#### 47. WIRELESS COMMUNICATION FACILITIES.

- A. **Purpose and Intent.** The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the city of Madison Heights:
  - (1) It is the city's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city.
  - (2) It is the policy of the city that all users should collocate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.
  - (3) In recognition of the city's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
  - (4) These regulations do not apply to accessory antennas addressed in [Section 8.01. Zoning Districts and Approval Process for Wireless Communication Facilities](#). Wireless communication facilities may be located within the city as follows:

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
<b>Attached Wireless Communication Facilities on Existing Structures</b>		
Attached to an existing building or structure that will not be materially altered or changed in appearance	All districts, except on lots occupied by a one-family residential use	Minor site plan, in accordance with <a href="#">Section 15.04</a> .
Attached to an existing utility structure that will not be modified or materially alter the structure, impair sight lines, or compromise safety	All districts, and rights-of-way with approval of utility company	Minor site plan, in accordance with <a href="#">Section 15.04</a> , provided letter of acceptance is provided by the utility company
Collocation upon an existing wireless communication facility	All districts	Minor site plan, in accordance with <a href="#">Section 15.04</a>
<b>New Wireless Communication Tower</b>		
Monopole any height	M-1, M-2, MUI-1 districts or located on a municipally owned site, or public park in any district	Special land use in accordance with <a href="#">Section 15.05</a> . Major Site Plan Approval in accordance with <a href="#">Section 15.04</a>
Lattice tower where it can be demonstrated that a monopole is not feasible	M-1, M-2 districts	Special land use in accordance with <a href="#">Section 15.05</a> . Major Site Plan Approval in accordance with <a href="#">Section 15.04</a>

B. **Application Requirements—Collocation.** The following information shall be provided with the application, in addition to other minor site plan submittal requirements, as required in [Section 15.04](#), Site Plan Review, for an attached wireless communication facility collocated on an existing structure:

- (1) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises;
- (2) The owner and/or operator of the existing tower or structure;
- (3) Legal description of the parent tract and leased parcel (if applicable);
- (4) Elevation drawings and construction details of all existing and proposed wireless communication facilities including accessory structures and equipment shelters;
- (5) The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives;
- (6) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city and within one mile of the city;
- (7) The structural capacity and whether it can accommodate the facility, as proposed or modified;
- (8) Limits and type of fencing, the method of screening and illumination;
- (9) A description of compliance with this section and all applicable federal, state or local laws;
- (10) A description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or is no longer needed. This amount shall be a minimum of five thousand dollars or as determined upon resolution by the city council.

C. **Application Requirements for New Wireless Communication Tower.** The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal [Section 15.04](#) and the items required in [Section 15.05](#), Special Land Use Review Requirements and Procedures:

- (1) A description of the guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds

will be available to the city for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the city's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

The guarantee shall meet the requirements of [Section 15.04\(7\)](#). An agreement establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance shall be submitted with the application and upon approval recorded at the office of the Oakland County Register of Deeds in a form approved by the city attorney. The written agreement would include the ability of the city to assess the costs as a lien against the property if not paid. The applicant, owner or successor shall be responsible for payment of any costs or attorney fees incurred by the city in securing removal.

- (2) Inventory all existing towers, antennas, or sites approved for towers that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
- (3) In recognition of the city's policy to promote collocation, a written agreement between the applicant and the city, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation. Any tower one hundred fifty feet or more in height must be made available for a minimum of four carriers.
- (4) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide services through the use of the proposed new tower.
- (5) Prior to issuing a building permit, a signed certification by a professional engineer licensed by the state of Michigan shall be provided to the city that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e., "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

**D. Design Standards Applicable to all Facilities.** All wireless communication facilities shall be constructed and maintained in accordance with the following standards:

- (1) Facilities shall be located and designed to be harmonious with the surrounding areas.
- (2) Fencing shall be provided for protection of the tower and associated equipment and security from children and other persons who may otherwise access the facilities. All fencing shall be black vinyl-coated chain link fencing or a brick wall.
- (3) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. The city may permit an eight-foot tall brick screening wall in locations where landscaping may not survive.
- (4) All accessory buildings shall be constructed of brick, provided the planning commission may waive this requirement for a building that is located in the M-1 or M-2 industrial district and is not visible from a public right-of-way or nonindustrial zoning district. This provision shall not apply to equipment cabinets that are not visible from the property line.
- (5) Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions, shall be brought into conformance prior to the erection of the wireless communication facility. Collocation may be permitted on existing buildings or structures that are not in conformance with the current zoning standards; however, additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
- (6) Accessory buildings shall be a maximum of fourteen feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- (7) All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

- (8) The plans shall contain a notation that the plans comply with all the requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission. Any aviation hazard lighting shall be detailed on the plans.
- (9) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

**E. Design Standards Applicable to New Towers.** In addition to the design standards in subsection (D) of this section, all wireless communication towers shall be constructed and maintained in accordance with the following standards:

- (1) **Feasible Collocation.** A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.
- (2) **Collocation Agreement.** All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement between the applicant and the city, in a format approved by the city attorney.
- (3) **Height.** The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate. The height of the tower shall not exceed a maximum of one hundred fifty feet. Taller towers shall require approval from the zoning board of appeals in accordance with subsection (G) of this section.
- (4) **Tower Setbacks.** The wireless communication tower shall be setback from all property lines a distance determined by a professional engineer in accordance with subsection (C)(5) of this section.
- (5) **Accessory Structure Setback.** Accessory structures must satisfy the minimum zoning district building setback requirements.
- (6) **Access.** There shall be unobstructed access to the tower for operation, maintenance, repair and inspection purposes which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- (7) **Soils Report.** The tower 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 confirming the suitability of the foundation design relative to soil conditions for the proposed use.
- (8) **Color.** Towers shall be constructed of galvanized steel or painted a neutral color to reduce visual obtrusiveness.
- (9) **Lighting.** Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (10) **Signs.** No signs shall be allowed on an antenna or tower.

**F. Collocation.**

(1) **Statement of Policy.**

- (a) It is the policy of the city of Madison Heights to minimize the overall number of newly established locations for wireless communication facilities and towers within the city by encouraging the use of existing structures.
- (b) If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in

contradiction with city policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.

- (2) **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the Planning and Zoning Administrator and Building Official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collation is accomplished in a manner consistent with the following:
  - (a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building official allows reconstruction as a monopole.
  - (b) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the collocation of additional carriers if the provisions of this chapter for fall zone and foundation stability are met.
- (3) **Antennas Mounted on Structures or rooftops.** Wireless communication antennas placed on the roofs of buildings may be approved by the Planning and Zoning Administrator and Building Official, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than twelve feet. This does not apply to residential buildings.
- (4) **Antennas Mounted on Utility Structures.** Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the Planning and Zoning Administrator and building official. The equipment cabinet or structure used in association with antennas shall be located in accordance with the city building code and this title regarding accessory structures in the zoning district in which it is located.

G. **Variances.** The zoning board of appeals may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

- (1) **Location.** The applicant must demonstrate that a location cannot reasonably meet coverage or capacity needs if constructed in accordance with the standards of this section.
- (2) **No Collocation.** The applicant must demonstrate that a feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.
- (3) **Tower Setback.** The applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- (4) **Height.** The height requested is necessary to compensate for signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.
- (5) **Mitigation.** The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the city, and special design of the facility and site.
- (6) **Design.** The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

#### 48. YARD WASTE TRANSFER AND COMPOSTING FACILITIES.

- A. **Yard Waste Transfer Facilities.** Yard waste transfer facilities, including any expansion of an existing facility, are subject to the following regulations:
  - (1) Yard waste transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:
    - (a) 300 feet from a residentially-zoned or used parcel; and
    - (b) 100 feet from all other property lines and rights-of-way; and

- (c) Yard waste facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.
- (2) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
- (3) Adequate parking shall be provided for all employees and visitors.
- (4) The site shall be controlled to prevent unauthorized access during non-business hours.
- (5) All transfer operations shall be screened from public view in a manner which provides complete screening between the site and all adjacent properties and rights-of-way.
- (6) No compostables may remain on-site longer than twenty-four (24) hours.
- (7) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the compostables transfer process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
- (8) Overnight storage or parking of loaded vehicles shall not be permitted.
- (9) If public access is provided to the site for the drop-off of compostable material the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
- (10) The compostable transfer process shall be properly managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

**B. Yard Waste Composting Facilities.** Yard waste composting facilities are subject to the following regulations:

- (1) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
- (2) Adequate parking shall be provided for all employees and visitors.
- (3) The site shall be controlled to prevent unauthorized access during non-business hours.
- (4) The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
- (5) Yard waste composting, and areas designated for such activities, shall satisfy the following minimum setback requirements:
  - (a) 300 feet from a residentially-zoned or used parcel; and
  - (b) 100 feet from all other property lines and rights-of-way; and
  - (c) Composting facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.
- (6) The compost site, and all related operations, shall be screened from adjacent public rights of way, properties, and public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.
- (7) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
- (8) Only compostables shall be composted at such facilities.
- (9) The decomposition process shall be managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

- (10) Ponded water shall not be permitted to collect on a yard waste composting site.
- (11) If public access is provided to the site for the drop-off, or pick-up of compostable material the public drop-off area shall be fully separated from the composting operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
- (12) Overnight storage or parking of loaded vehicles shall not be permitted.
- (13) Copies of all Michigan Department of Environment, Great Lakes and Energy (EGLE) applications and/or permits, if required, shall be provided with the application.

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# Article 8.

## General Provisions

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### Section 8.01 Area, Height and Use Exceptions

The following regulations of this Ordinance shall be subject to the following interpretations and exceptions:

1. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Madison Heights; it being the intention hereof to exempt such essential services from the application of this Ordinance.
2. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other election.
3. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, religious institution spires, or public monuments; provided, however, that the Planning Commission and City Council may specify a height limit for any such structure when such structure requires authorization as a use permitted on Special Land Use Approval.
4. **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.
5. **Multiple Dwelling Side Yard.** For the purpose of side yard regulations, a duplex, multiplex, townhome, or multi-family dwelling structure shall be considered as one building occupying one lot.
6. **Porches, Terraces, and Barrier Free Access.** A roofed, or un-roofed, open porch (i.e., one which is not enclosed by walls), or paved terrace may project into a required front yard setback for a distance not to exceed six feet. Ramps for access by persons with disabilities, which provide a direct route from the ground to a porch, may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the building official.
7. **Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, foundations and similar water features, benches, arbors, doghouses, playsets, birdfeeders, and similar amenities as determined by the Planning and Zoning Administrator, may be located a minimum of three (3) feet from a side lot line and a minimum of five (5) feet from a front or rear lot line, subject to the following requirements:
  - A. **Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 8.06](#).
  - B. **Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
  - C. **Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review.
  - D. **Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment).
  - E. **Minimum Setback.** In addition to the minimum setbacks listed above, structural amenities shall be set back from all lot lines a distance of one and one-half (1.5) times the height of the structural amenity.

**F. Prohibitions.** The following are prohibited:

- (1) Structural amenities that have deteriorated or are otherwise determined by the City to be blight.
- (2) Structures that are beyond the scope of a structural and amenity and should be regulated under a different section of the Zoning Ordinance, such as fences, accessory structures, and signs.

**G. Exemptions.** Enclosed structural amenities less than nine (9) square feet in floor area/footprint are exempt from building permit requirements. Examples of such amenities include dog/bird houses, children playsets, treehouses, and library boxes.

8. **Projections into Required Yards.** Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows and fireplaces, may extend or project into a required side yard not more than two inches for each one foot of width of the required side yard; and may extend or project into a required front yard or rear yard not more than three feet. The total width of the projection(s) shall not exceed 25 percent of the total width of that side of the structure. Architectural features shall not include those details which are removable.
9. **Accessory Television and Radio Antennas.** Television and radio antennas, including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district subject to the following conditions. Conventional television antennae and satellite dishes less than 3.3 feet (one meter) in diameter for a residential use and 6.6 feet (two meters) in diameter for a nonresidential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line. Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of [Section 7.03\(47\)](#). Satellite dishes shall be located on the building roof or ground.

**A. Building-Mounted.**

- (1) The receiving portion of a building-mounted reception antenna shall not exceed a dimension of seven square feet of wind resistance surface in any residential district.
- (2) The receiving portion of a building-mounted reception antenna shall not exceed a dimension of fifty square feet of wind resistance surface in any nonresidential district.
- (3) Reception antenna shall not exceed a height of more than three feet above the highest point of the roof on which it is mounted in any residential district.
- (4) The total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the district in which it is located.
- (5) Roof-mounted reception antenna shall be placed on a section of the roof in the rear yard.
- (6) Reception antenna shall be designed to withstand a wind force of eighty-five miles per hour without the use of supporting guy wires.
- (7) Reception antenna shall not be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the television reception antenna.

**B. Ground-Mounted.**

- (1) The receiving portion of a ground-mounted antenna shall not exceed a dimension of fifty square feet of wind resistance surface.
- (2) The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.
- (3) The reception antenna, including its concrete base slab or other substructure, shall be set back a minimum of ten feet from any property line or easement in any residential district and a minimum of five feet from any property line or easement in any nonresidential district.
- (4) Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.
- (5) Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.

- (6) A reception antenna shall not exceed a height of fourteen feet.
- (7) Wiring between a reception antenna and receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.
- (8) Reception antenna shall be designed to withstand a wind force of seventy-five miles per hour without the use of supporting guy wires.

**C. General.**

- (1) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
- (2) No more than three antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
- (3) The color of the antennae shall be of tones similar to the surroundings.

**D. Temporary Permits for Mobile Units.** Mobile reception antenna units may be granted temporary permits for periods not to exceed seventy-two hours by the Planning and Zoning Administrator. The unit shall be located in accordance with location requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, the temporary installation shall not be permitted to exceed a twenty-four-hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

**10. Pedestrian Benches.** The provisions of this Ordinance shall not be construed to prevent the placement of pedestrian benches on private property, where said benches do not block required accessible routes.

**11. Awning/Canopy.**

- A. **Minimum Clearance.** No portion of an awning/canopy shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.
- B. **Maximum Projection.** No awning or canopy shall be permitted to project more than eight (8) feet over any public right-of-way. An awning/canopy shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way. Right of way permits shall be required.

## Section 8.02 Conflicting Regulations

Whenever any provision of this Zoning Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Zoning Ordinance shall govern, unless otherwise stated. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Zoning Ordinance then the provisions of such law or ordinance shall govern.

## Section 8.03 Accessory Buildings, Structures, and Uses

**1. Accessory Buildings, Structures, and Uses.** Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. **Use.** Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. Accessory structures shall not be constructed until the principal building is constructed; however, a principal building and detached accessory structure may be constructed simultaneously. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair, unless approved as an element of a Special Land Use and/or Site Plan approval.

- B. **Permit.** Any accessory building greater than 200 square feet shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the Planning and Zoning Administrator.
- C. **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) are further subject to the use-specific standards of [Section 7.03\(1\)](#). Where there is a conflict between the standards of this Section and Section 7.03, the standards of Section 7.03 shall apply.
- D. **Location.** Unless noted otherwise, detached accessory buildings shall only be permitted in the rear yard subject to setbacks listed in this section. In the case of corner lots, detached accessory structures may be permitted abutting the secondary street in accordance with street side yard setbacks for the principal structure.
- E. **Height.**
  - (1) Residential Districts: With the exception of detached accessory dwelling units ([Section 7.03\(1\)](#)), detached accessory structures shall not exceed fifteen (15) feet in height. Attached accessory structures shall be subject to height regulations applicable to the principal structure in the associated zoning district.
  - (2) Non-Residential and Mixed-Use Districts: Detached accessory structures shall not exceed twenty (20) feet in height. Attached accessory structures shall be subject to the height regulations applicable to the principal structure in the associated zoning district.
- F. **Lot Coverage.** All attached and detached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage.
- G. **Setbacks.** Accessory structures are subject to the following setbacks listed below:
  - (1) Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
  - (2) No detached accessory building (including buildings on adjacent parcels) shall be located closer than ten (10) feet to any main building nor shall it be located closer than five feet to any side or rear lot line, with eaves no closer than four feet to any lot line. Detached accessory buildings may be located up to three feet to the rear lot line or side lot line, if construction is fire-resistance rated according to the current Michigan Residential Code, with eaves no closer than two feet to any lot line.
    - (a) **Exemption for Gazebos/Pergolas and Unenclosed Structures:** For single-family, townhome, duplex, or multiplex uses, detached, freestanding, and unenclosed gazebos, pergolas, or similar roofed but unenclosed accessory structures up to 200 square feet in area are exempt from the minimum ten (10) foot building setback requirement if open/unenclosed on all sides, unless a greater minimum separation distance is required by the Building Official.
  - (3) In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, with the exception of an alley, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
  - (4) **Corner Lots:** In the case of a corner lot, a detached accessory structure shall be subject to the street side yard setbacks applicable to the principal structure.
- H. **Design.** When a permit is required, all attached and detached accessory buildings, including garages, sheds, and carports, shall be designed and constructed of materials and design, including roof style, compatible with the principal structure and other buildings in the vicinity, as determined by the Planning and Zoning Administrator. The Planning and Zoning Administrator may allow modifications to the design if the alternate design is compatible with surrounding architecture.
- I. **Pavement.** All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the Community and Economic Development Department, and are further subject to use-specific standards of Article 7. The Community and Economic Development Department shall base its determination upon such factors as the narrowness, shallowness, shape, or area of a specific piece of property, topographical conditions, or extraordinary

or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.

- J. **Drainage.** All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.
- K. **Foundation and Rat Walls.** All detached accessory structures, regardless of size, shall be built on a concrete or masonry foundation or feature a rat wall, both in accordance with Chapter 6 of the Code of Ordinances, Buildings and Building Regulations.

2. **Portable On-Site Storage Units.** Portable On-Site Storage Units may be permitted on a temporary basis in accordance with the following:

- A. **Residential Districts:**
  - (1) One portable on-site storage unit shall be permitted per dwelling unit.
  - (2) Portable on-site storage units shall be located on a paved surface and shall be subject to the location and setback standards for accessory structures, [Section 8.03 \(1\)](#), above. The Planning and Zoning Administrator may approve alternate locations through the submittal/approval of a Temporary Use Permit.
  - (3) Such unit shall be permitted without a temporary use permit for up to 30 days in a one 12-month period, unless otherwise noted in this Section.
  - (4) For multi-family residential sites, on-site portable storage units shall not obstruct drive aisles or block a required parking space.
  - (5) A portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.
- B. **Non-residential and Mixed-Use Districts**
  - (1) Two (2) portable on-site storage units shall be permitted per parcel, upon approval of a Temporary Use Permit.
  - (2) Portable on-site storage units shall be located on a paved surface, and only in the rear yard. The portable unit(s) shall maintain the minimum rear yard setbacks for accessory structures per [Section 8.03 \(1\)](#), above.
  - (3) Such unit(s) shall be permitted for up to 30 days in a one 12-month period, unless otherwise noted below.
  - (4) Portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.
  - (5) Portable on-site storage units may be placed on a permanent basis within an approved accessory outdoor storage area without the need for a temporary use permit. Such accessory outdoor storage areas shall be subject to the requirements of [Section 8.03 \(6\)](#), below.
  - (6) Containers exceeding 16 feet in length, such as cargo/shipping containers, shall only be placed within an approved accessory outdoor storage area. Such accessory outdoor storage areas shall be subject to the requirements of [Section 8.03 \(6\)](#), below.
- C. **General Regulations**
  - (1) No portable storage unit shall be located in a public right-of-way.
  - (2) No electrical, gas, or plumbing services shall be connected to the portable storage unit.
  - (3) Portable storage containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
  - (4) Portable storage containers shall not be used as living quarters for humans or animals.

3. **Utility Structures.** All ground-mounted transformers, generators, air conditioner units, mechanical equipment, and similar equipment shall be subject to the following regulations.
  - A. Such structures, when unenclosed or not screened, shall only be permitted in the rear yard and shall be placed immediately adjacent to the building to be served.
  - B. The utility structure shall be located a minimum of three (3) feet from any property line. However, a non-conforming existing utility structure may be replaced with a new unit of a similar size in the same location without meeting the setback requirements; such structures in the side yard shall be screened in accordance with sub-section C, below.
  - C. The Planning and Zoning Administrator may permit such utility structures within an interior side yard or street side yard, subject to the following requirements: The utility structure shall be placed immediately adjacent to the building to be served and shall be screened on at least three (3) sides so as to not be visible from the street. The wall of the principal building may count toward one of the three sides. Such screening be constructed of materials similar or compatible to the building(s) to which they are accessory and shall be constructed to a height not less than the unit to be screened. Evergreen shrubbery or plant material may be substituted for enclosures. Chain link fencing is not permissible as screening material.
  - D. Utility structures are exempt from, and do not count towards, the maximum lot coverage standards of [Article 4](#). Schedule of Regulations.
4. **Swimming Pools.** Swimming pools shall be permitted in all zoning districts, subject to the regulations below.
  - A. A swimming pool shall be considered any artificially constructed portable or nonportable pool or container capable of being used for swimming, wading, or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold 2,500 gallons or more of water or a depth of two feet or more at any point. A swimming pool shall not be considered an accessory structure for purposes of computing lot coverage.
  - B. For the protection of the general public, outdoor swimming pools shall be enclosed by a wall, fence or other type of enclosure which may consist in part of the residence to which the swimming pool is appurtenant. Such wall or fence shall be not less than four feet or more than six feet above the ground line of the abutting level. Such wall, fence or enclosure shall not be required for all or such part of the pool that is four feet or more above the abutting ground level; provided, that a suitable barrier is furnished to deter entrance to the pool by persons not having the permission of the pool owner to enter therein when pool is not in use. Any wall shall be of wood, brick or masonry and any fence may be solid or designed so as to permit circulation of air; provided, that any wall or fence shall not be designed of such a nature as to permit any child to pass over, under or through any such fence except at a gate or door when such gate or door shall be opened. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.
  - C. Swimming pools, spas, hot tubs, and similar devices are only permitted in the rear yard. No such structures shall be located closer than six feet to any lot line. The minimum setback may be reduced up to three feet subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.
  - D. Construction shall be in accordance with the State Building Code.
5. **Flag Poles.** Flag poles shall be subject to the following regulations:
  - A. Flagpoles shall be located within the property boundaries. The property owner shall determine the location of property lines and verify that the flagpole being installed is within those property lines.
  - B. Flagpoles shall be located in an area where they do not conflict with parking drives or pedestrian circulation areas.
  - C. In non-residential and mixed-use districts, the height of the flag pole shall not exceed the maximum permitted height for principal structures of the respective zoning district. In residential districts, a flag pole shall not exceed 25 feet in height.
  - D. Flag poles shall be set back from all property lines by, at minimum, the height of the pole.
  - E. There shall be no more than three flagpoles.
  - F. Flags bearing information that meet the definitions of a 'sign' cannot exceed 24 square feet and are limited to one such flag, subject to other conditions listed in this section. In instances, when such flag exceeds 24 square feet,

they are considered as a sign for review and permitting purposes and shall comply with the sign ordinance requirements.

