

Zoning Ordinance

City of Highland Park, Michigan

Adopted by the Highland Park City Council July 18, 2011

Effective Date,

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Chapter 1210.

Administration and Enforcement

1210.01 City of Highland Park Planning Commission

A city planning commission is created pursuant to the provisions of Act. No. 33 of the Public Acts of the State of Michigan for 2008, as amended. It shall be known as the City of Highland Park Planning Commission.

1210.02 Membership of the City Planning Commission

The City Planning Commission shall consist of seven (7) members who shall represent insofar as possible different professions and occupations. The members shall be appointed by the Mayor, subject to approval by a majority of the City Council. Each member shall be appointed for a term of three (3) years, commencing on expiration of the appointee's predecessor's term, and shall hold office until his or her successor has been appointed. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as original appointments. All members of the Commission may be compensated at a rate to be determined by the City Council, and shall hold no other municipal office, except that one of the members shall be a member of the Zoning Board of Appeals.

1210.03 Removal of Member

Members of the City Planning Commission may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office, provided that such removal be approved by the City Council.

1210.04 Meetings and Records

The City Planning Commission shall annually elect its chairperson from amongst the appointed members and create and fill such other of its offices as it may determine. The City Planning Commission shall hold at least one (1) regular meeting in each month. It may adopt rules for transactions, findings, and determinations, and its records shall be public records open to inspection in the office of the Clerk.

1210.05 Contracts for Services

The City Planning Commission may recommend to the Council that it contract with city planners, engineers, architects, landscape architects and other consultants for such specialized services as the Commission deems desirable. The City Council may appropriate such funds for city planning as the Council deems advisable. The Commission shall not expend funds in excess of amounts appropriated by the City Council.

1210.06 Powers and Duties of City Planning Commission

The City Planning Commission shall have the following powers and duties: The preparation and adoption of a master plan;

The making of surveys as a basis for such plans; The approval of public improvements;

The approval of plats;

Such other rights, powers, duties, and responsibilities as are provided in Public Act No. 33 of 2008, as amended and Public Act No. 110 of 2006, as amended, and in the Zoning Ordinance of the City of Highland Park, as adopted.

1210.07 Reports and Recommendations

The City Planning Commission shall make reports and recommendations to the City Council; provided that no such recommendation shall be binding upon the Council. The Planning Commission shall be responsible for providing the following reports to City Council:

1. **Annual Report.** The Commission shall, annually make a written report of the work of the Commission during the preceding year. The report shall be certified by the Commission, entered into record by the City Clerk and published electronically on the City's website.
2. **Capital Improvements Plan.** The Planning Commission shall be responsible for annually preparing a capital improvements program of public structures and improvement as set forth by M.C.L. 125.3865. This program will cover a time frame that includes the coming fiscal year and a period of not less than five additional years.
3. **Planning Budget.** The Commission shall transmit to Council its estimate of the amount of money required for its purposes for the ensuing fiscal year.

Chapter 1211.

Zoning Board of Appeals

1211.01 Creation and Membership

1. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in the Zoning Act.
2. The ZBA shall consist of five (5) members appointed by the City Council. Each member shall hold office for a three (3) year term. One (1) member shall be a member of the Planning Commission who shall serve the same term as provided on the Planning Commission. A member of the City Council may also be a member but may not chair the board.
3. **Alternates**
 - a. The City Council may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
 - b. An alternate member may be called to sit as a regular member of the ZBA in the absence of a regular member or to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
 - c. The alternate member having been called shall serve on the ZBA until a final decision is made on the application for which the member was called.
 - d. When serving as a member, an alternate member shall have the same voting rights as a regular member of the ZBA.
4. Members of the ZBA may be removed by the City Council for nonperformance of duty or misconduct in office upon written charges. The member so charged may request a public hearing before the City Council, prior to the City Council making a decision.
5. A member shall self-disqualify from a vote in which there is a conflict of interest. Failure of a member to self-disqualify from a vote in which there is a conflict of interest may constitute misconduct in office.

1211.02 Meeting and Attendance

1. Meetings shall be held at a fixed place and shall be open to the public.
2. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the City Clerk and shall be a public record.
3. Three (3) members of the ZBA shall constitute a quorum for the conduct of its business.

4. Applications submitted to the ZBA shall consist of the following, as applicable:
 - a. An application form, as provided by the City.
 - b. A scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.
 - c. Payment of a fee, as may be prescribed by City Council resolution. The fee shall be paid to the City at the time of the filing of the application.
 - d. The ZBA, in furtherance of decisions related to the application, may request other materials as may be deemed necessary. To this end, the ZBA may subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it from any person or from any department of the City.