- G. The limits in items (E) and (F) above do not apply to single-family residences or any apartment dwelling when the flags are located within an area leased by the resident and not within any common area.
- H. The maximum square footage of any number of flags per pole shall not exceed the recommended square footage listed below. Minor modifications to square footage requirements may be permitted by the building official if the appropriate structural analysis is provided.

Maximum Pole Height in Feet	Maximum Flag Area in Square Feet
60 and above as permitted in the zoning district	135
50—59	96
40—49	72
30—39	50
20—29	30
Under 20	15

- I. All flagpoles shall be maintained in good condition, free of significant corrosion, tears, fraying, peeling paint or finish and other damage or deterioration.
- J. Prohibited. Banners, pennants, spinners, and streamers are not allowed.
- K. When illuminated, the lighting shall be directed away from roadways, traffic areas and adjacent residential properties.
- L. A building permit is required for any new flagpole. A sign permit may be required if the flag meets the requirements of subsection F listed above.

6. **Accessory Outdoor Storage.** Accessory outdoor storage areas and yards are subject to following conditions:

- A. Outdoor storage shall be accessory to the principal use of the property only and shall not be related to any off-site commercial business or activity.
- B. All outdoor storage shall be limited to the outdoor storage areas denoted on the approved site plan.
- C. All outdoor storage shall be located in the rear yard or an interior side yard. Outdoor storage yards shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces, or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.
- D. All outdoor storage areas shall be setback a minimum of 20 feet from residential districts and 10 feet from all other non-industrial districts.
- E. Lumber, including wood pallets or other combustible material, shall not be stored less than 20 feet from any interior lot line.
- F. With the exception of the M-2 zoning district, the designated outdoor storage area in all zoning districts shall not exceed 50 percent of the gross floor area of the primary structure on the site.
- G. The approving body may permit such outdoor storage on a lot which immediately adjoins the subject property and complies with all applicable standards listed in this section. Easements or other acceptable form of agreements shall be required for outdoor storage located on separate parcels.
- H. Outdoor storage shall be limited to the storage of new materials used for operations taking place inside a building on the same lot, or of newly finished product prior to shipment.
- I. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or outdoor storage area designated on an approved site plan.

- J. In no case shall outdoor storage areas be used to store waste, used or secondhand materials, or obsolete machinery or materials no longer used or intended to be used in the industrial operation.
- K. Openly stored materials shall be protected from damage due to weather precipitation, as necessary. No racks for the holding of materials are permitted, except that pallets or low blocks may be used to keep materials from immediate contact with the ground.
- L. Any stockpiles of soils, fertilizer or similar loosely packaged materials is prohibited, unless they are sufficiently covered or contained to prevent dust or blowing of materials.
- M. Adequate fire protection and access for fire vehicles shall be provided at all times.
- N. All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.
- O. Storage yards shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in [Article 11](#), Landscaping, may be permitted if the subject property is surrounded by similar industrial uses.
- P. In the MUI-1, M-1 and M-2 districts, the use of any outside space for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials is subject to follows:
  - (1) Outdoor storage yards shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
  - (2) Site plans shall specify if the facility will allow the storage of any vehicle over 30 feet in length. All construction vehicles and equipment shall be stored at their lowest height possible.

7. **Above Ground Storage Tanks.** In M-1 and M-2 districts, outdoor placement of above-ground storage tanks shall satisfy the following standards:

- A. Above-ground storage tanks shall be accessory to an otherwise permitted use.
- B. Above-ground storage tanks shall be located in a non-required rear or interior side yard.
- C. Above-ground storage tanks shall be in compliance with the city's adopted Fire Prevention Code and any applicable State of Michigan and federal regulations related to such use.
- D. When abutting a residential district, above-ground storage tanks shall be enclosed and screened from public view with a greenbelt buffer or a screen wall that comply with related standards in [Article 11](#). The approving body shall determine the minimum height for the required screening.

8. **General Exceptions.** The Technical Review Committee or any approving body may modify the minimum standards of (6) and (7) related to outside storage if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

9. **Use-Specific Standards for Accessory Uses.** Certain accessory uses are explicitly permitted in the Permitted Use Table, [Section 3.06](#). Certain accessory uses may have use-specific standards; refer to [Article 7](#) Standards Applicable to Specific Uses.

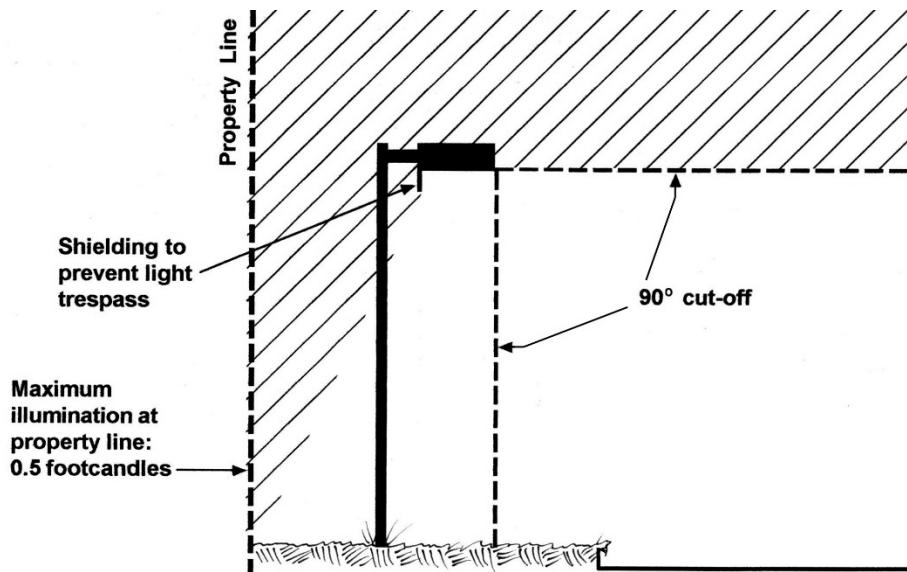
[Δ Ord. 2022 – ZTA 24-01]

## Section 8.04 Exterior Lighting

1. **Shielding.** All lighting for parking areas or the external illumination of buildings shall be of full cut-off design, mounted horizontally, directed downward, away from adjacent residential districts properties and shall not adversely affect driver visibility on adjacent thoroughfares. Full cut-off fixtures shall be used to prevent light from projecting above a ninety (90) degree horizontal plane (see illustration below).

For uses with a canopy, such as but not limited to gasoline/recharging stations, lights under the canopy are permitted as follows:

- A. **Recessed.** Recessed fixtures shall incorporate a lens cover that is either recessed or flush with the bottom surface of the awning or canopy.
- B. **Shielded.** Light fixtures shall incorporate shields or shall be shielded by the edge of the awning or canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane of the canopy.



2. **Maximum Illumination Levels.** Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.
3. **Minimum Illumination Levels.** Sufficient lighting shall be required for parking areas, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons, as determined by the Planning and Zoning Administrator.
4. **Light trespass Limits.** Lighting shall not exceed 0.5-foot candles as measured at any residentially zoned property line and 1-foot candle as measured at any other property line.
5. **Height.** Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.
6. **Up-lighting.** All up-lighting in nonresidential districts used for the external illumination of buildings or structural amenities, so as to feature the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.
7. **Prohibited Lighting.** The following lighting types are prohibited:
  - A. Search lights, lasers, flashing, moving or intermittent lighting.
  - B. Mercury vapor and wall pack lighting.

- C. Flashing or moving lights.
- D. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.

8. **Exempt Lighting.** The following lighting types are exempt from the standards of this section:

- A. Street lighting and emergency lighting installed and maintained by a public road authority.
- B. Holiday decorations.
- C. Lighting that was legally installed prior to the adoption of this section.
- D. Sports fields.
- E. Shielded pedestrian walkways.
- F. Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

## Section 8.05 Fences

All fences, walls and other protective barriers shall conform to the following regulations:

1. **Location.** All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The City shall not be responsible for determination of the location of any fence to be erected on lot lines. No fence or wall shall be erected, established, or maintained within the clear vision triangle area of any lot except in compliance with [Section 8.06](#). Fences shall be set back a minimum of one foot from public rights-of-way, unless modified below.
2. **Shared Property Line.** Only one fence may be installed along a shared property line. Where a new fence is proposed adjacent to an existing fence, a minimum separation distance of two feet shall be provided between such fences. Sufficient access shall be provided to the area between the fences to facilitate maintenance.
3. **Height and Opacity.** The following height and opacity requirements shall apply to fences constructed in the city of Madison Heights. The height of a fence shall be measured from the average grade of the fence line. The maximum fence height shall not apply to intensive commercial or industrial uses that may generate significant off-site noise, dust, glare, or other nuisances. Fences for such uses shall be high enough to adequately protect neighboring properties from adverse effects.

Location	Commercial/ Industrial/Mixed-Use	Residential	All
	Maximum Height	Maximum Height	Maximum Opacity
Rear Yard	8 feet	6 feet	100%
Side Yard	8 feet	6 feet	100%
Front Yard	6 feet	4 feet	50%

4. **Corner Lots/ Street Side Yards.** Within street side yards, fences shall be subject to the same standards for fences in front yards. However, fences located behind the front setback of the principal structure are permitted a maximum height of six (6) feet and 100% opacity, but shall be set back a minimum of one (1) foot from the right-of-way line.
5. **Fence Materials.**
  - A. Fences shall be constructed of materials designed for decorative, landscape effect such as: split-rail, wood, wrought iron, metal, and extruded plastic. Chain link fences shall not be permitted in the front yard.
  - B. Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in a said fence, shall be prohibited.
  - C. Barbed wire fences shall only be permitted in M-1, M-2 and MUI-1 zoning districts, when adjacent to other M-1, M-2, and MUI-1 zoning districts, or public or private utility installations which require security. Barbed wire shall be at least ten (10) feet above grade.

- D. Fences located within a required front yard shall be primarily ornamental and decorative in nature, featuring elements such as wrought iron and split-rail.
- E. Whenever a fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.
- F. Materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.

6. **Temporary Fences.** Temporary fences such as construction fences or any other type of temporary fencing may be permitted in conjunction with an approved development permit.

7. **Maintenance of Fences.** Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired, or removed. Any fence which, through lack of repair, type, or construction, or which otherwise endangers life or property, shall be deemed a nuisance *per se*. If an unsafe condition exists in regard to a fence, the Building Official or their appointed designee shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall describe repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.

8. **Alterations.** Any person, firm or corporation being an owner, lessee, occupant, or agent of the same, of any property containing a fence which violates provisions of this ordinance, shall not alter, change, repair or rebuild the fence without first having obtained a permit.

9. **Swimming Pool Fences.** Swimming Pool fences are subject to the standards of [Section 8.03\(4\)](#).

10. **Walls, Parking Lot Screening, Dumpster Enclosure Screening.** Walls, parking lot screening, and dumpster enclosure screening are subject to the standards of [Article 11](#).

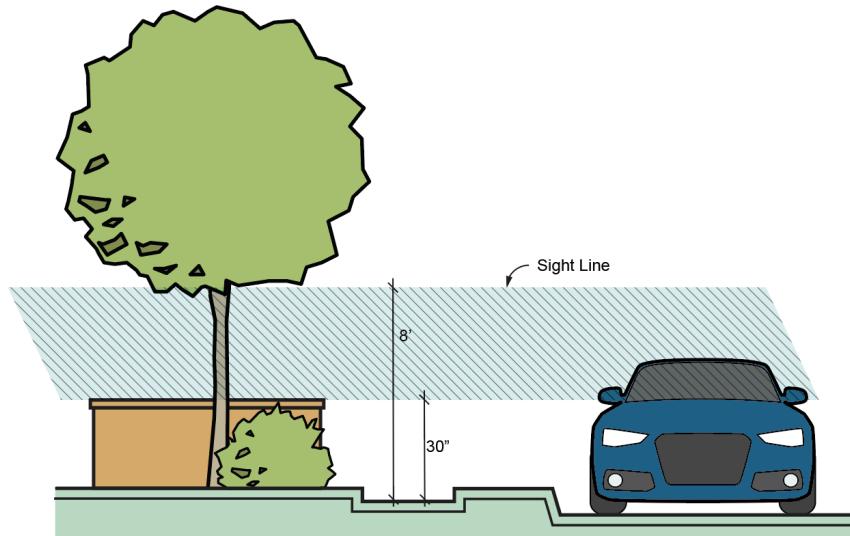
11. **Nonconforming Fences.** Nonconforming fences are subject to the requirements of [Article 13](#).

## Section 8.06 Clear Vision Triangles

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

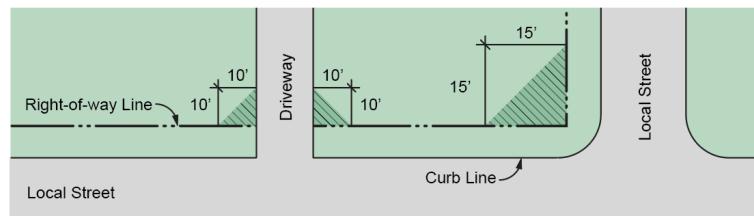
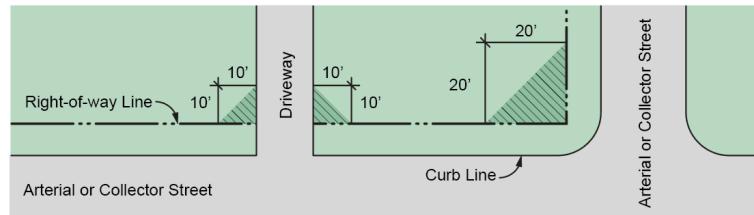
- 1. **Clear Vision Triangle Area.** The clear vision triangle area is described as follows.
  - A. **Where One of Both of the Intersecting Roads are Collector or Arterial Roads.** Where one or both of the intersecting roads are collector or arterial roads, as defined by the Master Plan, the clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty (20) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
  - B. **Where Both of the Intersecting Roads are Local Roads.** Where both of the intersecting roads are local roads, as defined by the Master Plan. The clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
  - C. **Driveway Intersection.** The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.
- 2. **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.

3. **Specific Buildings Allowed in the Clear Vision Triangle.** Buildings may be permitted in the clear vision triangle if they are permitted by the front yard setback requirements of their respective zoning district, provided the building shall not be located in a manner which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way.
4. **Shrubs.** Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level.
5. **Landscaping.** All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.
6. **Right-Of-Way Line.** Where there is a difference between the existing road right-of-way line and the proposed road right-of-way line, the clear vision triangle shall be measured from the proposed road right-of-way line.



### Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features



### Clear Vision Area

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# Article 9.

# Performance Standards

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## Section 9.01 Performance Standards

1. **Outdoor Storage.** Where permitted, the outdoor storage of any industrial equipment, vehicles and all materials including wastes shall be subject to applicable standards listed in [Section 8.03](#), Accessory Buildings, Structures, and Uses; [Article 10](#), Parking, Loading and Access Management; and [Article 11](#), Landscaping
2. **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 wastes, and 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.
3. **Fire and Explosive Hazards.**
  - A. In the M-1 and M-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 all other performance standards above mentioned.
  - 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 previously mentioned, and providing that the following conditions are met:
    - (1) Said 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 of Madison Heights.
    - (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 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 Public Act No. 207 of 1941 [MSA 4.559(1) et seq.], as amended.
4. **Noise.** Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in M-1 Districts shall not exceed 75 decibels between the hours of 6:00 a.m. and 10:00 p.m. nor more than 70 decibels between the hours of 10:00 p.m. and 6:00 a.m. In all M-2 Districts the measurable noise shall not exceed 80 decibels. All measurements shall be made at the property line.
5. **Waste.** Regulations:
  - 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 waste is discharged into the public sewer.
  - B. Acidity or alkalinity shall be neutralized within an average pH range of between five and one-half to seven and one-half as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.

- C. Waste shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide; and shall contain no more than 10 of sulfur dioxide and nitrates; and shall contain no more than 25 p.p.m. of chromates.
- D. Waste shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension greater than one-half inch.
- E. Waste shall not have a chlorine demand greater than 15 p.p.m.
- F. Waste shall not contain phenols in excess of 0.05 p.p.m.
- G. Waste shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

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# Article 10.

# Parking, Loading, and Access Management

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## Section 10.01 Intent and General Parking Requirements

1. **Intent.** The purpose of this article is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the city or with land uses allowed by this chapter. The article is further intended to limit the amount of excess parking/impervious surface in the City to reduce stormwater runoff.
2. **General Provisions.** Unless otherwise noted in this Article or Zoning Ordinance, there shall be provided in all districts at the time of erection or enlargement of any main building or structure, or at the time of change of use, an off-street vehicle parking area 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.
  - A. **Use of Parking Spaces.** The use of required parking spaces for material storage, refuse storage and containers, storage and display of vehicles and/or other merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
  - B. **Location.** Off-street parking areas shall be sited, as follows:
    - (1) **Residential Districts:** With the exception of parking associated with single-family, two-family, or multiplex dwellings, off-street parking is prohibited within the required front yard setback in residential districts. Parking areas shall be sited in a manner that achieves perimeter landscaping requirements, [Section 11.06](#), Parking Lot Landscaping.
    - (2) **O-1, B-1, B-2, and B-3 Districts:** Off-street parking spaces shall be sited in a manner that achieves Perimeter Landscaping requirements, [Section 11.06](#), and Transitional Landscaping Requirements [Section 11.04](#).
    - (3) **M-1/M-2 Districts:** Off-street parking is prohibited within the required front yard setback. Off-street parking spaces shall further be sited in a manner that achieves Perimeter Landscaping requirements, [Section 11.06](#), and Transitional Landscaping Requirements, [Section 11.04](#).
    - (4) **Mixed-Use Districts (CC and MUI):** Off-street parking shall be located in the side or rear yard only, as further restricted in [Article 6](#) (City Center), [Section 3.20](#) (MUI-1), and [Section 3.21](#) (MUI-2). Parking areas within a side yard shall be located behind the front setback line of the principal building but shall in no case be located less than five (5) feet from the front property line or street side property line. Off-street parking spaces shall further be sited in a manner that achieves Perimeter Landscaping requirements, [Section 11.06](#), and Transitional Landscaping Requirements, [Section 11.04](#).
  - C. **Landscaping.** Parking Lots shall be screened and landscaped in accordance with [Article 11](#) (Landscaping).

- D. **Off-street Parking Facilities for Residential Uses.** Refer to [Section 7.03\(10\)](#) for garage and driveway standards for single-family residential uses. Residential off-street parking spaces shall occur on a driveway or in a garage, private parking area, or any combination thereof. A driveway must be at least nine feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve; accessory garages are subject to the provisions of [Section 8.03](#) of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt, concrete, or acceptable permeable pavement, and drained in accordance with the requirements of, and upon approval of, the city engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.
- E. **Modifications to Existing Parking.** Changes to a previously approved parking area or changes in tenants or land uses which do not involve a significant change to site circulation, the addition of parking spaces, or site grading, may be reviewed and approved administratively as a minor site plan by the Planning and Zoning Administrator provided the resulting parking changes meet ordinance requirements. Such changes shall satisfy all the requirements of the zoning ordinance and shall not otherwise warrant additional public hearings or other significant changes in the approved site plan.
- F. **Snow Removal and Storage.** All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, standing water, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of the Article, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall. All parking lots shall have adequate areas for snow storage that do not interfere with the required parking or circulation.

## Section 10.02 Vehicle Parking Requirements

- 1. **Parking of Motor Vehicles in Residential Districts.**
  - A. Such parking shall be limited to passenger vehicles and commercial vehicles of the light delivery type, such as a van or pick-up truck, not to exceed a three-quarter ton manufacturers rating.
  - B. Not more than one commercial vehicle shall be permitted per dwelling unit. Parking of commercial vehicle, trailer or truck over three-quarter-ton manufacturer rating on private property within the R-1, R-2, R-3 and R-MN residential zoning districts, may be permitted as a special land use.
  - C. The parking of any other type of commercial vehicle, limousine, taxi, or bus, except for school or religious institution owned vehicles parked on the school or religious institution's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance. Recreational Equipment, including motorized homes and travel trailers, shall be permitted in accordance with Chapter 18 of the Madison Heights Code of Ordinances.
  - D. Off-street parking facilities and driveways for detached one-family dwellings, duplexes, multiplexes, and townhomes shall be designed in accordance with the use-specific standards for said uses contained within Section 7.03.
- 2. **Commercial Vehicles in General.**
  - A. Unless otherwise permitted in this ordinance, or permitted through proper Special Land Use and/or site plan approval, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles, and limousines for periods of longer than 24 hours is prohibited.
  - B. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles, and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the city engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.
  - C. Trucks over three-quarters ton manufacturers rating, trailers, and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four hours. Such parking, when associated with the primary use in the building, may be permitted in industrial districts in areas designated for such purpose on an approved Special Land Use and/or site plan or as permitted elsewhere in this Ordinance.
  - D. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan in industrial districts.

- E. The Technical Review Committee or any approving body may modify the minimum standards of this section related to outside storage if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

3. **Fleet and Company Vehicles.** For the purpose this section, fleet and company vehicles shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors and may also include taxicabs, buses, and other rental passenger vehicles.

- A. Such vehicles which are over eight feet in width and/or 19 feet in length shall not be located in the front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. Such vehicles shall be parked or stored in areas designated for such purpose on an approved special land use application and/or site plan to the rear or interior side of the principal building when not in use or during non-business hours.
- B. In case of a corner lot or lots with no available space to park in rear or interior side yard, the approving body may permit parking in alternate locations. The approving body shall have the right to impose other restrictions such as, but not limited to landscape buffer or screen wall as it may deem advisable for the welfare of the surrounding area.
- C. Parking or storage areas for such vehicles shall be hard surfaced, paved with asphalt or concrete. Such areas shall comply with all applicable standards for regular parking areas, unless otherwise approved by the approving body.
- D. Such parking shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in [Article 11, Landscaping](#), may be permitted if the subject property is surrounded by similar non-residential uses.

4. **Delivery Vehicles.** For the purpose this section, delivery vehicles shall include commonly used vehicles for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. Parking of such vehicles is permitted subject to the following conditions listed below:

- A. Delivery vehicles for uses such as retail and restaurants may be permitted in the front yard during business hours in parking areas that are not directly adjacent to the public right-of-way.

## Section 10.03 Minimum Off-street Parking Requirements

- 1. **For Those Uses Not Specifically Mentioned.** The requirements for off-street parking facilities for such uses shall be in accordance with a use which the approving body considers is similar in type. If no use is deemed to be similar, the applicant shall propose a minimum count based on a parking study or another acceptable alternative, subject to the approval of the approving body.
- 2. **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 usable floor area, unless otherwise noted herein. For purposes of minimum parking calculations, when a floor plan is not available, usable floor area shall be considered 75 percent of total gross floor area.
  - B. **Occupancy.** For requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the city fire marshal.
  - C. **Places of Assembly.** In stadiums, sports arenas, places of worship, theaters, auditoriums, 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. **Number of Employees.** For requirements stated in terms of number of employees, the calculation shall be based on the number of employees in the largest working shift.
- 3. **Barrier-Free Parking Required.** Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped which shall be located as close as possible to walkways and entrances. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1996 as amended, and the Americans with Disabilities Act, as summarized in the table below.

Total Spaces Required	Barrier-Free Spaces Required
1-25 spaces	1 space
25-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
Greater than 1,000	20, plus one (1) for each 100 spaces over 1,000

**Off-street Parking Minimum Requirements.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. Requirements for accessory uses associated with the primary use shall also be met as established for such uses in the table below. Maximum parking requirements are discussed in [Section 10.04](#).

Type of Use	Minimum Spaces Required
<b>Residential Uses</b>	
Detached One-Family Dwelling	2 per dwelling
Townhomes, Attached One-Family Dwellings	2 per dwelling
Duplexes	2 per dwelling
Multiplexes	2 per dwelling
Multi-Family Dwellings	1 per each one bedroom unit; 1.5 spaces for each two or more-bedroom units
Live/Work	2 spaces per each live/work unit.
Manufactured Homes	2 per unit + 1 per 5 units for guest parking.
Senior Housing, Assisted	3 per each 4 units
Senior Housing, Independent	1 per each unit; for detached units, requirements for one-family residential shall apply
Day Care Homes, Group and Family	2 spaces
Foster Care Family Homes	0.5 per dwelling unit
Foster Care Group Homes	0.5 per dwelling unit
<b>Commercial Uses</b>	
Artist Studio	1 per each 500 square feet,
Auto Repair and Service	1 per 300 sq. ft. UFA plus 2 per each service bay
Auto Sales (New and Used) and Rental	1 per 300 sq. ft. UFA plus 2 per each service bay
Auto Wash	Two plus 1 per each employee
Banquet/Assembly/Meeting Halls (less than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Banquet/Assembly/Meeting Halls (greater than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Bars and Taprooms	1 per 100 sq. ft. UFA (excluding kitchen areas)
Business or Trade Schools	1 per 200 sq. ft.
Child/Adult Day Care Center and Preschools	1 per 400 square feet of usable floor area.
Commercial Kennels and Boarding Facilities	1 per 700 sq. ft. UFA
Drive-Through Facilities (accessory to principal use)	Stacking spaces for ten cars shall be provided for each drive-through lane or window. + parking for principal use
Financial Institutions	1 per each 200 sq. ft. UFA
Funeral Homes	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Gasoline/Recharging Stations	1 space at each pump Retail, restaurant, and auto service components are subject to associated standards listed in this section
General Retail	1 per each 300 sq. ft. UFA

Home Improvement Centers and Garden Centers	1 per 300 sq. ft. UFA
Hotels and Lodging Facilities	1 per each sleeping unit
Indoor Recreational Business	To be determined by the site plan review committee based on parking demand data provided by the applicant.
Medical Office	1 per each 300 sq. ft. UFA
Microbreweries, Wineries and Distilleries	1 per 100 sq. ft. UFA (excluding kitchen areas)
Mobile Food Court (Principal Use)	2 per each individual mobile food vehicle pad on site
Outdoor Recreational Business	To be determined by the site plan review committee based on parking demand data provided by the applicant.
Outdoor Sales and Display	1 per 800 square feet of land area being used for display,
Personal Service Establishments	1 per 300 sq. ft. UFA, whichever is greater.
Professional Office	1 per each 300 sq. ft. UFA
Restaurant	1 per 100 sq. ft. UFA (excluding kitchen areas)
Self-Storage Facility	Indoor unit access: 5 per office +1 per every 50 units spread throughout (indoor access). Outdoor unit access: 5 per office + adequate space in front of exterior unit as long as access is not blocked
Tutoring and Instructional Services	1 per 300 sq. ft.
Tobacco/Smoke Shop or Smoke Lounge	1 Per each 200 square feet of usable floor area
Theater	1 space per 300 square feet
Veterinary Clinic or Animal Grooming	1 per each 300 square feet of usable floor area
<b>Industrial Uses</b>	
Contractor's Office	1 per 800 square feet of usable area
Industrial, Assembly, Repair and Manufacturing	1 per each 800 square feet of floor area
Lumber Yard	1 per each 800 square feet of floor area
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.	1 space per 200 square feet of usable floor area exclusive of service areas, PLUS 1 space per auto service stall in the service area, if provided. <b>All parking required above is exclusive from parking for vehicles being offered for sale.</b>
Research, Development and Testing Facilities	1 per each 800 square feet of floor area
General Warehouse and Distribution	1 per each 800 square feet of floor area
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution	1 per each 800 square feet of floor area
Junk, Tow, or Salvage Yard	1 space per each 1,000 square feet of office area, minimum 4 spaces
<b>Public &amp; Quasi-Public Uses</b>	
Hospital	1 per each bed, plus as required for accessory uses
Public Library, Museum, Art Center, Community Center	1 space per each 500 square feet open to the public
Government Office Building/Courthouse/Public Police and Fire Services	1 space per each 500 square feet open to the public
Post Office	1 per 300 square feet of usable floor space

Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
K-12 Schools, Public or Private	2 per classroom
Institutions of Higher Learning	1 per 200 sq. ft.
<b>Other Uses</b>	
Home Occupation, Major	1 per employee
Medical Marihuana Caregivers	1 per 550 sq. ft. of UFA. A minimum of four spaces shall be provided.
Medical Marihuana and Adult Use Marihuana Safety Compliance Facility	1 per each 800 square feet of usable floor area
Medical Marihuana and Adult Use Marihuana Facilities	1 per each 200 square feet of usable floor area

4. **Reduction from Minimum Off-street Parking Standards.** It is the intent of this subsection to recognize that, based on site-specific conditions, certain uses may function with less off-street parking than required in the table above. Further, the City of Madison Heights recognizes the benefit of reducing the amount of unnecessary impervious surface. As such, reductions in the requirement for minimum parking spaces may be permitted as follows:

- Administrative Waiver.** The Technical Review Committee may grant up to a twenty (20) percent reduction in the minimum required number of parking spaces where the applicant can demonstrate that the project can satisfy the standards listed in subsection 5(D), below.
- City Center and MUI Waiver.** The Technical Review Committee, or Planning Commission where required, may grant up to a fifty (50) percent parking reduction for properties located within the City Center or Mixed-Use Innovation zoning districts where the applicant can demonstrate that the project can satisfy the standards for parking reductions listed in subsection 5(D), below.
- Planning Commission Waiver.** As part of the site plan review process outlined in [Section 15.04](#), the Planning Commission may grant up to a thirty (30) percent reduction in the minimum required number of parking spaces for properties outside of the City Center or MUI districts where the applicant can demonstrate that the project can satisfy the standards listed in subsection 5(D), below.
- Standards for Parking Reductions.** As permitted above, the approving body may reduce minimum parking requirements where the applicant can demonstrate that all of the following standards can be satisfied:
  - The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required by this section; and
  - Parking will not occur on any street or driveway, unless adequate on-street parking spaces existing adjacent to the site; and
  - Parking will not occur on any area not approved and developed for parking; and
  - The requested parking reduction shall not create traffic or circulation problems on or off site.

## Section 10.04 Maximum Off-street Parking Requirements

- In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed 130 percent (130%) of the minimum parking requirements of [Section 10.03\(4\)](#). This requirement shall not apply to single-family, duplex, townhome, or multi-plex dwellings.

2. The Technical Review Committee or Planning Commission, where required, may permit additional parking over and above the maximum parking if the applicant proposes low impact development techniques such as permeable pavement, rain gardens, bioswales, or other methods that are satisfactory to the Planning Commission. ZBA variance approval shall be required for projects exceeding 130% of minimum parking requirement that do not achieve low impact development requirements.

## Section 10.05 Shared Parking

Where multiple land uses occupy a single property, or properties in close proximity, the City of Madison Heights encourages the use of shared parking arrangements. Approval of shared parking shall be subject to the following conditions.

1. **Parking Computation.** The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:
  - A. Multiply the minimum parking required for each individual use, as set forth in [Section 10.03\(4\)](#), by the appropriate percentage indicated in the shared parking calculations table (below) for each of the six designated time periods.
  - B. Add the resulting sums for each of the six columns.
  - C. The minimum parking requirement shall be the highest sum among the six columns resulting from the above calculations.

Shared Parking Calculations						
General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.
Office	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
<b>Hotel</b>						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Reception or meeting hall	0%	70%	90%	0%	70%	100%
Museum	0%	100%	80%	0%	100%	80%
School, grades K—12	0%	100%	25%	0%	30%	10%

2. **Other Uses.** If one or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the shared parking calculations table, as determined by the approving body, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the approving body shall determine the appropriate shared parking requirement, if any, for such uses.
3. **Shared Parking Waivers.** The applicant may request an additional reduction of minimum shared parking requirements by employing one or more of the parking reduction waivers outlined in [Section 10.03\(5\)](#). The applicant shall demonstrate that the project can satisfy the standards listed in [Section 10.03\(5\)\(D\)](#), above.

4. **Remote Shared Parking.** Where an applicant requests to utilize a shared parking arrangement at an off-site parking area, a remote parking agreement shall be submitted to the Community and Economic Development department and shall be subject to approval by the Planning and Zoning Administrator. Remote parking shall be provided in accordance with the following:
  - A. Remote parking areas shall be limited to existing parking lots already serving a principal building/use, or a parking lot as a principal use approved in accordance with [Section 10.06](#), below.
  - B. Pedestrian access between the remote parking facility and the served use(s) shall be provided in a safe convenient manner.
  - C. Remote parking areas shall be located on a lot within 300 feet of the principal building/use, measured from the nearest point of the property lines to the nearest point of the off-site parking lot.
  - D. Remote parking may not be separated from the use that it serves by a street right-of-way width exceeding 60 feet, unless a grade-separated pedestrian walkway, traffic control, or shuttle service is provided to the remote parking area.
  - E. If remote parking becomes unavailable and minimum parking is not able to be accommodated elsewhere, the served use(s) shall be discontinued.
  - F. The shared parking agreement shall, at minimum, contain the following, and shall be recorded at the County Register of Deeds:
    - (1) A term of at least five years to protect the city's interest in providing long-term, stable parking for the served use.
    - (2) Maintenance requirements.
    - (3) Termination, violation and enforcement provisions.

## Section 10.06     Parking as a Principal Use

1. Parking as a principal use is permitted as a special land use in all zoning districts, subject to the following standards:
  - A. Unless otherwise noted, the parking lot shall satisfy all layout, construction and design standards of this article.
  - B. The parking lot shall be landscaped and screened in accordance with Section 11.06 (Parking Lot Landscaping).
  - C. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
  - D. The parking lot shall serve customers, visitors, and employees of adjacent non-residential/mixed-use districts.
  - E. Each entrance and exit from such parking lot shall be located at least twenty (20) feet from any adjacent residential zoning district, measured from the property line.
  - F. The following additional standards apply to principal use parking lots in R-1, R-2, R-3, R-MN, and R-MF districts:
    - (1) The residential parcel on which the parking lot is located shall have a side or rear lot line that directly abuts a non-residential or mixed-use zoning district, or directly abuts a public alley which divides said residential and non-residential/mixed-use zoning districts.
    - (2) All portions of the paved parking lot and all parking spaces and maneuvering lanes shall be within eighty (80) feet of the non-residential/mixed-use zoning district to be served, or the edge of a public alley which divides said residential and non-residential/mixed-use zoning districts.
    - (3) The applicant shall, through the Special Land Use process, demonstrate that adequate parking cannot be reasonably provided on the subject property or an adjacent non-residentially-zoned parcel.
    - (4) The applicant shall, through the Special Land Use process, demonstrate that the parking areas will not detrimentally impact the residential character of the adjacent neighborhood(s).

## Section 10.07 Bicycle Parking Facilities General Requirements.

Any development project which meets the threshold for Major Site Plan Review, per [Section 15.04](#), shall provide bicycle parking facilities in accordance with the following:

1. **Minimum Count.** A minimum of four bicycle parking spaces shall be provided. Single-family, duplex, and multi-plex units are exempt from this requirement. Any use that requires bicycle parking and has more than 40 off-street vehicle parking spaces shall provide one additional bicycle parking space for every 20 vehicle parking spaces above 40. One "U" shaped rack may be counted as two (2) bicycle parking spaces.
2. **Location.** Bicycle parking facilities shall be no greater than 75 feet from the entrance being served and shall be in an area which is deemed reasonably visible by the Planning and Zoning Administrator.
3. Minimum required bicycle parking spaces shall not be removed unless equal facilities are provided elsewhere.
4. **Layout and Design Standards.** All bicycle parking spaces shall be paved and shall feature a bicycle rack of the inverted "U" design that is permanently affixed to a paved surface. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design and is easily visible and accessible.
5. **Access.** All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of five feet.
6. **Waiver.** Upon the written request of an applicant, the approving body may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

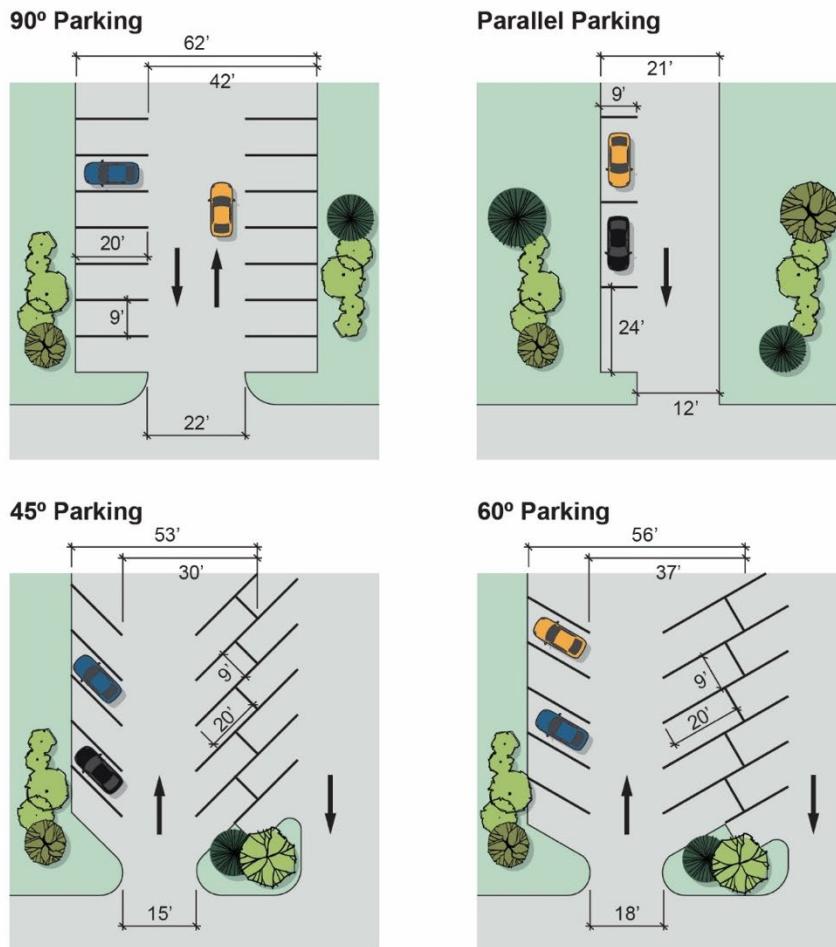
## Section 10.08 Off-street Parking Space Layout, Standards, Construction, and Maintenance

Wherever the off-street parking requirements in this Article require the construction of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

1. **Permits.** No parking lot shall be constructed unless, and until, all required permits are issued by the Community and Economic Development Department after site plan review and approval.
2. **Ingress and Egress.** Adequate ingress and egress to the parking lot shall be provided in accordance with Access Management standards, Section 10.10. All spaces shall be provided adequate access by means of on-site maneuvering lanes. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.
3. **Surface.** The entire parking area, including parking spaces and maneuvering lanes, required under this Article shall be provided with asphaltic, concrete surfacing, and/or pervious concrete/pavers of equable durability in accordance with specifications approved by the city engineer.
4. **Dimensional Requirements.** Each off-street parking space shall be in accordance with the following table and figure. Access drives shall be a minimum of 12 feet in width for one way access and 22 feet for two-way ingress and egress. Where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles. All dimensions below are measured from back of curb to back of curb.

Parking Pattern	Minimum Maneuvering Lane Width (A)	Minimum Parking Space Width	Minimum Parking Space Length (A, B)	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	53 ft.
Parallel	12 ft.	9 ft.	24 ft.	21 ft.	

- A. The minimum maneuvering lane width shall be increased to a minimum of 24 feet if the lane is determined to be a fire lane by the city fire marshal. The city engineer may also require the maneuvering lane widths to be increased to 24 feet when it is warranted to allow safe turning movements for larger vehicles. When the maneuvering lane width is proposed at a minimum of 24 feet, the parking space length may be reduced by two feet.
- B. Two feet of the minimum parking space length may overhang a landscaped area or a sidewalk, where the walk or landscape area is a minimum seven feet wide.



## Parking Dimensions

- 5. **Curbs and Other Barriers.** Except for those parking areas serving a single-family, duplex and multiplex dwelling unit, concrete curbs (6 inches high) shall be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines or required setback areas. The approving body may approve an alternative design or waive curb requirements when opportunity exists to substantially improve the water quality of the site in accordance with Stormwater Management, [Section 11.03](#). In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high shall be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.
- 6. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

7. **Landscaping.** Right-of-way screening, parking lot landscaping, and screen walls shall be provided in accordance with Landscaping, [Article 11](#).
8. **Electric Vehicle (EV) Charging Stations.** EV charging stations may be located in any parking lot, as long as the required dimensions and number of spaces required by this Article are maintained within the lot. Related EV-charging equipment, such as transformers, switchgear, or other similar items, must be screened with a fence, wall, berm, evergreen landscaping, or any combination thereof.

## Section 10.09 Off-street Loading and Unloading

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such loading space(s) shall be subject to the following standards:

1. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface.
2. Loading and unloading of freight shall be on those sides of the building which do not face any street or proposed street.
3. Loading areas shall be designed so that maneuvering of vehicles will take place off the public right-of-way.
4. **Minimum Requirements.** Such loading and unloading space(s), unless completely and adequately provided for within a building, shall be an area 12 feet by 50 feet, with clearance of 14 feet high, and shall be provided according to the following schedule:

Gross Floor Area of Building (square feet)	Required Loading and Unloading Spaces
First 2,000	None
2,000—20,000	1
20,000—100,000	1 + 1 for each 20,000 square feet in excess of 20,000 square feet
100,000—500,000	5 + 1 for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	10 + 1 for each 80,000 square feet in excess of 500,000 square feet

- A. **Double Count.** Off-street loading space areas shall not be counted as off-street parking spaces, nor shall they conflict with the maneuvering lanes required to access off-street parking.
- B. **Waiver.** In cases where the applicant has sufficiently demonstrated that the minimum loading and unloading requirements of this section are excessive for their use, the approving body may grant a waiver from the minimum standards listed in this subsection.

## Section 10.10 Access Management

1. **Cross-Access.** At the time of Minor or Major Site Plan Review, as applicable, the City may require a site to include cross-access easements for all driveways, maneuvering lanes, and curb cuts to ensure that the internal circulation system connects to the internal circulation system on adjacent parcels. Where cross-access is anticipated to an adjacent site, the City may require a driveway or maneuvering lane termination at the lot line shared with the adjacent site. The cross-access agreement must be recorded with the Oakland County Register of Deeds and provide for reciprocal cross-access for connection to adjacent parcels and curb cuts without limitation. Reciprocal cross-access easements throughout the city will have the long-term effect of reducing traffic on roads, reducing curb cuts, and encouraging more cohesive development.

2. **Pedestrian Connectivity.** All principal uses shall be connected to the adjacent public sidewalk system with a minimum 5' wide concrete sidewalk(s) meeting the city's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires major site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access. Pathways or crosswalks shall be distinguished from asphalt driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

3. **Driveway Spacing.**

A. Driveways serving mixed-use, multi-family, and non-residential uses shall be spaced, at minimum, as follows, measured from centerline to centerline.

- (1) Two-lane street: 100 feet.
- (2) Multi-lane street: 150 feet

These driveway spacing requirements do not apply to the distance between two one-way driveways on a single parcel (driveway pair). However, a driveway pair must be separated from another driveway or driveway pair by the distances listed above.

B. Driveways and curb-cuts shall be located a safe distance from existing intersections, as determined by the City Engineer. The City Engineer may prohibit curb cuts within a given distance of an intersection or prohibit turning movements from or to a curb cut to ensure proper safety.

C. In the event that a particular parcel(s) lacks sufficient road frontage to maintain adequate spacing, effectively prohibiting access to the site, the property owner may:

- (1) Request a waiver of the minimum spacing requirements from the Technical Review Committee or Planning Commission to allow for one (1) driveway entrance to provide access to and from the property; or
- (2) Establish a common driveway with an adjacent property owner that serves both the subject property and the adjacent property. A recorded access easement for the driveway shall be provided to the Madison Heights Community and Economic Development Department.