1211.03 Jurisdiction, Powers, and Duties

1. Appeals

- a. An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any Article adopted pursuant to the Zoning Act.
 - b. An appeal shall be filed with the ZBA within twenty-one (21) days of the vote or the decision being appealed. The filing shall specify the grounds of the appeal. The appeal shall be transmitted to the ZBA together with all the papers constituting the record upon which the action being appealed is taken.
 - c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal has been filed, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
 - d. The ZBA shall hold a public hearing on the appeal, give notice thereof as required by the Zoning Act, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
 - e. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done so using the proper requirements and standards in the Ordinance. The decision of the ZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
 - f. If a determination is made that the administrative official or body making the decision did so improperly, the ZBA may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
 - g. The ZBA may hear and decide appeals from the decisions of the Zoning Administrator pertaining to interpretations of the Zoning Map to determine the precise location of boundary lines between Zoning Districts. In making its determination of the boundary lines, the ZBA shall be governed by the rules of this Chapter and shall render its decision within a reasonable time following a public hearing, as required by the Zoning Act.
 - h. Special Land Use and Site Plan Review decisions may be appealed to the ZBA, as provided in this Ordinance.
2. **Non-Use Variances.** The ZBA, after a public hearing shall have the power to decide applications for non-use variances filed as provided in this Chapter. A non-use variance may be allowed by the ZBA only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Article or amendment; or
 - ii. Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
 - iii. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Article would involve practical difficulties.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility that compliance with the Ordinance may prove to be more costly or time consuming shall not be part of the consideration of the ZBA.
- c. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
- d. The variance will not materially impair the intent and purpose of this Article.
- e. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

3. Use Variances

- a. The ZBA, after a public hearing shall have the power to decide applications for use variances filed as provided in this Chapter. The ZBA shall not grant a use variance unless there is evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
 - i. That the condition, location, or situation of the specific piece of property or of the in- tended use of the property creating the unnecessary hardship is unique to that property and the Zoning District in which it is located.
 - ii. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the Zoning District in which it is located.
 - iii. That the use variance will not alter the essential character of the neighborhood or the intent of the Master Plan, nor be a detriment to adjacent properties.
 - iv. That the variance will not materially impair the intent and purpose of this Ordinance or the District in which the property is located.
 - v. That the immediate unnecessary hardship causing the need for the variance request as not created by the applicant.
- b. Prior to reaching a decision on a request for a use variance, the ZBA may request that the Planning Commission, upon presentation of the application by the applicant, forward an opinion to the ZBA. If the opinion is requested, it shall be limited to the Planning Commission's review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification. The opinion of the Planning Commission shall be advisory only.

4. Interpretations

- a. The ZBA may, after a public hearing held in accordance with the Zoning Act, decide upon re- quests for the interpretation of the text provisions of this Ordinance.
 - i. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Article and not have the effect of amending this Article.
- b. Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.
- c. Records shall be kept of all interpretations.
- d. Where the intent of this Ordinance is unclear and the facts can be read to support equally more than one (1) interpretation, the benefit of doubt shall go to the property owner.

5. Public Hearings, Voting, and Decisions

a. Hearings

- i. The ZBA shall conduct a public hearing prior to making any determinations permitted by this Ordinance.
- ii. Notice of a hearing shall be given in accordance with the requirements of the Zoning Act.
- iii. The ZBA may require notices to other interested parties, as it shall prescribe.

b. Voting Requirements

- i. The concurring vote of at least three (3) members of the ZBA is necessary to decide any matter upon which the ZBA is authorized by this Section to render a decision, except that the concurring vote of at least four (4) members of the ZBA is necessary to grant a use variance as permitted in this Section.

c. Decisions

- i. In making any decision provided for in this Section, the ZBA may attach conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Article and the protection of the public interest or as otherwise permitted by law.
- ii. Any decision of the ZBA shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the ZBA, unless the ZBA shall certify the minutes on the record according to the rules of the ZBA.
- iii. The decision of the ZBA shall be final; however, any person having an interest affected by the decision shall have the right of appeal to the Circuit Court on questions of law and fact. An appeal to Circuit Court shall be made within the time limits imposed by the Zoning Act.
- iv. Any approval given by the ZBA under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
- v. No application which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the ZBA after a demonstration by the applicant of a substantial change of circumstances from the previous application.

d. Minutes And Records

- i. The Secretary shall keep minutes of the Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board of Appeals examinations and official actions, all of which shall be filed with the City Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Administrator and to the Planning Commission. No building permit shall be issued until such copy has been received by the Administrator.

Chapter 1212. **Reserved**

Chapter 1213. **Reserved**

Chapter 1214.