4. **Driveway Width:**

A. Driveway widths for detached one-family dwellings, duplexes, multiplexes, and townhomes are regulated in the use-specific standards, Section 7.03.

B. Driveway widths for multi-family or non-residential uses shall not exceed forty-four (44) feet measured at the right-of-way line.

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# Article 11. Landscaping

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## Section 11.01 Purpose

The landscaping and screening standards of this Ordinance are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. The purpose and intent of this Article is as follows:

1. To protect the health, safety, and general welfare of the public by creating an environment that: is aesthetically pleasing; promotes economic development through an enhanced quality of life; conserves energy; and reduces negative environmental effects;
2. To encourage the preservation of existing trees and vegetation;
3. To assist in providing adequate light and air;
4. To provide for and enhance the beautification of the City;
5. To screen unsightly equipment or materials from view of persons on public streets or abutting properties and buffering from uncomplimentary land uses;
6. To reduce "heat island" effect of impervious surfaces such as parking lots, by cooling and shading the surface area and breaking up large expanse of pavement; and
7. To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs.

## Section 11.02 Landscaping and Screening Applicability.

Where new development requires Major Site Plan review in accordance with [Section 15.04](#), screening and landscaping shall adhere to the minimum standards contained in this Article. No site plan shall be approved unless the plans show landscaping consistent with the provisions of this Article. The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the city from agreeing to more extensive landscaping.

## Section 11.03 Storm Water Management

Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales, rain gardens, and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales, rain gardens and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

## Section 11.04 Transitional Landscaping Requirements

- Screening Standards.** This subsection is intended to provide suitable transitional buffers, screening, and landscaping for the purpose of reducing the impacts of, and conflicts between, incompatible land uses. All landscaping in this section shall meet the Standards for Plant Materials, [Section 11.09](#).
- Required Minimum Screening and Landscaping.** The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways. Fractions shall be rounded up.

Zoning/Use of Subject Parcel	Zoning of Adjacent Parcel								
	N-P	R-1	R-2	R-3	R-MF	HM	O-1	B-1	B-2
		R-MN						B-3	CC
<b>Required Landscaping Options</b>									
N-P / Natural Preservation	—	—			—	—	—	—	—
R-1, R-2, R-3 / Single Family Residential and R-MN / Residential Mixed Neighborhood	—	—			—	—	—	—	—
R-MF / Multiple Family Residential	D	A, B or C			—	A, B or C	A, B or C	C	C
H-M/ Manufactured Home	D	C			A, B, or C	--	A, B or C	A, B, or C	C
O-1 / Office	D	C			A, B or C	A, B or C	—	—	A, B or D
B-1, B-2, B-3, CC, MUI / Commercial	D	C			A, B or C	A, B or C	—	—	A, B or D
M-1, M-2 / Industrial	D	C			A, B or C	A, B or C	A, B or D	A, B or D	—
Non-Residential Use in Residential District	D	C			A, B or C	A, B or C	--	--	--

Parking lot perimeters shall be screened in accordance with [Section 11.06](#). Parking lot perimeter screening may be used to satisfy Transitional Landscaping requirements.

### Key:

A = Land Form ([Section 11.04\(2\)\(A\)](#))

B = Buffer Strip ([Section 11.04\(2\)\(B\)](#))

C = Screen Wall Greenbelt ([Section 11.04\(2\)\(C\)](#))

D = Greenbelt ([Section 11.04\(2\)\(D\)](#))

— = Not Required

- Landform Buffer.** A landform buffer is a combination of a raised earthen berm and plantings intended to form a visual barrier at least three feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

(1) **Planting Design Standards:**

- (a) The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
- (b) One deciduous tree or one evergreen tree for every 15 linear feet of required landform buffer.
- (c) Four evergreen or deciduous shrubs for every 15 linear feet of landform buffer.
- (d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(2) The berm shall have a maximum side slope of 3:1 and a minimum height of three feet.

B. **Buffer Strip.** A buffer strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All buffer strips shall conform to the following:

(1) The buffer strip shall be a minimum of 15 feet wide.

(2) Planting design standards:

- (a) The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
- (b) One deciduous tree or one evergreen tree for every 20 linear feet of required buffer strip.
- (c) Four evergreen or deciduous shrubs for every 20 linear feet of buffer strip.
- (d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs, and groundcover.

C. **Screen Wall Greenbelt.** A screen wall greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six feet in height. When a screen wall is required, it shall meet the following standards:

(1) All walls shall conform to the following provisions:

- (a) Required walls shall be a minimum six feet high or, after approval by the Technical Review Committee or Planning Commission, to a height which is in continuity with an existing adjacent screen wall. The Technical Review Committee or Planning Commission may require screening walls up to eight feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).
- (b) Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.
- (c) Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.
- (d) Screen walls shall be reduced to a maximum thirty inches in height for 30 feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

(2) Except where located on the opposite side of an alley right-of-way, required screen walls shall include a minimum five-foot wide greenbelt adjacent to the required wall, interior to the site, for its entire length, planted in accordance with the greenbelt planting standards below.

D. **Greenbelt.** A greenbelt is a landscaped planting area of trees, shrubs, and groundcover. All greenbelts shall conform to the following planting design standards:

- (1) The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.
- (2) One deciduous tree or one evergreen tree for every 30 linear feet of required greenbelt.

- (3) Four evergreen or deciduous shrubs for every 30 linear feet of greenbelt.
- (4) Minimum width for required greenbelts shall be five feet unless otherwise specified in this Ordinance.

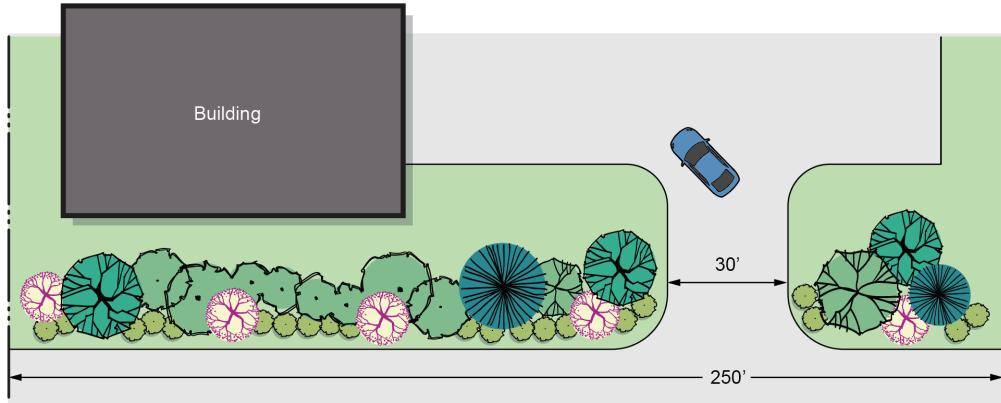
## Section 11.05 Frontage Landscaping

1. **Exemptions:** Development with front building setbacks of five (5) or less feet are exempt from the frontage landscaping requirements of this Section. However, parking lot right-of-way screening ([Section 11.06](#)) and Building Foundation Landscaping ([Section 11.07\(2\)](#)) shall still apply.
2. Where a site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way, with fractions rounded up (see Example of Frontage Landscaping below):

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	1 per 5 linear feet of road frontage or fraction thereof

3. Parking lots that abut a right-of-way shall be further subject to the parking lot right-of-way standards of [Section 11.06](#), Parking Lot Landscaping. However, parking lot right-of-way landscaping may be used to count toward the minimum Frontage Landscaping requirements of this Section.
4. The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning and Zoning Administrator may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

Example of Frontage Landscaping	
Length of Road Frontage:	250 linear feet minus 30-foot driveway = 220 feet
Required Number of Plants	
Deciduous or evergreen trees	220 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	220 ft./5 ft. = 44 shrubs
<b>TOTAL</b>	6 deciduous or evergreen trees, 3 ornamental trees, and 44 shrubs



## Frontage Landscaping

### Section 11.06 Parking Lot Landscaping

In addition to other required landscaping herein, parking lots shall be planted with interior, right-of-way, and perimeter landscaping in accordance with this Section.

1. **Interior Parking Lot Landscaping.** In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, parking lot islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. Parking lot landscaping must be distributed at even intervals throughout the lot, to provide more complete shade coverage and – in the cases of swales – stormwater capture.
 

Parking lot islands with raised curbs and landscaping shall not be required in parking structures; however, painted islands must be provided. Interior parking lot landscaping shall conform with the following:

  - A. Off-street parking areas containing ten or more parking spaces shall provide five square feet of parking lot landscaping per parking space. Parking lots containing less than ten space are exempted from the interior landscaping standards:
    - (1) Parking lot islands shall be a minimum of ten feet wide.
    - (2) Landscaping islands shall be used to subdivide parking areas into parking bays with not more than 40 spaces, provided that no more than 15 spaces shall be in an uninterrupted row.
    - (3) All required parking lot landscaping shall be designed to conform to the following requirements:
    - (4) The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.
    - (5) One deciduous canopy tree shall be required for every 100 square feet of required parking lot landscaping area, with fractions rounded up.
    - (6) Parking lot landscaping areas shall be curbed with 6" concrete curbing. Alternatively, the approving body may approved recognized best management practices for stormwater management, such as curb-less bioswales or rain gardens.
  - B. For surface lots where internal traffic circulation is forecasted to be low or where the raised islands would not be appropriate, the Technical Review Committee or the approving body may waive the requirement for raised parking lot islands and may allow for painted islands only.
2. **Right-Of-Way Screening.** Where parking lots are adjacent to sidewalks, streets, and other public rights-of-way, or located within 50 feet of a right-of-way, landscaped screening shall be provided between the public right-of-way and the parking area consisting of one or a combination of the following:

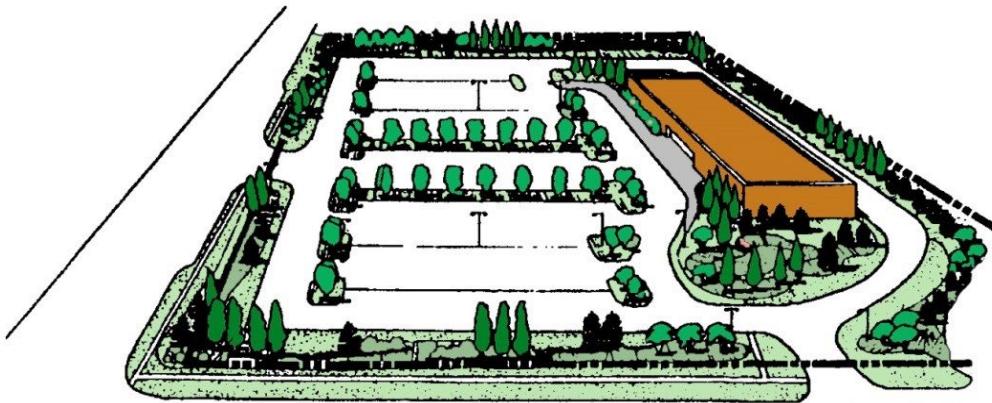
- A. **Landscaped Screening.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. Shrubs shall be planted a maximum of 30 inches on center. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang. Right-of-Way Landscaped Screening may be used to count towards the Frontage Landscaping requirements of [Section 11.05](#).
- B. **Screening Wall or Fence.** Walls shall be between three (3) and four (4) feet in height and decorative/ornamental in nature, featuring elements such as decorative masonry pillars and wrought-iron railing.

3. **Perimeter Landscaping.** Where parking lots are adjacent to, and within fifty (50) feet of, a non right-of-way property line, perimeter landscaping shall be provided in accordance with the following:

- A. Where adjacent to a mixed-use or non-residential use or zoning district: A landscaped area at least five (5) feet in width shall be required and planted in accordance with the Frontage Landscaping requirements table, [Section 11.05](#), above.
- B. Where adjacent to a residential use or zoning district: A screen wall greenbelt shall be provided in accordance with [Section 11.04](#), Transitional Landscaping, above.

Where connectivity via vehicle or pedestrian access is provided between two adjoining properties, the Planning and Zoning Administrator or Planning Commission may waive perimeter landscaping requirements.

Perimeter landscaping may be used to count towards the Transitional Landscaping requirements of [Section 11.04](#).



## Section 11.07 Interior Landscaping and Building Foundation Landscaping

- 1. **Interior Landscaping.** For every new development that requires Major site plan review, except site condominiums as regulated in [Section 5.04](#), interior landscaping areas shall be provided equal to at least five percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, and service areas. All interior landscaping shall be designed to the following general design standards:
  - A. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
  - B. One deciduous tree; and then one deciduous tree for every additional 400 square feet of required interior landscaping area, with fractions rounded up.
  - C. Two shrubs; and then two shrubs for every additional 400 square feet of required interior landscaping area, with fractions rounded up.
  - D. Interior parking lot landscaping in accordance with Section 11.06 shall not be counted toward minimum interior landscaping requirements.

2. **Building Foundation Landscaping.** Landscaping shall be required at the base of all building walls adjacent to a public street or parking lot in accordance with the following:
  - A. Foundation landscaping strips shall be a minimum of five (5) feet in width.
  - B. Plantings shall consist of a mixture of landscaping types, such as shrubs, hedges, ornamental trees, or other plant material. Particular attention shall be paid toward screening mechanical equipment, utility meters, softening large expanses of building walls, and accenting building entrances and architectural features.
  - C. Where a front or street side-yard building setback is between three (3) and seven (7) feet, foundation landscaping may be provided for in above ground planters along the street fronting property line(s).
  - D. Buildings with front or street side-yard building setbacks less than three (3) feet are exempted from the foundation landscaping requirement along the street fronting-property line(s).
  - E. Building foundation landscaping may be used to count toward the interior landscaping requirement, above.
  - F. Waiver. The approving body may waive these requirements if determined that the design, use, or context of the property does not necessitate any or all building foundation landscaping.

## Section 11.08     Trash Receptacle and Donation Bin, Transformer, and Mechanical Equipment Screening

1. **Dumpsters, Trash Storage, and Donation Bin Enclosures.** All areas used for the storage of trash, recycling, and other waste products or materials, and donation bins, shall be completely screened from view. The following standards shall apply to all such trash enclosures:
  - A. Enclosures shall be constructed of masonry materials similar to the buildings to which they are accessory.
  - B. Enclosures shall be at least six feet but not more than eight feet high and shall obscure all wastes and/or containers.
  - C. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides. The dumpster enclosure doors have reinforced steel supports to prevent the door from sagging.
  - D. No enclosures shall be permitted within a required front yard or street-side side yard setback. Dumpsters shall not be located in front of the front building line. Enclosures shall be set back a minimum of twenty (20) feet from any residential district.
  - E. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight-inch concrete pad.
  - F. Bollards shall be placed where necessary to protect walls.
2. **Transformer and Mechanical Equipment Screening.** All ground mounted transformers, generators, mechanical equipment, and similar equipment, including those servicing Electric Vehicle (EV) charging stations, shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

## Section 11.09     Standards for Plant Materials

1. **Existing Landscaping.** Existing landscaping that meets the requirements of this section may be used to comply with the standards of this Article.
2. **Lawn Areas.** Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
3. **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. Madison Heights may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper)	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and Purple Coneflower

4. **Prohibited species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning and Zoning Administrator may prohibit other species that are not listed below.

- Ash
- Black Locust
- Box Elder
- Buckthorn
- Catalpa
- Cottonwood
- Elm
- Ginkgo (Female)
- Honey Locust (With Thorns)
- Horse Chestnut (Nut Bearing)
- Mulberry
- Norway Maple
- Olive
- Poplar
- Silver Maple
- Tree of Heaven
- Willow

## Section 11.10 Installation and Maintenance

### 1. Installation.

A. **Installation Period.** Whenever planting is required by this Ordinance, it shall be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting shall take place within six (6) months from the date of issuance of a Temporary Certificate of Occupancy.

B. **Installation Method.** All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:

- (1) **Balled and Burlapped.** All trees shall be balled and burlapped at the time of planting.
- (2) **High Quality and Healthy Plant Material.** Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and

free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.

- (3) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.
- (4) **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.
- (5) **Plant Material Required in all Portions of Landscaped Areas.** All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
- (6) **Planting Locations.** Unless a specific planting pattern is required by the Zoning Ordinance or the approving body, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted with five (5) feet of a permanent building, structure, or paved area, structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.
- (7) **Protection of Existing Vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

2. **Irrigation Required.** All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The Planning Commission or Planning and Zoning Administrator may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.
3. **Maintenance.** The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants, and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants shall be replaced within 30 days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

## Section 11.11 Waivers

Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for landscaping, the approving body may allow the following waivers from the provisions of this Article.

1. **Screening.** The approving body may permit an alternate screening plan upon finding that the alternative screening will ensure compatibility with surrounding and nearby land uses, and upon finding one of the following:
  - A. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer sufficient screening. The approving body shall require the preservation of these natural features as a condition of site plan approval in such circumstances.
  - B. The arrangement, design, and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

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# Article 12.

# Signs

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## Section 12.01 Findings and Purpose

It is the intent of this Article to regulate signs in the City of Madison Heights so as to protect and enhance public health, safety, and the public welfare while preserving the right of free speech and expression as guaranteed by the First Amendment of the U.S. Constitution. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the city. It is determined that such regulation is necessary for several reasons:

1. **Enable Convenient Access and Discourage Confusion.** To enable the public to locate goods, services, and facilities without difficulty and confusion.
2. **Prevent Clutter.** To prevent visual clutter and the dangerous and distracting demands for attention between advertising signs and traffic control signs and signals, which can jeopardize public safety and the mental and physical wellbeing of the public.
3. **Prohibit Unsafe Signs.** To protect public safety by preventing or removing signs which are potentially dangerous to the public due to structural deficiencies or disrepair.
4. **Effective Communication.** To encourage appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.
5. **Aesthetic Quality and Character.** To protect and enhance the continued attractiveness of the community by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a "sense of place."
6. **Protect Property Values.** To protect property values within the community and public/private investments in property through the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape. At the same time, prohibit signs that create blight and visual clutter, which can have a negative impact on the value of the subject property as well as the value of surrounding properties.

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

## Section 12.02 Permits, Applications, Plans, Specifications and Revocation

1. **Permits Generally.** It shall be unlawful for any person to erect, re-erect, repair, alter, paint or relocate or reconstruct on the same or another premises or to maintain within the city any sign as defined in this section unless a permit shall have been first obtained from the Community and Economic Development Department, except as provided in [Section 12.03](#), Signs not requiring Permits, and a permit fee paid in accordance with the fee schedule adopted by resolution of the city council.
2. **Application.** Application for sign permits shall be made upon forms provided by the Community and Economic Development Department for this purpose and shall contain the following information:
  - A. Name, address, and telephone number of applicant.

- B. Location and dimensions of the building, structure, or lot to which the sign is to be attached or erected.
- C. Position of the sign in relation to nearby buildings, structures, property lines and rights-of-way, existing or proposed.
- D. Two copies of the plans and specifications and method of construction and attachment to the building or in the ground.
- E. Copies of stress sheets and calculations if deemed necessary by the building official, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Madison Heights.
- F. Name, address, and phone number of the sign erector.
- G. Insurance policy as required herein.
- H. Such other information as the Planning and Zoning Administrator or building official may require to show full compliance with this and other applicable laws of the City of Madison Heights and State of Michigan.
- I. The Planning and Zoning Administrator or building official may require that the application containing the previously mentioned material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
- J. Indicate the zoning district in which the sign is located.

3. **Insurance Requirements.** Permits may be issued to sign erectors only under the following conditions:

- A. **Insurance Certificates:** Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Community and Economic Development Department a certificate of insurance, in a form acceptable to the city, for public liability in the amount of \$100,000.00 for injuries to one person and \$300,000.00 for injuries to more than one person, and property damage insurance in the amount of \$25,000.00 for damage to any property due to the actions of himself or any of his agents or employees.
- B. **Lapsing of Insurance:** At any time, the insurance of any sign erector is permitted to lapse, his contractor registration shall automatically be revoked.
- C. **Notification of Change:** A sign erector shall notify the Community and Economic Development Department of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.

4. **Permit Insurance and Revocation.** All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses and may be revoked by the city upon violation of this section.

- A. **Compliance.** All signs shall be inspected for compliance at the time of installation. If work indicated to be done on the application for permit has not been started within six months the permit will expire and become null and void.
- B. **Concealed Work.** All work shall remain accessible and exposed for inspection until approved. It shall be the duty of the permit applicant to cause said work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.
- C. **Removal of Signs.** Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make the sign safe, secure, and otherwise in compliance with the requirements of this section within 30 days of notice. Failure to comply shall result in an order to remove the sign, with costs charged to the permit holder, within 48 hours from the time of notification in writing. Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 48 hours of notification by the building official.

5. **Permit Expiration.** A sign permit shall be null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

## Section 12.03 Signs Not Requiring Permits

No permit shall be required for signs enumerated as follows by this Section. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance, nor relieve the owner from the responsibility of meeting the pertinent regulations of this article:

1. **Temporary Signs.** Temporary signage includes yard signs, sandwich board signs, banners, etc. in compliance with the dimensional standards of [Section 12.07](#). The following additional regulations shall be applicable to all exterior temporary signs:
  - A. **Generally.** Temporary sign(s) may be located only on private property with the owner's permission.
  - B. **Illumination.** Temporary signs shall not be illuminated or feature electronic message boards.
  - C. **Placement in Public Right-of-Way Prohibited.** Signs shall not be placed in the public right-of-way or between the public sidewalk and the road. Signs located in the public right-of-way will be removed and discarded.
  - D. **Method of Display.** Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant, or tree. Signs shall not block visibility at intersections, sidewalks, or driveways.
  - E. **Prompt Removal of Damaged Signs.** Damaged temporary signs shall be removed promptly.
2. **Interior Building Signs.** Signs located on the interior of buildings which are not visible from the exterior of the building.
3. Window signs, wall signs, and painted wall signs not exceeding 4 square feet, in compliance with the dimensional standards of [Section 12.07](#).
4. Any ground sign up to 4 sq. ft. in size and 3 ft. in height adjacent to drive aisles
5. Decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.
6. Signs erected on a City, County, State, or Federal building or land by the authorized public agency.
7. Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.
8. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
9. Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.

## Section 12.04 Prohibited Signs

1. **Roof Signs.**
2. **Bench Signs.**
3. **Pylon Signs.**
4. **Revolving Signs.**
5. **Advertising Vehicles.** Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device (including electronic message boards) displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision. Fleet vehicles' used in day-to-day operations/transportation of the company do not count as advertising vehicles.
6. **Searchlights.** Except as may be specifically permitted elsewhere in this Ordinance, searchlights are prohibited.

7. Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), feather flags, flags (other than the official flag of any nation, state or city, and not more than two corporate flags), or other structure(s) conveying a message.
8. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.
9. Any sign that is deemed structurally or electrically unsafe by the Building Official.
10. Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.

## Section 12.05 General Requirements

1. **Material Requirements.** All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this section.
2. **Maintenance.** No sign shall be permitted to corrode, rust, peel, fade, break up or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. No nails, tacks or wires shall be permitted to protrude from the front of any sign.
3. **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building or structure in such a manner to obstruct any fire escape.
4. **Support Location.** No pole, cable or support of any nature shall be placed on, or over, any publicly owned property, street right-of-way, proposed street right-of-way or dedicated public easements unless otherwise specifically provided for in this section.
5. **Wall Signs.** Wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. All wall signs shall be constructed in accordance with the adopted building code. No wall sign shall cover wholly or partially any wall opening. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor above the top of a parapet wall, nor extend beyond the ends of the wall to which it is attached. No wall sign shall protrude more than 12 inches from the wall or structure on which it is mounted. Wall sign allowance shall be used for signs attached to roofed structures over fueling stations.
6. **Ground Signs.** Ground signs may be permitted as monument signs or decorative post signs, in accordance with the following:
  - A. **Monument signs:** Monument signs shall have a base at least 75 percent of the width of the widest part of the sign OR shall be attached to two (2) columnar bases that, combined, amount to a width of 35% of the entire width of the sign. The sign shall be constructed with materials that are consistent with the principal building.
  - B. **Decorative Post Signs:** A maximum of three feet is permitted between the bottom of the sign and the surrounding grade.

With the exception of billboards, all ground signs shall be located on the same parcel as a principal use and/or principal structure. With the exception of billboards, a ground sign shall not be considered a principal use of a property.
7. **Painted Wall Sign.** Painted Wall Signs shall be permitted in all non-residential and mixed-use zoning districts, and permitted non-residential uses in residential districts, as follows:
  - A. Painted wall signs on street-facing façades shall be subject to the wall sign area allowances for the zoning district in which it is located.
  - B. Painted wall signs on a non-street facing side or rear building elevation shall not be subject to wall sign area allowances. However, in no case shall a painted wall sign exceed 1,000 square feet or 50% of the individual wall area, whichever is less.
  - C. Not more than one painted wall sign is permitted per façade.

D. All painted wall signs in excess of 4 square feet shall require a sign permit prior to installation.

8. **Window Signs.** Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area for window signs. No signage shall be placed on exterior window glass.

9. **Awning and Canopy Signs and Projecting Signs.**

A. **Awning/Canopy Signs:**

- (1) **Minimum Clearance.** No portion of an awning/canopy sign shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.
- (2) **Maximum Projection.** No awning or canopy shall be permitted to project more than eight (8) feet over any public right-of-way. An awning/canopy shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way.
- (3) **Roof Line.** Awning/Canopy signs may project above the top edge of an awning/canopy, or be suspended below an awning/canopy. However, in no case shall an awning or canopy sign project above the roof line or parapet wall edge of the principal building. The maximum sign height over an awning/canopy shall be 24 inches as measured from the top of the awning/canopy to the top edge of the sign.
- (4) **Review of Awnings/Canopies in Public Right-of-Way.** Prior to the erection of a projecting sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper government agency (City, County or State) having jurisdiction over such right-of-way.

B. **Projecting signs:**

- (1) **Minimum Clearance.** No portion of a projecting sign shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.
- (2) **Minimum/Maximum Projection.** The distance between the inner edge of a projecting sign and the wall to which it is attached shall not be greater than two (2) feet. In no case shall a projecting sign project more than three (3) feet from a wall edge. A projecting sign shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way.
- (3) **Concealment of Support Structures.** All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.
- (4) **Roof Line.** A projecting sign shall not extend above the roof line or upper edge of a parapet wall.
- (5) **Review of Projecting Signs in Public Right-of-Way.** Prior to the erection of a projecting sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper government agency (City, County or State) having jurisdiction over such right-of-way.

10. **Lighting.** Internal and external lighting shall be permitted, but the illumination thereof shall not be anything other than a steady, continuously burning bulb or light. The movement, flashing or illusion of flashing, or turning on and off of the sign illumination or of any bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of 0.08 foot-candles, when measured from the nearest or adjacent residential-zoned property. No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the Michigan Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the Michigan Electrical Code.

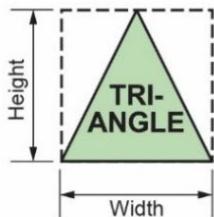
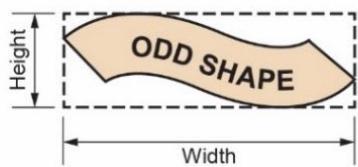
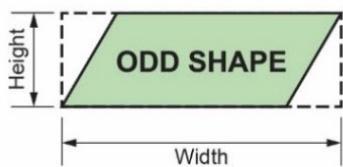
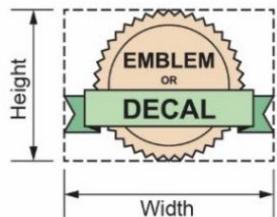
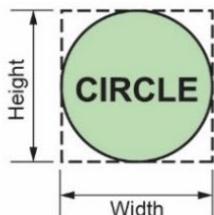
11. **Electronic Message Boards.** Electronic changeable message boards (signs) may be incorporated as part of a ground sign, counting toward the ground sign maximum area, but shall not be permitted as wall signs. The message shall not change more than once every 30 seconds. Text displays shall conform to the requirements of Section 12.05(10) above and moving text and video displays shall not be permitted. Electronic message boards are limited to commercial, industrial, and mixed-use districts and shall not make up more than 50% of the allowable ground sign area. Electronic message boards shall come equipped with an automatic dimming control that automatically adjusts the displays brightness based on ambient light conditions.

12. **Public Right-of-Way.** Signs proposed within, or hanging above, public rights-of-way shall require approval of a right-of-way permit by the controlling governmental agency.

13. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
14. **Intersections.** No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision or any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, sign, or device or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking, or device be placed, erected, or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic. Ground signs shall not obstruct vision between a height of 30 inches and eight feet above the road level within a required clear vision triangle, per [Section 8.06](#).
15. **Rehanging - Re-erection.** In case of rehanging or re-erection of any sign, the sign erector must place his name and address and the date on the sign.
16. **Proximity to Electrical Conductors.** No sign shall be erected so that any part of it, including cables, guys, etc., will be in violation of the Electrical Code of Madison Heights or any utility company safety requirement.
17. **Sanitation.** Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.
18. **Responsibility of Compliance.** The owner of any property on which a sign is placed, and the person maintaining said sign, are both responsible for the condition of the sign and the area in the vicinity thereof.
19. **Erector's Imprint.** Every sign shall have placed in a conspicuous place thereon, in letters not less than one half inch in height, the name of the person, firm or corporation owning, erecting or operating such sign, the date of erection, the permit number and the voltage of any electrical apparatus.
20. **Shielding from Adjacent Property and Rights-of-Way.** Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent zoning districts and rights-of-way, and shall not adversely affect driver visibility on adjacent public thoroughfares.
21. **Servicing.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, including a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

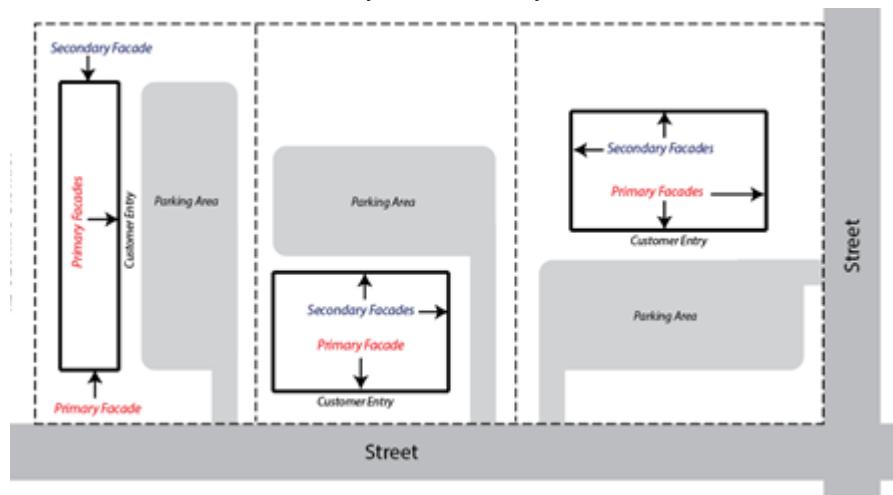
## Section 12.06 Measurement of Sign Area and Height

1. **Sign Area.** For the purposes of this section, the sign area shall include the total area within any circle, triangle, rectangle or square, or combination of two shapes which are contiguous to each other, enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a broken sign, (a sign with open spaces between the letters or insignia) the sign area to be considered for size shall include all air space between the letters or insignia. Where more than one wall sign is used, each sign may be measured individually, using the procedure above, provided the signs are separated by a distance equal to, or greater than, the width of the largest sign. Any back-lit area of a building exterior shall be considered to be a sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and less than 24 inches apart, the area of the sign shall equal the area of one face.



2. **Sign Height.** The height of the sign is measured from the ground to the highest point of the sign from the ground.
3. **Building Street Frontage.** In certain cases, the lineal street frontage of a building, building unit, or individual tenant space may be the basis for determining permissible wall sign area. Building street frontage shall be the sum of all wall lengths associated with such building, building unit, or tenant space parallel to a public street, excluding any such wall length determined by the Planning and Zoning Administrator as unrelated to such building, building unit, or tenant space. For multi-tenant buildings, the street frontage shall be measured from the centerline of the party walls defining the tenant's individual space.
4. **Façade Measurements:** In certain cases, sign area calculations may be based on the length of the façade serving as the building or tenant's primary or secondary façades. Primary façades shall include any façade that has building street frontage along a public street (as defined above) or any façade that serves as the main entrance to a building or tenant space, regardless of street frontage. All other facades shall be considered secondary facades for the purposes of this article. A building or tenant space may have multiple primary facades and secondary facades. When a site has primary and secondary facades herein, the Planning and Zoning Administrator shall determine which facades shall serve as the primary facades and which shall be the secondary facades, as applicable. Façade length shall be the sum of all wall lengths associated with said façade. For multi-tenant buildings, façade length shall be measured from the centerline of the party walls defining the tenant's individual space.

*Primary and Secondary Facades*



[Δ Ord. 2025 – ZTA 24-04]

## Section 12.07 Regulations for Permitted Signs

The following conditions shall apply to all signs erected or located in the specified zoning district(s):

### 1. R-1, R-2, R-3, R-MN, R-MF and H-M Districts:

Sign Type	R-1, R-2, R-3, R-MN, R-MF and H-M Districts (Single-family, duplex, and multi-plex lots only)	R-1, R-2, R-3, R-MN, R-MF and H-M Districts (Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Non-Residential Uses only)
<b>Awning/ Canopy Signs</b>	Not Permitted	<b>Maximum Number:</b> One (1) sign per awning/canopy. <b>Maximum Area:</b> 15 square feet per sign. Individual signs greater than 15 sq. ft. may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.
<b>Ground Signs</b>	Not Permitted	<b>Maximum Number:</b> One (1) per street frontage. If an individual parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet. <b>Minimum Setback:</b> 3 feet from right of way. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 6 feet).
• <b>Monument Signs</b>	Not Permitted	<b>Maximum Height:</b> 6 feet <b>Maximum Area:</b> 32 square feet
• <b>Decorative Post Signs</b>	Not Permitted	<b>Maximum Height:</b> 5 feet <b>Maximum Area:</b> 24 square feet
<b>Projecting Signs</b>	Not Permitted	<b>Maximum Number:</b> One (1) projecting sign per public entrance, minimum separation of 20 feet between projecting signs on a single façade. <b>Maximum Area:</b> 10 square feet per individual sign
<b>Wall Signs</b>	Not Permitted	<b>Maximum Total Sign Area per Façade:</b> <b>Street Frontage/Primary Façade:</b> 1.5 square feet of sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 100 square feet for each street-facing façade or primary facade. <b>Secondary Façade:</b> 1.5 square feet of sign area per lineal feet of secondary façade length, not to exceed 75 square feet. <b>Painted Wall Signs:</b> Refer to <a href="#">Section 12.05(7)</a>
<b>Window Signs</b>	<b>Maximum Area:</b> 25% of the window area.	
<b>Temporary Signs</b>	<b>Maximum Height:</b> 4 feet <b>Maximum Area:</b> 16 square feet total <b>Minimum Setback:</b> 2 feet from right of way or any lot line.	<b>Maximum Number:</b> One (1) per street frontage. One (1) per parcel with no street frontage. <b>Maximum Height:</b> 4 feet <b>Maximum Area:</b> 16 square feet <b>Minimum Setback:</b> 2 feet from any lot line.

2. **B-1 Neighborhood Business District; B-2 Community Business District; B-3 Regional Business Districts; CC City Center District; and MUI Mixed Use Innovation Districts.**

Sign Type	B-1, B-2, B-3, CC, and MUI Districts
<b>Awning/ Canopy Signs</b>	<p><b>Maximum Number:</b> One (1) sign per awning/canopy.</p> <p><b>Maximum Area:</b> 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
<b>Ground Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage per parcel. If a parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet.</p> <p><b>Minimum Setback:</b> 3 feet from right of way. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet). No sign shall be located closer than 30 feet to any property line of an adjacent residential district.</p>
• <b>Monument Signs</b>	<p><b>Maximum Height:</b> 8 feet</p> <p><b>Maximum Area:</b> 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area, whichever is less</p>
• <b>Decorative Post Signs</b>	<p><b>Maximum Height:</b> 5 feet</p> <p><b>Maximum Area:</b> 24 square feet</p>
<b>Projecting Signs</b>	<p><b>Maximum Number:</b> One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p><b>Maximum Area:</b> 10 square feet per individual sign.</p>
<b>Wall Signs</b>	<p><b>Maximum Total Sign Area per Façade:</b></p> <p><b>Street Frontage/Primary Façade:</b> 1.5 square feet of total sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 100 square feet per street facing façade or primary facade.</p> <p>Buildings/tenants with an individual street frontage or primary façade length in excess of 200 feet or whose primary façade is set back more than 150 feet from the right-of-way line of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 150 square feet of total sign area per facade</p> <p><b>Secondary Façade:</b> 1.5 square feet of sign area per lineal feet of secondary frontage length, not to exceed 100 square feet.</p> <p><b>Painted Wall Signs:</b> Refer to <a href="#">Section 12.05(7)</a></p>
<b>Window Signs</b>	<p><b>Maximum Area:</b> 25% of the window area. In an enclosed building where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be 50 percent.</p>
<b>Temporary Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage. One (1) per parcel with no street frontage.</p> <p><b>Maximum Height:</b> 4 feet</p> <p><b>Maximum Area:</b> 16 square feet</p> <p><b>Minimum Setback:</b> 2 feet from right of way or any lot line.</p>

3. O-1 Office District:

Sign Type	O-1 Districts
<b>Awning/ Canopy Signs</b>	<p><b>Maximum Number:</b> One (1) sign per awning/canopy.</p> <p><b>Maximum Area:</b> 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
<b>Ground Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage of a lot or development.</p> <p><b>Maximum Height:</b> 8 feet</p> <p><b>Maximum Area:</b> 0.5 square foot per each lineal foot of lot frontage to a maximum of 48 square feet in area.</p> <p><b>Minimum Setback:</b> 3 feet from all lot lines. No sign shall be located closer than 30 feet to any property line of an adjacent residential district. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet).</p>
• <b>Monument Signs</b>	<p><b>Maximum Height:</b> 8 feet</p> <p><b>Maximum Area:</b> 48 square feet</p>
• <b>Decorative Post Signs</b>	<p><b>Maximum Height:</b> 5 feet</p> <p><b>Maximum Area:</b> 24 square feet</p>
<b>Projecting Signs</b>	<p><b>Maximum Number:</b> One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p><b>Maximum Area:</b> 10 square feet per individual sign.</p>
<b>Wall Signs</b>	<p><b>Maximum Total Sign Area per Façade:</b></p> <p><b>Street Frontage/Primary Façade:</b> 1.5 square feet of total sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 75 square feet per tenant per street-fronting façade or primary façade.</p> <p>Buildings/tenants with an individual building street frontage or primary façade length in excess of 200 feet or whose primary façade is set back more than 150 feet from the right-of-way line of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 125 square feet of total sign area per façade.</p> <p><b>Secondary Façade:</b> 1.5 square feet of sign area per lineal feet of secondary façade length, not to exceed 75 square feet.</p> <p><b>Painted Wall Signs:</b> Refer to <a href="#">Section 12.05(7)</a></p>
<b>Window Signs</b>	<p><b>Maximum Area:</b> 25% of the window area.</p>
<b>Temporary Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage. One (1) per parcel with no street frontage.</p> <p><b>Maximum Height:</b> 4 feet</p> <p><b>Maximum Area:</b> 16 square feet</p> <p><b>Minimum Setback:</b> 2 feet from right of way or any lot line.</p>

4. **M-1 Light Industrial District; and M-2 Heavy Industrial Districts:**

Sign Type	M-1 and M-2 Districts
<b>Awning/ Canopy Signs</b>	<p><b>Maximum Number:</b> One (1) sign per awning/canopy.</p> <p><b>Maximum Area:</b> 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
<b>Ground Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage per parcel. If a parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet. No sign shall be located closer than 30 feet to any property line of an adjacent residential district.</p> <p><b>Minimum Setback:</b> 5 feet</p>
• <b>Monument Signs</b>	<p><b>Maximum Height:</b> 8 feet</p> <p><b>Maximum Area:</b> 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area.</p>
• <b>Decorative Post Signs</b>	<p><b>Maximum Height:</b> 5 feet</p> <p><b>Maximum Area:</b> 24 square feet</p>
<b>Projecting Signs</b>	<p><b>Maximum Number:</b> One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p><b>Maximum Area:</b> 10 square feet per individual sign.</p>
<b>Wall Signs</b>	<p><b>Maximum Total Sign Area per Façade:</b></p> <p><b>Street Frontage/Primary frontage:</b> 1.5 square feet of sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 150 square feet per tenant per street-facing façade or primary façade.</p> <p>Buildings/tenants with an individual building street frontage or primary façade length in excess of 200 feet or whose primary façade is set back more than 150 feet from the right-of-way of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 175 square feet of total sign area per façade.</p> <p><b>Secondary Facade:</b> 1.5 square feet of sign area per lineal feet of secondary façade length, not to exceed 100 square feet.</p> <p><b>Painted Wall Signs:</b> Refer to <a href="#">Section 12.05(7)</a></p>
<b>Window Signs</b>	<p><b>Maximum Area:</b> 25% of the window area.</p>
<b>Temporary Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage. One (1) per parcel with no street frontage.</p> <p><b>Maximum Height:</b> 4 feet</p> <p><b>Maximum Area:</b> 16 square feet</p> <p><b>Minimum Setback:</b> 2 feet from right of way or any lot line.</p>

## Section 12.08 Billboards

- Billboards shall be permitted only on parcels abutting interstate highways or freeways in the MUI-1, MUI-2, M-1, and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard, and no other structure shall be placed on the parcel within 100 feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in this section following. A billboard shall not be located within any required setback of such parcel.
- Billboards shall not be less than 2,500 feet apart, including billboards on the opposite side of the interstate. A double face (back to back) or a V-type structure shall be considered a single billboard provided the two faces are not separated by more than ten feet, or the interior angle does not exceed 20 degrees, whichever is applicable.
- The total surface area, facing in the same direction, of any billboard, shall not exceed 700 square feet and shall be contained on a single panel.

4. Billboards shall not exceed 60 feet in height from the adjacent grade.
5. Billboards shall not be erected on the roof of any building.
6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in [Section 12.05\(11\)](#).
7. Billboards may be considered a principal or secondary use of a parcel. While billboards may be permitted on the same parcel as an existing principal structure or principal use, in all cases, billboards shall be subject to the minimum principal building yard setbacks and maximum lot coverage standards of the zoning district in which the parcel is located, per [Article 4](#).
8. Nonconforming billboards shall be subject to the standards of [Section 12.09](#).

## Section 12.09 Nonconforming Signs

1. **Intention.** It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.
2. **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.
3. **Continuance.** A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:
  - A. Replaced by another nonconforming sign.
  - B. Rebuilt or re-erected after it has been removed or destroyed for any reason.
  - C. Structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.
  - D. Expanded or substantially added to, changed, or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the estimated replacement cost.
4. **Alteration.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction follows the provisions of this Article. For the purpose of this Article only, the term "altered" or "reconstructed" shall not include normal maintenance; ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.
5. **Removal of Nonconforming Signs.** Nonconforming signs shall be removed if the site or building on the same parcel as the sign is demolished, redeveloped, or reconstructed in a manner that requires major site plan approval, per [Section 15.04](#).

## **Section 12.10 Removal of Signs**

The building official shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this Ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the city may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of paragraph (IV)(A), above, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the city may be assessed to the person or business displayed on said sign, or to owner of the property on which such sign is located and such charge shall be a lien on the property.

## **Section 12.11 Severability**

Should the courts declare any section, subdivision, clause, or phrase of this section to be invalid, the validity of the section as a whole, or in part, shall not be affected other than the part invalidated.

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# Article 13.

# Nonconformities

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## Section 13.01 Nonconforming lots, uses and structures, and site elements

All nonconforming lots, uses, structures, site elements, or combination of nonconforming uses of land or structures shall conform with the provisions of this section.