Zoning Administration, Reviews and Permitting

1214.01 Overview, Intent and Purpose

1. The purpose of these requirements is to establish an orderly review process for all proposed site development projects to develop land within the City of Highland Park that is consistent with this Article.
 - a. It is the intent of this Article to provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, affected neighbors, and the City.
 - b. It is also the intent of this Article to ensure that land, parcels, and lots are appropriately developed so that their use and operation complies with all applicable requirements of this Ordinance.
 - c. It is also the intent to ensure that compliance is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public.
 - d. This Article is intended to ensure that development is provided that has adequate and efficient provision of facilities and/or infrastructure, and land, rights-of-way, and easements, so as not to burden the fiscal resources of the City. These provisions include the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces, and other provisions required for the public good of the City of Highland Park.
2. The purpose of the review processes defined in this Article is to ensure compliance with the Master Plan and the specific provisions of this Ordinance. Rather than attempt to establish any one style or manner of development, the intent of the requirements of this Ordinance and the applicable review procedures is to highlight only the most important site and building development issues.
3. The intent of the provisions of this Ordinance is to recognize that design details not included in this Ordinance are best left to the inventive discretion of individual architects, land planners and owners. Nevertheless, acceptance and implementation of the broader design themes of the Master Plan and this Ordinance are vital to the success of the City, and their use will better ensure the active support and assistance of the residents and business owners of the City through the process of project review and implementation.
4. The following review procedures used in this Article and where they may appear elsewhere in this Ordinance shall have the following meanings:

1214.02 Uses

1. Within each zoning district of this Ordinance uses are divided into two categories, Uses by Right and Special Land Uses. Each district also includes a list of uses that are placed in one of these categories. The district "Use" heading listing one (1) or more of the following uses. Section 1250.04 Permitted and Special Uses contains a specific list of uses falling under each of the following categories.
 - a. Residential
 - b. Commercial, Office and Service
 - c. Industrial
 - d. Civic, Institutional and Educational
 - e. Recreational
 - f. Animal and Urban Gardening
 - g. Accessory, Temporary and Other
2. **Similar Uses or Uses Not Addressed.**
 - a. **Purpose.** Since every type of potential use cannot be anticipated in this Ordinance, this Section provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those uses that are listed. Similarly, there are various uses that include the phrase "and similar uses."
 - b. In those situations where a use is not specifically addressed, or can be reasonably interpreted as being essentially the same in character to a use listed in the District, or is noted as a "similar use," the Zoning Administrator may determine that the use is similar to the uses in the District, or will be determined to be a use Permitted by Right or as a Special Land Use. The Zoning Administrator may request that the Zoning Board of Appeals determine that the use is similar to the uses permitted in the district, either as a Use by Right or as a Special Land Use.
 - c. The Zoning Administrator or Zoning Board of Appeals shall base the decision on a finding that the proposed use satisfies all of the following:
 - i. Is not specifically listed in any other District.
 - ii. Is generally consistent with the Intent of the District and this Ordinance.
 - iii. Will not impair the present or potential use of other properties within the same District in the vicinity.
 - iv. Generally, has no greater potential impact on surrounding properties than those listed in the District, in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health, safety and welfare.
 - v. Will not adversely affect the Master Plan.
 - d. The Zoning Administrator or Zoning Board of Appeals' determination shall be in writing and sent to the applicant.
 - e. The proposed use shall comply with all conditions as well as the review and approval requirements and district regulations that apply to the similar use.
 - f. Uses determined to be similar to a permitted use or special land use shall be recorded by the Zoning Administrator and periodically presented to the Planning Commission for consideration for incorporation into the text of the ordinance.

1214.03 Review Determination

1. Pre-application Development Review

- a. An applicant is strongly encouraged to request a Pre-application Development Review meeting with the Zoning Administrator for the purpose of determining the approval type and process that will be followed. The Pre-application Development Review meeting is a non-binding and informal review of the proposal and is intended to provide information to the applicant on the procedures and policies of the City and does not confer upon the applicant any development approvals or other rights.
- b. The Pre-application Development Review shall be used to advise the applicant of the development review method to be used and applicable regulations and policies and may be used to suggest development alternatives, as appropriate.
- c. If a Pre-application Development Review meeting is requested, the Review Determination shall be provided either at the review meeting or within a reasonable time following the meeting.
- d. The Zoning Administrator may, at his or her discretion, require an applicant to follow the Pre- Application Review process, if he/she believes that the application is of sufficient complexity to require careful initial review.

2. Review Determination

- a. If a Pre-application Development Review is not requested, the Zoning Administrator shall review all applications for development within the City and make a determination as to the review requirements that must be met.
- b. An application for Review Determination shall include, at a minimum, a Preliminary