1. **Intent.** The intent of this Article is to protect the rights of property owners who have lawfully established, and have continuously maintained in a lawful manner, a use, structure, lot, or site element prior to the adoption of this ordinance or prior to any amendment to this ordinance that otherwise renders such use, structure, lot, or site element unlawful. Such legal nonconformities shall be permitted to continue until they are lost or removed. Nonconformities shall not be enlarged upon, expanded, or extended, except in compliance with this Article, nor shall they be used as grounds for adding other structures or uses prohibited by the underling zoning district.
2. **Nonconformities Under Construction.** Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved. This article shall not apply to any development standard or feature that is the subject of a variance granted by the Zoning Board of Appeals. Where a variance has been granted for a development standard that does not otherwise conform to the requirements of this Code, that development standard shall be deemed conforming.
3. **Nonconforming Lots of Record.**
  - A. A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.
  - B. In any zoning district in which a single-family dwelling or duplex is permitted, a single-family dwelling or duplex may be erected on any substandard lot of record if the lot is in single ownership at the effective date of this Ordinance and is not in single ownership with other lots having continuous frontage. Such structures shall comply with the applicable dimensional and setback regulations of the district.
  - C. If two or more contiguous lots under the same ownership exist, a single-family home may be erected on any single lot of record provided that such lot meets the following criteria:
    - (1) The lot is a legal lot of record.
    - (2) The Planning and Zoning Administrator or his designee shall determine that the lot is the same size as or larger than the majority (more than 50%) of developed lots in the area. For purposes of this section, the Planning and Zoning Administrator shall base determinations on the width, depth and area of the lot when determining conformance with the developed lots in the area. For purposes of this section, "area" shall mean at a minimum the lots on both sides of the street on the same block as the subject lot.
    - (3) All other Ordinance requirements are met, including but not limited to, setbacks, minimum dwelling size, and height. A detailed plot plan shall be provided to determine compliance with this subsection.

If these three criteria are not met, such lot(s) shall not be developed, divided, utilized, or sold in any manner that diminishes compliance with lot width and/or area requirements of this Ordinance.

- D. Any variance request to the Zoning Board of Appeals for any provision of this section shall include a detailed plot plan for a proposed structure(s) that clearly indicates conformance or nonconformance with all Ordinance requirements including, but not limited to, yards, minimum dwelling size, maximum lot coverage and height.
- E. In all non-residential and mixed-use zoning districts, permitted uses and structures may be erected on any single lot of record, provided that such structures shall comply with the applicable dimensional and setback regulations of the district.

4. **Nonconforming Uses of Land.** When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use. A nonconforming use shall not be changed to another nonconforming use.
- B. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except in accordance with subsection 4(I), below. Nonconforming uses shall not occupy a greater building floor area beyond existing floor area, except in accordance with subsection 4(I).
- C. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- D. If a nonconforming use is discontinued or ceases, but is re-established within 180 calendar days, then the nonconforming use may continue, provided the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was abandoned. A nonconforming use which has been abandoned or vacated for any reason for more than 180 days shall not be permitted to be re-established.
- E. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- G. Existing residential uses/structures in commercial and mixed-use districts are permitted to continue as conforming uses. Duplexes, townhomes, and multi-family dwellings in single-family districts in existence upon date of adoption of this ordinance shall be considered a conforming use of the property.
- H. Special Land Uses that are approved by the city council as provided in this Ordinance shall not be deemed a nonconforming use.
- I. The Zoning Board of Appeals may allow an expansion or enlargement of a nonconforming use, or the conversion to another use which is less intensive than the existing use, provided that it is conclusively shown that such extension, enlargement, or conversion:
  - (1) Will not further reduce the value or otherwise limit the lawful use of adjacent premises;
  - (2) Will essentially retain the character and environment of abutting premises;
  - (3) Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses.
  - (4) Will satisfy the other remaining requirements listed in Section 15.06.
- J. In the event that any structure that is devoted, in whole or in part, to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconforming uses are created and the degree of the previous nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair, or reconstruction within 180 calendar days of the date of damage or destruction, and a Certificate of Occupancy is obtained prior to the expiration of the building permit. In the event that a building permit is not obtained within 180 calendar days, then the nonconforming use cannot be re-established. If the structure containing the nonconforming use is also a nonconforming

structure, the structure may only be rebuilt, restored, repaired, or reconstruction in accordance with Section 13.01(5) below..

5. **Nonconforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, setbacks, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:
  - A. No such structure may be expanded in a way that increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all Zoning Ordinance requirements for the district in which the structure is located. Bulk cannot be added to nonconforming structural elements. For example, a second story addition on a building with a nonconforming front yard setback shall be required to meet the minimum front yard setback.
  - B. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
  - C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - D. A nonconforming structure may be altered to decrease its nonconformity, per the determination of the Planning and Zoning Administrator.
6. **Nonconforming Site Elements.**
  - A. Nonconforming site elements pertaining to [Article 7](#) (Standards Applicable to Specific Uses), [Article 8](#) (General Provisions), [Article 10](#) (Parking, Loading, and Access Management), and [Article 11](#) (Landscaping) shall be brought into compliance when one (1) or more of the following situations occurs:
    - (1) A proposed site modification requires Major Site Plan approval, per [Section 15.04](#); or
    - (2) Major change of use classification (per use table). (i.e., commercial to residential); or
    - (3) Other actions deemed necessary to bring the site into compliance as determined by the Planning and Zoning Administrator.
  - B. For non-residential or multi-family residential sites with legal nonconforming site elements, the Planning and Zoning Administrator, Technical Review Committee, or other reviewing/approving body may reduce the requirements of any numerical standard by up to 25% if it is found that full compliance with site element requirements is not feasible, or that alternative compliance would satisfy the intent and spirit of the standard.
  - C. Certain non-conforming residential driveways may be replaced in-kind in accordance with [Section 7.03.10](#), *Use-Specific Standards for Detached One-Family Dwellings*.
- [Δ Ord. 2026 – ZTA 25-01]
7. **Nonconformities Created by Form-Based Development Standards.**
  - A. A building or site that became nonconforming as a result of adoption of the Form-Based Development Standards in [Article 6](#) may be expanded or improved, subject to the provisions of Section 6.01.2 and Site Plan Review procedures and requirements of [Section 15.04](#).
  - B. In reviewing a site plan for a nonconforming building or lot, the reviewing body may require the applicant to bring the building and/or site into partial or complete compliance with the requirements of the Form-Based Development Standards, in accordance with the standards of [Section 6.01\(2\)](#).
8. **Repairs and Maintenance.**
  - A. On any legal nonconforming structure or building, or on any building or structure devoted in whole or in part to any nonconforming use, ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be permitted, provided that the permitted maintenance or repair shall not increase the nonconformity.
  - B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

9. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming lots, structures, uses of land, or uses of structures and premises provided there is no change in the extent, size, nature or character of such nonconforming lot, structure, use of land or use of structure and premises.

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# Article 14.

# Administrative Organization

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## Section 14.01 Planning and Zoning Administrator

The City Manager shall appoint a Planning and Zoning Administrator (who may be the City Planner, Community and Economic Development Director, Building Official, or other City employee) who shall have the following duties:

1. The Planning and Zoning Administrator, or their appointed designee(s), shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body.
2. The Planning and Zoning Administrator, or their appointed designee(s), shall enforce this Ordinance and make such orders and decisions as may be necessary to carry out the intent thereof.
3. The Planning and Zoning Administrator, or their appointed designees, shall maintain records of all certificates and permits issued under this Ordinance and the records shall be open for public inspection.
4. The Planning and Zoning Administrator shall be responsible for interpreting the text of this Ordinance, and maps referenced herein. Where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation made by the Planning and Zoning Administrator, an applicant may appeal the interpretation to the Zoning Board of Appeals pursuant to [Section 15.06](#).
5. The Planning and Zoning Administrator shall have all the powers, duties, and responsibilities assigned to that office elsewhere in this Ordinance.

## Section 14.02 Technical Review Committee

There is hereby established a Technical Review Committee consisting of designees and representatives from the Department of Public Services; Community and Economic Development Department, including the Planning and Zoning Administrator, Building Official, and engineering representative; Fire and Police Departments; and other City departments and staff as deemed necessary. In matters where Technical Review Committee approval is required prior to the issuance of permits, a designee from each reviewing department shall provide written approval upon a form provided by the Community and Economic Development Department.

The Technical Review Committee meets weekly, as needed. Upon receipt of a site plan, the Technical Review Committee shall review and approve all site plans prior to issuance of any permits for any construction.

In addition to the review of site plans in accordance with [Section 15.04](#), the Technical Review Committee also reviews the following and makes a recommendation to the approving body:

1. Dimensional Variances ([Section 15.06](#))
2. Ordinance Text Amendments ([Section 15.07](#))
3. PUDs ([Section 5.05](#))
4. Residential Cluster Subdivisions ([Section 5.02](#))

5. Rezoning Requests ([Section 15.07](#))
6. Site Condominiums ([Section 5.04](#))
7. Special Land Use Requests ([Section 15.05](#))
8. Other items forwarded onto the Technical Review Committee by the Planning and Zoning Administrator

## Section 14.03 City Council

1. City Council shall act as the final approving body for the following types of applications:
  - A. Ordinance Text Amendments ([Section 15.07](#))
  - B. PUDs ([Section 5.05](#))
  - C. Rezoning Requests ([Section 15.07](#))
  - D. Residential Cluster Subdivisions ([Section 5.02](#))
  - E. Special Land Use Requests ([Section 15.05](#))

## Section 14.04 Planning Commission

The Planning Commission is hereby designated as the Commission specified in the Michigan Planning Enabling Act, Act 33 of 2008, and shall perform the duties of said Commission as provided in the statute in connection with the amendments of this Ordinance. The Planning Commission is responsible for review and approval of certain Major Site Plans ([Section 15.04\(3\)\(D\)](#)) and Site Condominiums ([Section 5.04](#)) and certain Temporary Use permits (Section 7.0343) and Section 15.08). The Planning Commission acts in an advisory capacity for Special Land Uses ([Section 15.05](#)), Ordinance Text Amendments ([Section 15.07](#)), PUD's ([Section 5.05](#)), Residential Cluster Subdivisions ([Section 5.02](#)), and Rezoning Requests ([Section 15.07](#)).

## Section 14.05 Zoning Board of Appeals

1. **Creation and Membership.**
  - A. There shall be established and appointed by council of the City of Madison Heights, in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended, a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of nine members, who shall be appointed by the council for terms of three years each.
  - B. City Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis as specified in the Zoning Ordinance to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
  - C. The Zoning Board of Appeals has the following duties and responsibilities:
    - (1) Dimensional Variances, in accordance with [Section 15.06](#); Administrative Appeals, in accordance with [Section 15.06](#); Alteration of non-conformities, in accordance with [Section 13.01](#).
    - (2) Interpretation of Zoning Ordinance Regulations: The Zoning Board of Appeals has the power to make an interpretation of the regulations of this Zoning Ordinance where it is alleged that certain regulations are not clear or that they could have more than one meaning. In deciding upon the request, the Zoning Board of Appeals shall consider the intent of the Zoning Ordinance and the purpose of the regulation.

Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance and the article in which the language in question is contained.

D. In the first instance, three of said members shall be appointed for a one-year term, three of said members shall be appointed for a two-year term, and three of said members shall be appointed for a three-year term; except that the term of any elected officer who may be appointed to the board shall expire upon the expiration of his term in office, or the expiration of his term upon the Zoning Board of Appeals, whichever event is first. All members of the Zoning Board of Appeals appointed to said board prior to the enactment of this Ordinance shall continue in office for the remaining portion of their term. All of the members of the board shall be citizens of the United States and resident of the City of Madison Heights for a full two-year period prior to appointment. Members of the board may be removed only as provided in section 5.4 of the City Charter. Any vacancy in the board shall be filled by the council for the remainder of the unexpired term.

2. **Procedure of Zoning Board of Appeals.**

A. Meetings of the board shall be heard at the call of the chairperson and at such other times as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

B. All meetings of the board shall be open to the public. The board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be a public record. The fees to be charged for appeals shall be set by resolution of the city council.

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# Article 15.

# Administrative Procedures

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## Section 15.01 Public Hearings.

The staff liaison of the body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing on behalf of the relevant body. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Ordinance.

1. **General Public Hearing Procedures.** The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are further outlined below.
  - A. **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
  - B. **Personal and Mailed Notice.**
    - (1) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
    - (2) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
    - (3) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) 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(s) to the structure.
    - (4) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
    - (5) The City shall prepare a list of property owners and occupants to whom notice was mailed.
  - C. **Content.** Any notice published in a newspaper and/or delivered by mail shall:
    - (1) Describe the nature of the request.
    - (2) Indicate the property that is the subject of the request.
    - (3) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
    - (4) When and where the public hearing will occur.
    - (5) When and where written comments may be submitted concerning the request.

2. **Zoning Ordinance Amendment Public Hearing Procedures.** Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:
  - A. **Map Amendments Affecting 10 or Fewer Adjacent Parcels.** If the proposed map amendment will impact 10 or fewer adjacent parcels, newspaper publication and mailed notice shall be given as specified in [Section 15.01 \(1\)](#).
  - B. **Text Amendments or Map Amendments Affecting 11 or More Adjacent Parcels.** If a text amendment is proposed or map amendment is proposed that will impact 11 or more adjacent parcels, notice shall be given by publication in a newspaper of general circulation as specified in [Section 15.01 \(1\)](#). The personal and mailed notice requirements of [Section 15.01 \(1.B\)](#) and [Section 15.01 \(1.C\(3\)\)](#) do not apply.
  - C. **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
  - D. **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

## Section 15.02 Building Permits

1. No building or structure within the City of Madison Heights shall hereafter be erected, moved, repaired, altered or razed, demolished, or have a change of use, nor shall any work be started to erect, move, repair or raze, demolish, or change the use unless such work is in compliance with this Ordinance and all applicable building codes and until all required zoning and construction permits have been issued by the city.
2. Upon completion of the work authorized by a building permit, the holder thereof shall apply for a Certificate of Occupancy in compliance with [Section 15.03](#).

## Section 15.03 Certificate of Occupancy

A building or structure shall not be used or occupied in whole or in part until a Certificate of Occupancy (CofO) has been issued by the Community and Economic Development Department. CofO's shall be approved by both the Planning and Zoning Administrator and Building Official. Additional approvals from reviewing departments may be required at the request of the Planning and Zoning Administrator or Building Official. A building or structure erected or altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy.

A Certificate of Occupancy shall be issued when the work covered by a building permit, site plan, or any other City-issued permits or licenses has been completed in accordance with the permit, the code and other applicable laws and ordinances. When a building or structure is entitled thereto, the city shall issue a CofO within five business days after receipt of a written application on the prescribed form and payment of the fee to be established by City Council. An issued CofO shall certify that the building, structure and use are in compliance with Zoning Ordinance standards. The Certificate of Occupancy shall certify that the building or structure has been constructed in accordance with the site plan, building permit, the code and other applicable laws and ordinances. Certificates of Occupancy shall be issued to the occupant. In a multi-tenant building each individual occupant shall obtain a certificate. A copy of the Certificate of Occupancy shall be conspicuously posted in public view on the premises used for any purpose other than residential.

The following shall apply in the issuance of any certificate:

1. **Certificates Not to be Issued.** No Certificate of Occupancy pursuant to the Building Code of the City of Madison Heights shall be issued for any building, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.
2. **Expiration.** Certificates shall expire immediately upon any change in the use, ownership or occupancy of an individual tenant space or structure, or a portion thereof.

3. **Ownership Changes.** A C of O shall be required for ownership changes of any business, name change of any business, or significant operational changes of any business. Where only the ownership of a multi-tenant building changes the building owner shall be responsible for obtaining a new certificate for each tenant.
4. **Certificates including Zoning Compliance.** Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance. Certificates of Occupancy applications shall be reviewed by the Planning and Zoning Administrator for compliance with the provisions of this Ordinance. All applications for a Certificate of Occupancy shall be accompanied by a detailed description of the proposed use, specifications, or any other information requested by the Planning and Zoning Administrator. The Planning and Zoning Administrator may waive information requirements that do not affect compliance with this Ordinance.
5. **Certificates for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such structures, buildings, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial and/or industrial building or premises located within the City of Madison Heights which has been vacated by a tenant, lessee or owner, unless such person desiring to reoccupy such building or premises shall first make application for and obtain a Certificate of Occupancy from the Community and Economic Development Department.
6. **Temporary Certificates of Occupancy.** Nothing in this Ordinance shall prevent the city from issuing a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months and may not be renewed more than once for a total of one year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary Certificate of Occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of city council. On request of a holder of a building permit the city may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users.
7. **Revocation of Certificate of Occupancy.** The Planning and Zoning Administrator shall have the ability to revoke any Certificate of Occupancy granted under this Section upon a finding(s) that the use(s), building(s), site(s), and/or structure(s) for which said certificate was granted are in violation of this Ordinance or in violation of any conditions of approval applicable to said certificate. The Building Official shall have the ability to revoke a Certificate of Occupancy upon a finding that such use(s), building(s), site(s), and/or structure(s) are in violation of the City's Building Code, Property Maintenance Code, or any other regulations administered by the Building Official per the City's Code of Ordinances.
  - A. The decision of the Planning and Zoning Administrator to revoke a Certificate of Occupancy under this Section may be appealed to the Zoning Board of Appeals in accordance with the procedures set forth in Section 15.06(1).
  - B. The decision of the Building Official to revoke a Certificate of Occupancy under this Section may be appealed to a hearing officer, who shall be appointed by City Council. An appeal of the Building Official's decision to revoke a Certificate of Occupancy shall be submitted in writing to the Planning and Zoning Administrator within twenty-one (21) days of the Notice of Action sent by the City to the address of the responsible party listed on the application for Certificate of Occupancy by United States Postal Service first class mail. The request for appeal shall include a summary of the reasons for appealing the Building Official's decision. The Planning and Zoning Administrator shall set a hearing in front of the City Council-appointed hearing officer within thirty (30) days of the receipt of a complete and eligible appeal.

*Notice of hearings in front of the City Council-appointed hearing officer shall be in writing and served at least ten (10) days prior to the date of the hearing by serving the responsible party for the affected property sent by United States Postal Service first class mail at the address listed on the application for Certificate of Occupancy. The Notice of Hearing shall include:*

- i. The date, time and place of hearing;
- ii. *Notice of the purpose of the hearing;*
- iii. *Reasons for the revocation that is being appealed; and*

- iv. *A statement that the responsible party may appear and present evidence on their behalf and has the right to be represented by legal counsel.*
- 8. **Residential Dwellings Exempted.** A Certificate of Occupancy is not required for the change of ownership or tenancy of an existing residential dwelling unit.

## Section 15.04 Site Plan Review

- 1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of site plans in the City of Madison Heights. Site plans may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.
- 2. **Developments Subject to Minor (Planning and Zoning Administrator) or Major (Technical Review Committee or Planning Commission) Site Plan Review.** Site Plans may be deemed 'Minor' or 'Major' based upon the criteria listed in this Section. Minor Site Plans may be reviewed and acted upon by the Planning and Zoning Administrator. Major Site Plans shall be acted upon by the Technical Review Committee or the Planning Commission, as determined by [Article 14](#). Engineering Plan approval may be required following site plan approval for projects with significant impacts on stormwater, transportation, and utility systems, per [Section 15.04\(3\)\(E\)](#).
- 3. **Site Plan Review Process.** An applicant may initiate the site plan review process by submitting for Minor or Major Site Plan approval. All materials shall be submitted to the Community and Economic Development Department for processing.
  - A. **Pre-Application Conference (optional).** At the option of the applicant, prior to the submittal of a formal site plan review application, the applicant may submit a conceptual plan to the Community and Economic Development Department to be reviewed by the Planning and Zoning Administrator. The purpose of the pre-application conference is to discuss the review procedures, design elements, and ordinance requirements. At this conference, the Planning and Zoning Administrator may provide the applicant with an advisory opinion as to whether the site plan qualifies as a minor or major site plan, and whether the conceptual plan meets the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City's comments during a pre-application conference shall be advisory in nature only, and shall not constitute approval of a site plan. An applicant may request that the pre-application conference take place at a meeting of the Technical Review Committee, upon payment of a fee established by City Council.
  - B. **Site Plan Review Not Required.** Formal Site Plan review shall not be required for:
    - (1) Detached single-family and duplex housing and related parking.
    - (2) Accessory Dwelling Units and Residential Accessory Structures
    - (3) Minor alterations to an approved site not listed under minor or major site plan review, as determined by the Planning and Zoning Administrator
  - C. **Minor Site Plans.**
    - (1) A Minor Site Plan shall be submitted to the Planning and Zoning Administrator for review and approval for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review above.
      - (a) Remodeling or altering an existing structure that does not modify the building footprint.
      - (b) Addition/expansion of existing structure that does not increase the gross interior or leasable floor area by more than 2,000 square feet and does not increase the total by more than 20% of the existing gross floor area and does not impact site grading, circulation, or utilities. In cases of multi-family residential development, the application shall not increase the number of dwelling units.
      - (c) Individual Multiplex and Townhome developments (3-4 units).
      - (d) Addition, modification, or relocation of non-residential accessory structures or structures such as dumpster enclosures.
      - (e) Change in building height that does not create new floor area.

- (f) Decrease in building size that does not impact site grading, circulation, or utilities.
- (g) Minor changes to building or site to accommodate barrier-free regulations.
- (h) Additions, modifications or substitutions of approved or existing landscaping or site lighting.
- (i) Internal rearrangement of parking lot that does not significantly change site circulation, create new parking spaces, or require the installation of new pavement or re-grading.

The Planning and Zoning Administrator may refer site plans for any of the above to the Technical Review Committee and/or Planning Commission for review and approval. The Planning and Zoning Administrator may also require Engineering Approval in accordance with [Section 15.04\(3\)\(E\)](#) after consultation with the City Engineer.

- (2) Applicant initiates the Minor Site Plan process by submitting the following materials to the Community and Economic Development Department:
  - (a) One copy of the completed minor site plan application form.
  - (b) Two 11" x 17" copies of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
  - (c) One copy of the site plan in digital (PDF) format.
  - (d) All applicable fees as established by City Council.
- (3) The Planning and Zoning Administrator reviews the Minor Site Plan application materials for completeness and for compliance with the standards contained within this Ordinance.
- (4) The Planning and Zoning Administrator shall approve, approve subject to conditions, deny, or postpone action on the Minor Site Plan:
  - (a) *Approval:* Upon determination that a minor site plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the Planning and Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
  - (b) *Approval subject to Conditions:* The Planning and Zoning Administrator may approve a minor site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
  - (c) *Postponement:* Upon determination by the Planning and Zoning Administrator that a minor site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Planning and Zoning Administrator may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal. The Planning and Zoning Administrator, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.
  - (d) *Denial:* Upon determination by the Planning and Zoning Administrator that a minor site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

**D. Major Site Plans.** A Major Site Plan shall be forwarded to either the Technical Review Committee or the Planning Commission for review and action, based upon the criteria listed below:

- (1) **Technical Review Committee:** A Major Site Plan shall be reviewed and acted upon by the Technical Review Committee for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.

- (a) All new construction, structural alterations, or substantial changes in use that do not qualify for Minor Site Plan review.
- (b) Remodeling or altering an existing structure that increases the building footprint or gross floor area by more than twenty percent (20%) or 2,000 square feet.
- (c) Grading, filling, or excavation of a site.
- (d) Any use, or change of use, that requires a change in traffic circulation patterns that impacts ingress/egress, parking layout or pedestrian circulation.
- (e) Outdoor storage areas, unless otherwise determined by the Planning and Zoning Administrator.
- (f) The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility, utility lines, or easements.
- (g) The establishment, addition or modification of a building or use which results in the need for additional parking.

At the committee's discretion, any site plan may be referred to the Planning Commission for review and approval.

(2) **Planning Commission:** A Major Site Plan shall be forwarded to the Planning Commission for any of the following activities, uses or developments, except those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.

- (a) Site condominium projects.
- (b) Any residential development with more than fifty (50) units.
- (c) Site plans associated with an approved PUD.
- (d) When abutting single-family residential zoned or used property, any non-residential or mixed-use development that involves the construction of a new structure exceeding 7,500 gross square feet of space dedicated to non-residential uses, or expansion of an existing structure by more than 5,000 gross square feet.
- (e) Any site plan forwarded to the Planning Commission by the Planning and Zoning Administrator or Technical Review Committee

(3) Applicant initiates the Major Site Plan process by submitting the following materials to the Community and Economic Development Department:

- (a) One copy of the completed major site plan application form.
- (b) One 24" x 36" copy of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
- (c) Two 11" x 17" copies of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
- (d) One copy of the "Hazardous Substance Reporting Form" and "EGLE Permit Information" checklist.
- (e) One copy of the site plan in digital (PDF) format.
- (f) All applicable fees as established by City Council.

(4) The Planning and Zoning Administrator reviews the Major Site Plan application and materials for completeness. If complete, the Planning and Zoning Administrator places the site plan on the agenda for an upcoming Technical Review Committee meeting. If incomplete, the Planning and Zoning Administrator may request all necessary items prior to placing the item on the Technical Review Committee agenda.

(5) The Technical Review Committee reviews and, when authorized, acts upon the site plan application. If Planning Commission action is required, the Technical Review Committee provides advisory comments to the Planning Commission. If a site plan is referred to the Planning Commission for action, the Planning and Zoning Administrator will place the site plan on the agenda for an upcoming Planning Commission meeting and notify the applicant of the date, time, and place of the meeting.

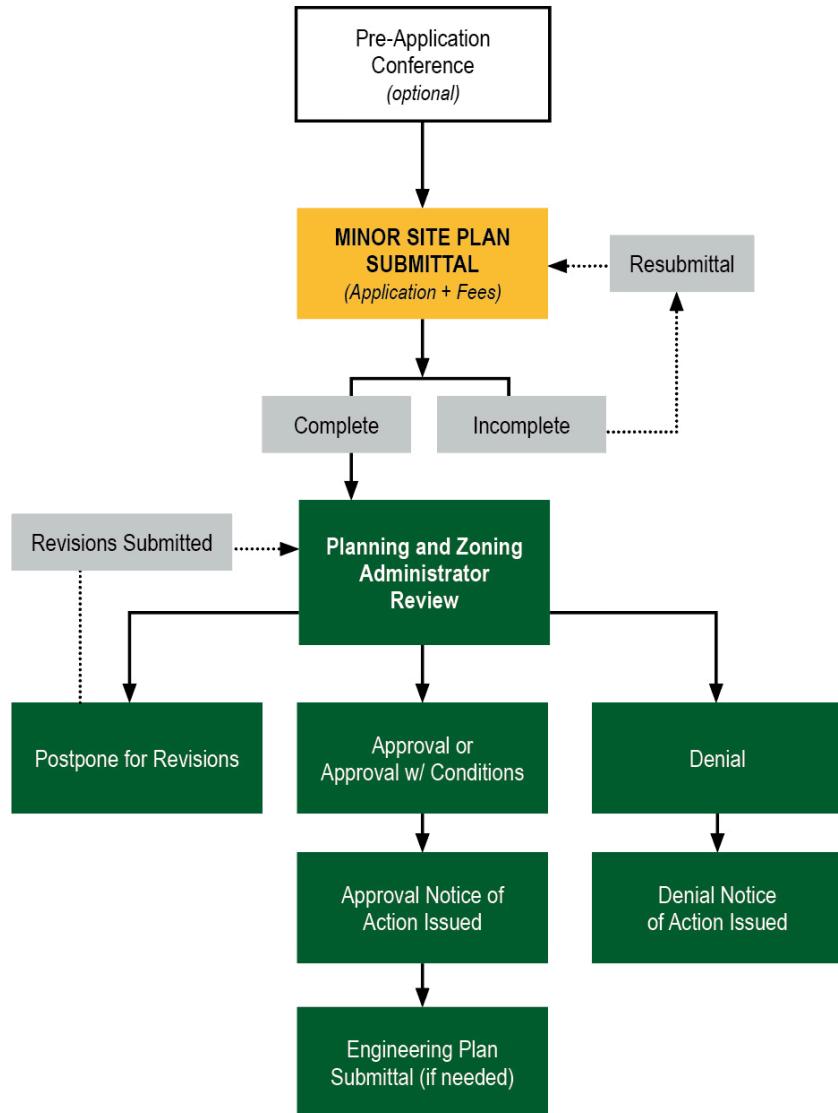
(6) The Technical Review Committee or Planning Commission, when authorized to act upon a major site plan shall approve, approve subject to conditions, deny, or postpone action on the site plan:

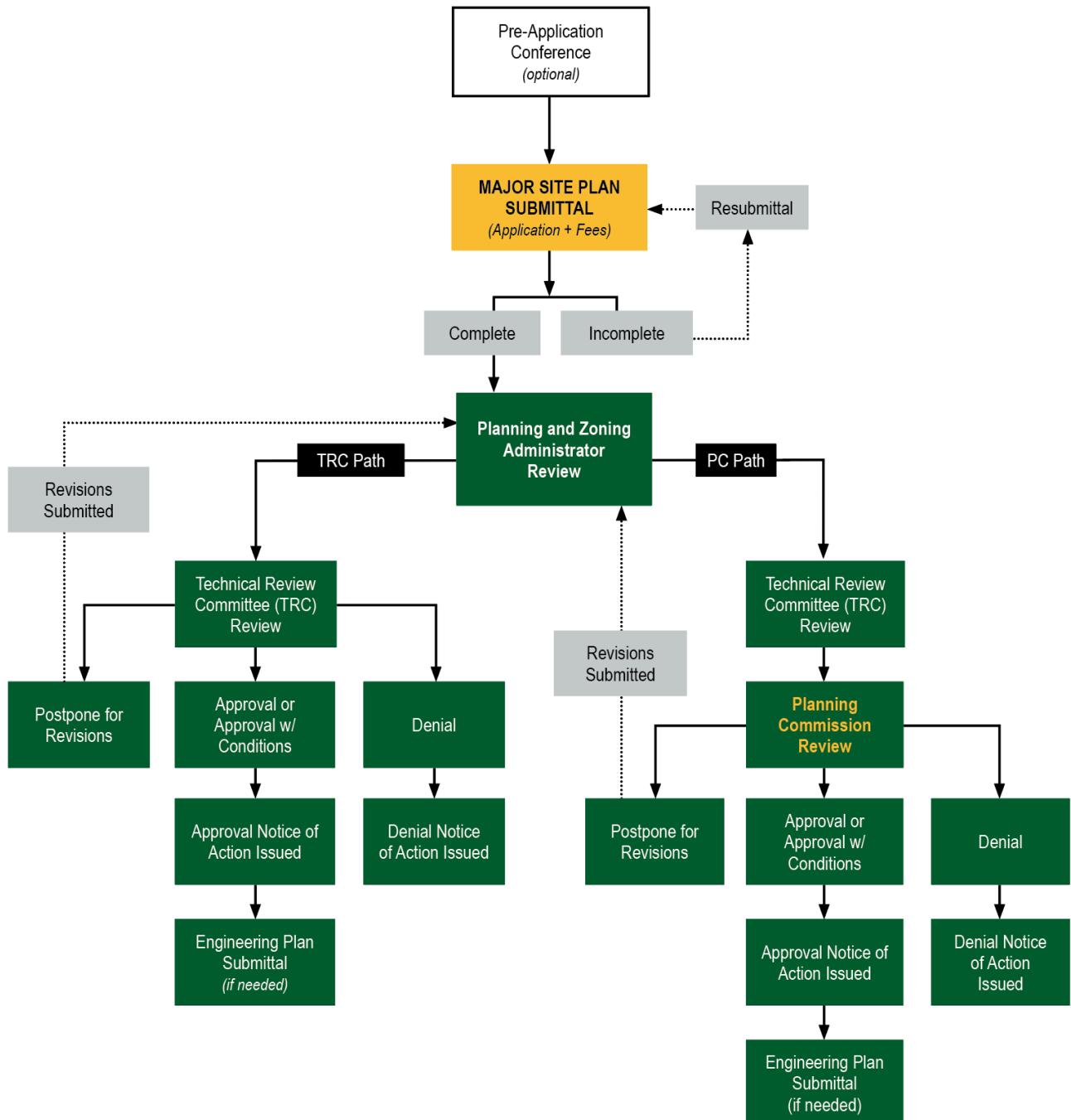
- (a) *Approval:* Upon determination that a major site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the Technical Review Committee or Planning Commission shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant shall apply for Engineering Plan approval per Section 15.049(3)(E), unless waived by the Technical Review Committee.
- (b) *Approval subject to Conditions:* The Technical Review Committee or Planning Commission, when authorized per Section 15.04(3)(D) may approve a major site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Planning and Zoning Administrator shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
- (c) *Postponement:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Technical Review Committee or Planning Commission may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal and be reviewed at the next available Technical Review Committee or Planning Commission meeting. The Technical Review Committee or Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.
- (d) *Denial:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

E. **Engineering Plan.** At the time of minor or major site plan review, the Planning and Zoning Administrator or Technical Review Committee shall determine if the proposed site plan requires the submittal of an Engineering Plan. Unless waived by the Technical Review Committee, all Major Site Plans shall require engineering approval. Applicants shall only be eligible to apply for Engineering Plan approval following site plan approval. Projects that require Engineering Plan approval shall be subject to the following process:

- (1) Applicant initiates engineering plan review process by submitting the following required materials to the Community and Economic Development Department:
  - (a) One copy of the completed Engineering Plan application form.
  - (b) One legible 24" x 36" copy of the engineering plan containing the information required in Section 15.04(4)(C) below.
  - (c) Two 11" x 17" copies of the site plan.
  - (d) One copy of the site plan in full size in digital (PDF) format.
  - (e) All applicable fees.
- (2) The Planning and Zoning Administrator reviews the Engineering Plan for consistency with the approved minor or major site plan. The Planning and Zoning Administrator may request revisions to the Engineering Plan prior to forwarding onto the City Engineer. Upon finding that the Engineering Plan is consistent with the approved site plan, the Planning and Zoning Administrator forwards the Engineering Plan onto the City Engineer for review and action.
- (3) The City Engineer reviews the Engineering Plan for compliance with the following:
  - (a) All local, county and state requirements, as may apply to the proposed use, are met.
  - (b) All applicable engineering requirements are met.

- (c) The Engineering Plan remains substantially consistent with the approved site plan.
- (4) The City Engineer shall approve, approve with conditions, deny, or postpone action on the Engineering Plan:
  - (a) *Approval:* Upon determination that an Engineering Plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the Engineering Plan shall be sent to the applicant.
  - (b) *Approval subject to Conditions:* The City Engineer may approve an Engineering Plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the Engineering Plan which satisfies the conditions, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the approved Engineering Plan shall be sent to the applicant.
  - (c) *Postponement:* Upon determination by the City Engineer that an Engineering Plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the City Engineer may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal, and be forwarded to the City Engineer for re-review.
  - (d) *Denial:* Upon determination by the City Engineer that an Engineering Plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the Engineering Plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.





4. **Submittal Requirements.** Applications for minor and major site plan review and engineering plan review shall be made on forms available at the Community and Economic Development Department.

A. **Minor Site Plan Submittal.** The following information shall be required on all minor site plans:

- (1) Project address, names, north arrow, zoning designation
- (2) Property lines and dimensions
- (3) All existing and proposed:
  - (a) Buildings/Building Additions (including setback and area dimensions)
  - (b) Parking areas and drive aisles (including dimensions)
  - (c) Driveways
  - (d) Loading areas
  - (e) Sidewalks
  - (f) Rights-of-way/easements
  - (g) Bicycle rack(s)
  - (h) Trash receptacles/enclosures
  - (i) Landscaping
  - (j) Walls/fences
  - (k) Exterior lighting
  - (l) Stormwater facilities
  - (m) Ground signage
- (4) Any other items deemed necessary by the Planning and Zoning Administrator to illustrate compliance with the standards of this Zoning Ordinance.

The Planning and Zoning Administrator may waive particular minor site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

B. **Major Site Plan Submittal.** The following information shall be required on all major site plans:

- (1) Title block with name of proposed development, and the name, address and phone number of the property owner, developer and architect/engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.
- (2) Location map showing the proposed site location, zoning classifications and major roads.
- (3) The site plan shall be drawn to scale not less than one-inch equals 50 feet.
- (4) Date, north arrow, and scale.
- (5) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- (6) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
- (7) Demolition Plan.
- (8) The percentage of land area devoted to building, paved, and open space.
- (9) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within 50 feet of the subject property lines.

- (10) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted. The dimensions of proposed parking spaces and maneuvering lanes shall also be provided.
- (11) Location and height of all walls, fences, and landscaping, including a landscaping plan.
- (12) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
- (13) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
- (14) Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.
- (15) A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- (16) Density calculations (for multiple family projects).
- (17) Principal and accessory buildings.
- (18) Designation of units by type of buildings.
- (19) Sidewalks and pedestrian or bicycle paths.
- (20) Bicycle rack location(s) and details
- (21) Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with section 10.512.
- (22) Trash receptacle and transformer locations and method of screening, including details
- (23) Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
- (24) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- (25) Designation of fire lanes.
- (26) Location, size and types of all proposed signs.
- (27) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
- (28) Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right-of-way.
- (29) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.
- (30) Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
- (31) Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
- (32) The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by city).
- (33) The city may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
- (34) The site plan shall detail the location of the following:
  - (a) Public or private wells on-site and on adjacent sites.

- (b) Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
- (c) Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
- (d) Existing and proposed underground and above-ground storage tanks and the material stored therein.
- (e) Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- (f) Wetlands, watercourses, and drains.
- (g) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service—Soil Survey.
- (h) Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.

(35) A receipt of submission to all applicable reviewing jurisdictions, such as county, state, or federal agencies.

The Planning and Zoning Administrator and/or Technical Review Committee may waive particular major site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

**C. Engineering Plan Submittal.** The following information shall be required on all Engineering Plans:

- (1) All information required for Major Site Plans, per [Section 15.04\(4\)\(B\)](#), above.
- (2) Boundary survey prepared by a Michigan Professional Surveyor.
- (3) Topographic survey including information 100 feet off-site. All elevations must be measured in relationship to U.S.G.S. datum and one site benchmark is required (two site benchmarks are required for any site larger than one acre).
- (4) Demolition plan showing all structures to be removed and method of disposal.
- (5) Site grading plan showing all proposed elevations with the purpose of containing all stormwater runoff on site. The grading of the subject site must not interfere with natural drainage of adjacent sites.
- (6) Utility plan showing the layout and necessary details for the installation of water, sanitary, and storm systems. Profiles are required for all public utilities.

**5. Site Plan Review Criteria.** The approving body shall consider and require compliance with the following:

- A. All application and site plan review submittal criteria have been met.
- B. The site plan is in full conformance with all applicable Zoning Ordinance requirements.
- C. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
- D. On-site and off-site circulation of both vehicular, non-motorized and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site, including emergency vehicle access.
- E. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.
- F. Utility service, including proposed water, sanitary sewer and the development and the recommendation of the city's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the department of health, drain commission or road commission, are a prerequisite or condition to approval.

G. Notwithstanding any other provisions of this Ordinance, the city may require as a condition of site plan approval, landscaping, berms, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this Ordinance.

**H. Groundwater and Surface Water Protection Standards.**

**(1) General.**

- (a) The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.
- (b) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
- (c) Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.
- (d) Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.
- (e) State and federal agency requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
- (f) In determining compliance with the standards in this Ordinance, the city may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.

**(2) Above-Ground Storage and Use Areas for Hazardous Substances and Polluting Materials.**

- (a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.
- (c) Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
- (d) Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.

**(3) Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials.**

- (a) Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.
- (b) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.
- (c) Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.

**(4) Sites with Contaminated Soils and/or Groundwater.**

- (a) Site plans shall detail the nature of location and extent of any contaminated soils or groundwater on the site.

(b) Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

**6. Site Plan Validity, Expiration, and Extensions.**

A. **Expiration of Site Plan Approval.** The approval of any minor or major site plan under the provisions of this Ordinance shall expire and be void one year after the date of such approval unless an extension is approved as noted below. A minor or major site plan that has been submitted for Engineering plan review shall not be deemed expired, unless said engineering plan has expired.

B. **Expiration of Final Engineering Plan Approval Expiration.** Approval of any engineering plan under the provisions of the Ordinance shall expire and be void one year after the date of such approval unless actual physical construction of a substantial nature of the improvements included in the approved site plan has commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has been submitted by the applicant as noted below. Upon expiration of an engineering plan, all site plan approvals shall expire.

C. **Extension of Site Plan and Engineering Approval.** The site plan validity time limit set forth in Section 15.046)(A) above, may be extended subject to all of the following:

- (1) All applicable fees and bonds are paid.
- (2) The applicant shall request an extension in writing, at least 30 days prior to the expiration of the approval period and shall demonstrate that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.
- (3) The approved plan to be extended shall comply with all current site plan criteria and current ordinances, laws, codes and regulations.
- (4) There shall be no pending Zoning Ordinance amendment which would substantially change the requirements of the approved plan; In such instance, the applicant should submit a revised site plan.
- (5) The Planning and Zoning Administrator may grant the first extension for up to six months. Any subsequent extensions would require approval of the original approving body. No more than a total of three six-month extensions shall be granted.

D. **Approval and Issuance of Building Permits.**

- (1) Building permits shall not be issued until site plan approval has been granted by the Technical Review Committee, planning commission (if applicable) and the city engineering consultant has approved the final engineering plans for the site, if required.

E. **Amendments of Approved Site Plans.** An approved site plan for a project which has not yet been completed may be amended by written application. Where the Planning and Zoning Administrator deems an amendment to be minor in scale, the Planning and Zoning Administrator may review and act upon the proposed amendment. Major changes, as determined by the Planning and Zoning Administrator, shall proceed to the body or board responsible for original site plan approval and shall satisfy all the substantive and procedural requirements for minor or major site plans. For purposes of interpretation, the following shall be considered minor changes:

- (1) The size of approved principal or accessory structures may be reduced or increased by up to five percent provided the overall density of units, where applicable, does not increase. One accessory structure may be added, provided that it is no greater than 250 sq. ft. in area.
- (2) Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
- (3) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
- (4) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

- (5) Changes of building materials to another of similar or higher quality, as determined by the Community and Economic Development Department.
- (6) Changes in floor plans which do not alter the character of the use.
- (7) Slight modification of sign placement or reduction of size.
- (8) Changes required or requested by the city, county, state, or federal agency for safety reasons.
- (9) Situations similar to the above, as determined by the Planning and Zoning Administrator.

F. **Conformity with Approved Site Plan Required.** Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the owner.

G. **Inspections.** The Planning and Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved site plan and all zoning regulations. All other improvements shall be inspected by the appropriate department, inspector, or an agency as needed. The Planning and Zoning Administrator may obtain inspection assistance from other City departments, as needed. Per [Section 15.03](#), Certificates of Occupancy shall not be issued until all open site plan inspections have been completed and approved in accordance with this Section.

H. **Appeals to Site Plan Decisions.** Any person aggrieved by the decision of the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission relating to their action on a site plan or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals in accordance with [Section 15.06](#).

I. **Accuracy of Information.** The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

J. **Revocation of Site Plan Approval.** The body which approved the original site plan may, upon hearing, revoke approval of a site plan if it is determined that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the reviewing body, shall cease. The reviewing body may direct the Community and Economic Development Department to issue a stop work order to enforce its determination. Upon revocation, the reviewing body may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the reviewing body.

## 7. Site Plan Guarantee.

- A. Prior to the issuance of any building permit for any project or development which requires major site plan review, or any site deemed necessary by the Planning and Zoning Administrator under this Ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the city. Said deposit shall guarantee completion of all site improvements shown on the approved site plan and, if required, engineering plan. For the purpose of this section, completion shall mean inspection by the appropriate city officials and approval for compliance with the approved site plan and, if required, engineering plan, not less than six months after the last occupancy certificate has been issued.
- B. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
- C. The amount of the guarantee shall be as established from time to time by city council resolution.
- D. In the event the applicant fails to correct any deficiencies within 30 days of written notice from the city, the city shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine months following the issuance of the last Certificate of Occupancy unless good cause can be shown by the applicant for the delay in completion. The city may, at its sole discretion, agree in writing to a specific extension of the nine-month period. The city may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

- E. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable city standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided:
  - (1) The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
  - (2) The guarantee shall not be reduced below the minimum amount required above.
- F. **Types of Completion Guarantees.** The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the city. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last Certificate of Occupancy for the entire project and, if required, shall be renewed by the applicant not less than 30 days prior to expiration.

## Section 15.05 Special Land Use Review

- 1. **Purpose.** The purpose of this section shall be to:
  - A. Require Special Land Use approval for certain uses in all zoning districts that are listed as Special Land Uses.
  - B. Establish review procedures for all Special Land Uses.
  - C. Establish review standards for all Special Land Uses.
  - D. Establish the Planning Commission as the advisory board and City Council as the final review and approval authority for Special Land Uses.
  - E. Establish authority to impose conditions upon Special Land Uses.
- 2. **Submission and Review Process.** All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:
  - A. Applicant may request a preliminary meeting with Community and Economic Development Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.
  - B. Applicant submits application, fee, two (2) copies of the proposed conceptual site plan, and a digital version of the conceptual site plan, to the Community and Economic Development Department (site plan must be reduced to 11" x 17"). A separate site plan application is not required at the time of special land use review. A conceptual site plan shall include at a minimum:
    - (1) Location map showing the proposed site location, zoning classifications and major roads.
    - (2) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
    - (3) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
    - (4) The percentage of land area devoted to building, paved, and open space.
    - (5) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths.
    - (6) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
    - (7) Location and height of all walls, fences, and landscaping, including a conceptual landscaping plan.
    - (8) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

- (9) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
- (10) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- (11) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
- (12) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.

C. The Planning and Zoning Administrator may waive particular submittal items, as listed above, upon a determination that such items are not necessary for making a determination on the requested Special Land Use.

D. The Technical Review Committee reviews the Special Land Use application for general conformance with Ordinance requirements and transmits review comments to the applicant for revision, if necessary. Applicant submits revised materials to Planning and Zoning Administrator, if necessary, for re-consideration by Technical Review Committee. Comments made by the Technical Review Committee shall be forwarded onto Planning Commission for consideration.

E. The Planning and Zoning Administrator notifies the City Clerk when Special Land Use applications are adequate for consideration by The Planning Commission. The Planning and Zoning Administrator and City Clerk establish a public hearing date and post/send public notices in accordance with [Section 15.01](#).

F. The Planning Commission shall hold a public hearing. Following the public hearing, the Planning Commission shall review the request and make a recommendation to the City Council in the form of a motion. The recommendation may be subject to certain conditions or changes being made.

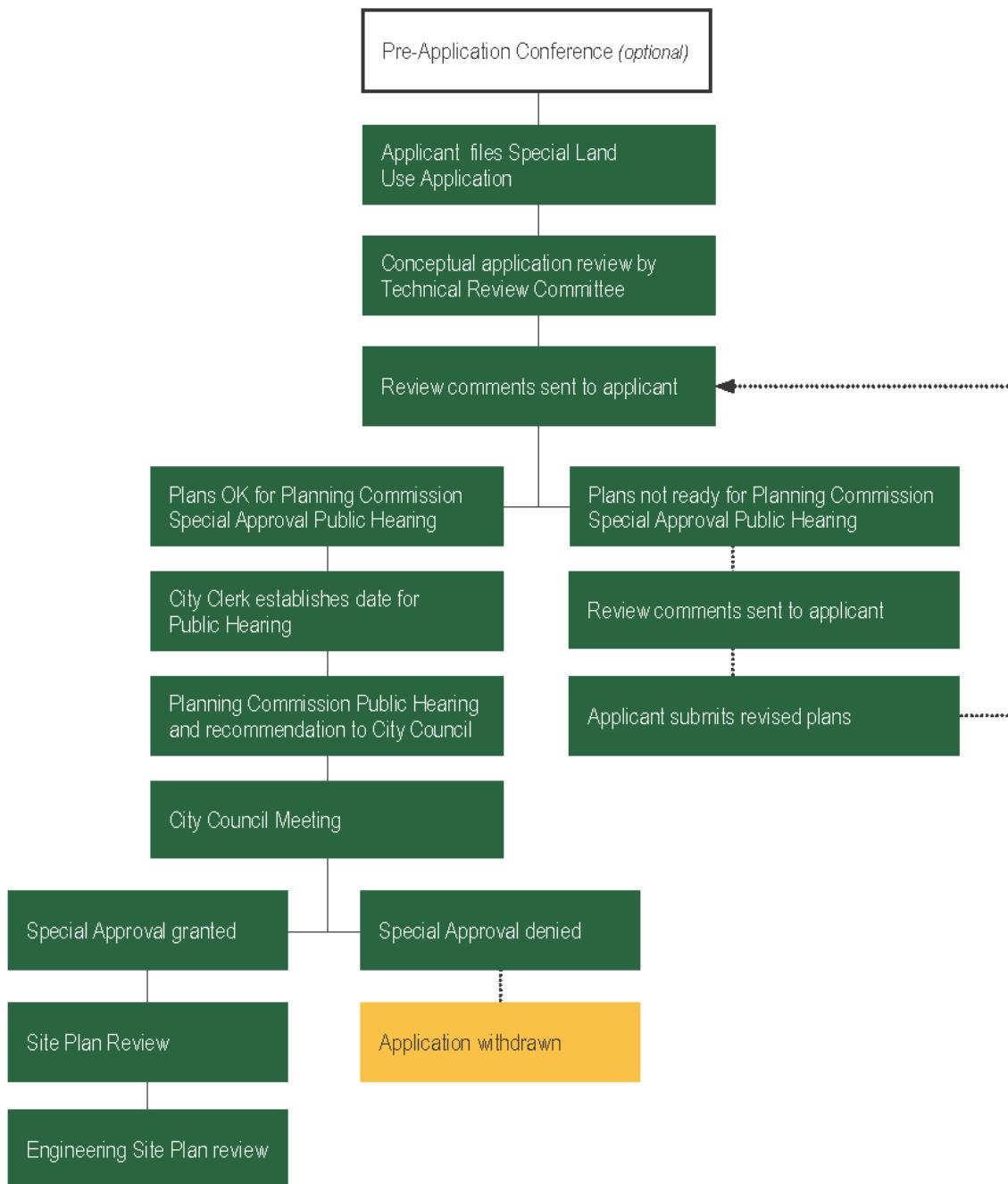
If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.

G. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the Planning Commission recommendation, and approve, approve with conditions, or deny the application for special use approval. If City Council requires additional information, the application may be postponed to a date certain until such information has been received.

H. Each action taken with reference to special land use approval shall be duly recorded in the minutes of the Planning Commission and City Council and shall state the grounds for the action taken upon each special use submitted for its approval.

I. Special land use approval shall be obtained from the City Council before issuance of a Certificate of Occupancy for any special land use, and prior to the submittal and approval of a site plan, engineering plan, and building permit, if required.

J. The Planning and Zoning Administrator, in coordination with the City Clerk, sends the applicant a Notice of Action and a copy of the City Council minutes from the meeting in which the case was acted upon. If Site Plan approval is required for the project, the applicant may apply for Site Plan review in accordance with [Section 15.04](#)



3. **Review Standards and Criteria.** In approving a special land use, the Planning Commission and City Council shall make a finding that the proposed Special Land Use is in compliance with all of the following standards:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
  - (1) Location of use(s) on site;
  - (2) Height of all improvements and structures;
  - (3) Adjacent conforming land uses;
  - (4) Conformance with the Master Plan and future land use map for the area as adopted by the planning commission; and
  - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
  - (1) Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
  - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
  - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
  - (4) Adequacy of sight distances;
  - (5) Location and access of off-street parking;
  - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.
- G. In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

4. **General Stipulations.**

- A. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the Special Land Use Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- B. The discontinuance of a special land use after a specified time may be a condition to the issuance of the permit. Renewal of a special land use permit may be granted after a review and determination by the city council that

continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

- C. Application for Special Land Use Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Land Use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the city.
- D. Special Land Use Approval is valid for a period of one year. When required, site plan approval and commencement of construction of approved improvements must occur within one year of the city council's Special Land Use Approval or the Special Land Use Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.
- E. When an established use approved under the special land use approval procedure ceases to function or is abandoned for a period of six months, the special use approval shall lapse and shall no longer be in effect.
- F. The record of the city council shall be the approved minutes for Special Land Use cases. Said record shall be made available to the applicant whether the Special Land Use Approval request is approved, approved with conditions, or denied and shall constitute notice of the city council's decision regarding the Special Land Use Approval request.
- G. The Planning Commission shall give notice of the time and place of the required public hearing as required by state law.
- H. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Land Use Approval, any conditions imposed by the city council and the approved site plan.
- I. A special land use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the city council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, planning commission and city council action, in regard to the rezoning of a site which is occupied or used under a special use permit.
- J. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the city council. Each reapplication will be treated as a new application.
- K. Appeals: No decision or condition related to a special land use application shall be appealed to the Zoning Board of Appeals. An appeal of a special land use decision or condition may be taken to Circuit Court.

5. **Amendments, Expansions or Change of Special Land Use.** The following provisions apply when there is an amendment or a proposed expansion to an approved special land use, an amendment or proposed modification to a condition previously applied to a special land use, or when there is a proposed change from one special land use to another.

- A. **Amendments.** Any applicant who has been granted special land use approval shall notify the Planning and Zoning Administrator of any proposed amendment to the approved Special Land Use. The Planning and Zoning Administrator shall determine whether a proposed amendment requires new special land use approval. New special land use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display. Any alteration of previously approved conditions pertaining to a special land use approval shall require resubmittal and new Special Land Use consideration by Planning Commission and City Council in the manner described in this Section.
- B. **Expansions.** An expansion of any use requiring a special use approval that results in an increase of 10% or more of the building, parking, paved areas, or site area shall require resubmittal and new Special Land Use consideration in the manner described in this Section.
- C. **Change in Use.** The applicant shall be responsible for informing the Planning and Zoning Administrator of any significant change in an approved special land use, operations, or activities prior to any such change. The Planning and Zoning Administrator shall determine if a new special land use approval is required. A significant change shall

mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

## Section 15.06 Variances and Appeals

1. **Administrative Appeals.** The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of this Ordinance, except where this Ordinance prohibits Zoning Board of Appeal Action (e.g. direct appeal to Circuit Court).
  - A. An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector aggrieved by the decision, order, requirement, or determination made by the Planning and Zoning Administrator, Technical Review Committee, Planning Commission, zoning enforcement officer, or other administrative official or board or commission tasked with administering or enforcing the provisions of this Ordinance. Such appeal shall be taken by filing a notice of appeal with the Planning and Zoning Administrator on appropriate forms provided by the Community and Economic Development Department. The Planning and Zoning Administrator shall transmit all papers constituting the records of such appeal to the board. The board may require the applicant to furnish such surveys, plans or other information as may be required for the proper consideration of the matter. Upon a hearing before the board, any person or party may appear in person, or by agent, or by attorney.
  - B. **Time for Appeal.** An appeal shall be filed to the Planning and Zoning Administrator within thirty (30) days from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.
  - C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and Section 15.01.
  - D. The board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Zoning Board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the building inspector and on due cause shown.
2. **Variances.** The ZBA shall have the power to authorize, upon application, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant's petition:
  - A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
  - B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

- (1) Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
- (2) Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.

3. **Use Variances Prohibited.** The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district. However, the Zoning Board of Appeals may consider expansions or alterations of non-conforming uses in accordance with [Section 13.01](#).

4. **Approval Period.**

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

5. **Appeals of Decisions to Circuit Court.** The decision of the ZBA shall be final. An appeal of a decision of the Zoning Board of Appeals shall be taken to the Oakland County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material, and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the ZBA. As a result of this review required by this Section, the court may affirm or modify the decision of the ZBA.

6. **Resubmittal.** No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

## Section 15.07 Zoning Ordinance Amendments (Map and Text)

The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, Planning and Zoning Administrator, other City Staff, or any interested person or organization.

1. **Application for Amendment.** An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Community and Economic Development Department on the forms provided by the Department and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning and Zoning Administrator, Planning Commission, and City Council may request additional information with the application.
2. **Amendment Review Procedures.** The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Article and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
  - A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to the Technical Review Committee for review, comment, and recommendations. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated city consultants for review.
  - B. **Public Hearing.** A public hearing shall be held at a Planning Commission meeting in accordance with [Section 15.01](#).
  - C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Council.
  - D. **City Council Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. City Council may, but is not required to, hold an additional public hearing. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
3. **Standards of Review for Amendments.**
  - A. **Text Amendments.** In considering any petition for an amendment to the text of this Ordinance, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
    - (1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
    - (2) Consistency with the basic intent and purpose of this Zoning Ordinance.
    - (3) Consideration of changing conditions since the Zoning Ordinance was adopted or a finding that there is an error in the Zoning Ordinance that justifies the amendment.
  - B. **Map Amendments.** In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
    - (1) Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
    - (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

- (3) Consistency with the goals, policies and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
- (4) The boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- (5) The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.
- (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- (9) That the amendment will not be expected to result in exclusionary zoning.

C. **Rezoning with Conditions.** The Planning Commission and City Council recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

- (1) **Authorization and Eligibility.**
  - (a) The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with the submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.
  - (b) In order to be eligible for consideration of a Rezoning with Conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a Rezoning with Conditions Agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:
    - (i) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.
    - (ii) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.
    - (iii) Preservation of open space, natural resources and/or natural features.
    - (iv) Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.
    - (v) Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City Ordinance.
    - (vi) Limitations on permissible uses of the property.
    - (vii) Any other conditions that may be voluntarily proposed by the property owner.
- (2) **Application and Review Procedures.**
  - (a) Application.

- (i) At the time of making application for amendment of this ordinance seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a Rezoning with Conditions to apply in conjunction with the rezoning.
- (ii) The application, which may be amended by the applicant during the process of consideration, shall specify the Rezoning Conditions proposed by the applicant, recognizing that Rezoning Conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
- (iii) An application for a Rezoning with Conditions shall include a Rezoning with Conditions Agreement ("the Agreement"). The Agreement shall set forth the rezoning conditions and may incorporate a Rezoning with Conditions Plan.
- (iv) The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

- (b) Technical Review Committee Review. The proposed Rezoning with Conditions will become an agenda item for the Technical Review Committee, with comments forwarded to the Planning Commission.
- (c) Planning Commission Review.
  - (i) The proposed Rezoning with Conditions shall be noticed for public hearing in accordance with [Section 15.01](#) before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance.
  - (ii) Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed Rezoning with Conditions.
- (d) City Council Review. Upon recommendation by the Planning Commission, the City Council shall make a final determination to approve or deny the Rezoning with Conditions as offered by the applicant. The City Council may only consider the conditions offered by the applicant and may not attach any other conditions to the rezoning other than those offered by the applicant. Any new conditions voluntarily offered by the applicant shall require Planning Commission review and a new public hearing. The City Council's deliberations shall include, but not be limited to, a consideration of the review criteria for a Rezoning with Conditions.

(3) **Review Criteria.** A Rezoning with Conditions shall only be approved if it meets the following requirements and standards:

- (a) The proposed Rezoning with Conditions will further the goals and objectives of the City Master Plan.
- (b) Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement).
- (c) The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:
  - (i) Development and use of the property shall be subject to the more restrictive requirements shown or specified in the Rezoning with Conditions Agreement, and/or in other conditions and provisions set forth in the Rezoning with Conditions Agreement required as part of the Rezoning with Conditions approval. Such Rezoning with Conditions Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
- (d) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.
- (e) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Conditions. In determining whether approval of a proposed application would be in the public interest, the benefits

which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

- (f) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.
- (g) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.
- (h) The offered condition(s) are beneficial to the public good and likely to be enforceable.
- (i) The condition does not have the same effect as a use variance.
- (j) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(4) **Effect of Approval.** Approval of the Rezoning with Conditions and Rezoning with Conditions Agreement confirms only the rezoning of the property, subject to any conditions reflected in the Rezoning with Conditions Agreement. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The Zoning Map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Neighborhood Business District (CR, Rezoning with Conditions)", with a Zoning Map Designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set forth in the Rezoning with Conditions Agreement. No development or use of the land inconsistent with the conditions of the Rezoning with Conditions Agreement shall be permitted.

(5) **Compliance with Conditions.**

- (a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Rezoning with Conditions Agreement. Any failure to comply with a condition contained within the Rezoning with Conditions Agreement shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (b) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Rezoning with Conditions Agreement.

(6) **Period of Approval.**

- (a) The Rezoning with Conditions and Agreement shall expire after a period of one (1) year from the effective date of the Rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two (2) years unless development of the property is substantially begun within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
- (b) In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one (1) year and bona fide development has not commenced within two (2) years from the effective date of the rezoning, the Rezoning with Conditions and the Rezoning with Conditions Agreement shall be void and of no effect.
- (c) The property owner may apply for a one (1) year extension two (2) times. The request must be submitted to the Community and Economic Development Department before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Council finds that there has not been a change

in circumstances that would render the Rezoning with Conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

- (d) An extension request shall be considered by the City Council following a recommendation by the Planning Commission.
- (e) If the Rezoning with Conditions becomes void in the manner provided in this section, the following procedures shall apply:
  - (i) The property owner may seek a new rezoning of the property within thirty (30) days of the expiration of the period of approval.
  - (ii) If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.286i (as amended). The City Council shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Ordinance.
  - (iii) Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(7) **Rezoning with Conditions Agreement Requirements.** A Rezoning with Conditions Agreement shall be executed between the applicant and the City at the time of City Council approval of a Rezoning with Conditions.

- (a) Rezoning with Conditions Agreements shall, at a minimum, contain all of the following items:
  - (i) Identification of the requested zoning district and a listing of the conditions offered by the applicant.
  - (ii) A statement acknowledging that the Rezoning with Conditions was proposed by the applicant, and further agreement and acknowledgment that the conditions and Rezoning with Conditions Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.
  - (iii) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the Rezoning with Conditions Agreement.
  - (iv) Agreement and understanding that the approval and Rezoning with Conditions Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
  - (v) If the City Council grants an extension of approval, a new Rezoning with Conditions Agreement with the new expiration date shall be recorded.
  - (vi) Agreement and understanding that, if a Rezoning with Conditions becomes void, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
  - (vii) Agreement and understanding that each of the requirements and conditions in the Rezoning with Conditions Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
  - (viii) A legal description of the property affected by the Rezoning with Conditions.
  - (ix) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.
  - (x) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the Agreement. A Rezoning with Conditions Plan may be included as an exhibit to the Agreement.
- (b) The Rezoning with Conditions Plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a Rezoning with Conditions Plan as an exhibit to a Rezoning with Conditions Agreement shall not replace the

requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

- (8) **Amendment of Rezoning with Conditions Agreement.** Amendment of a Rezoning with Conditions Agreement shall be proposed, reviewed and approved in the same manner as a new Rezoning with Conditions.
- (9) **Recordation of Rezoning with Conditions Agreement.** A Rezoning with Conditions shall become effective following publication in the manner provided by law, and, after recordation of the Rezoning with Conditions Agreement, whichever is later.
- (10) **Termination.** The City Council shall be the only body with the authority to terminate a Rezoning with Conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The Termination shall comply with any applicable provisions of this ordinance or the Rezoning with Conditions Agreement.
- (11) **City Right to Rezone.** Nothing in the Rezoning with Conditions Agreement or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Rezoning with Conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.
- (12) If land that is subject to a Rezoning with Conditions Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Rezoning with Conditions Agreement, the Rezoning with Conditions Agreement attached to the former zoning classification shall cease to be in effect.

4. **Notice of Adoption of Amendment.** Following adoption of an amendment by the City Council, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- A. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Madison Heights."
- B. In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

## Section 15.08      Temporary Use Permits

1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of temporary use permits in the City of Madison Heights. Temporary use permits may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.
2. **Use-Specific Standards.** Temporary uses are subject to the use-specific standards of [Section 7.03\(43\)](#).
3. **Planning and Zoning Administrator/Technical Review Committee Review.** The Planning and Zoning Administrator may review and approve certain temporary uses addressed in Section 7.03(43). The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Technical Review Committee or Planning Commission for review and approval.
4. **Planning Commission Review.** The Planning Commission shall review and act upon temporary use permit requests where the applicant seeks approval for a time period longer than otherwise allowed by [Section 7.03\(43\)](#) or for a temporary use not specifically permitted in [Section 7.03\(43\)](#) nor deemed similar by the Planning and Zoning Administrator; provided, that the temporary use complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.

5. **Conditions Pertaining to the Issuance of a Temporary Use Permit.** In granting a temporary use permit, the approving body may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:
  - A. Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
  - B. Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.
6. **Submittal Requirements.** The following information shall be required with the submittal of a temporary use permit application:
  - A. Application Form
  - B. A detailed description of the temporary use, including anticipated dates and hours of operation, employees, anticipated visitor numbers, etc.
  - C. Letter of authorization from all property owners authorizing agent to act as applicant, where applicable.
  - D. A sketch plan (to scale) illustrating, at minimum:
    - (1) Property lines and adjacent roads, streets, alleys.
    - (2) Adjacent uses and zoning districts.
    - (3) Existing and proposed buildings and structures, landscaping, and other site improvements.
    - (4) Location of the intended use on the property and a written description adequately defining the location of the temporary use.
    - (5) Sign location(s) and size(s)
    - (6) Pedestrian walkways
    - (7) Parking and loading stalls with dimensions
    - (8) Trash and refuse collection areas
    - (9) Exterior lighting
7. **Appeals to Temporary Use Decisions.** Any person aggrieved by the decision of the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission relating to their action on a temporary use permit shall have the right to appeal the decision to the Zoning Board of Appeals in accordance with [Section 15.06](#).

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# Article 16.

# Violations, Penalties, and Enforcement

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## Section 16.01     Responsibility of Enforcement

The Planning and Zoning Administrator, or their designee(s) (including but not limited to code and zoning enforcement officers), is responsible for enforcing the provisions of this Code.

## Section 16.02     Violations

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each such conviction, or shall be punished by imprisonment for a period not exceeding 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

## Section 16.03     Public Nuisance Per Se

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

## Section 16.04     Fines, Imprisonment, etc.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, any person who has assisted knowingly in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fine and imprisonment herein provided.

## Section 16.05     Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

## Section 16.06     Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## **Section 16.07 Stop Work Order**

The Planning and Zoning Administrator, or their designee(s), may issue and serve upon a person pursuing the activities in violation of this Ordinance a stop work order requiring that the person stop all activities in violation of this Ordinance.

## **Section 16.08 Permit Suspension or Revocation**

Any development or site plan permit, approval, Certificate of Occupancy, or other form of authorization required under this Ordinance may be suspended or revoked if the Planning and Zoning Administrator determines that:

1. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit, development approval, or Certificate of Occupancy;
2. The permit, development approval, or Certificate of Occupancy was procured by false representation; or
3. The permit, development approval, or Certificate of Occupancy was issued in error.

Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the permit or certificate was issued or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice.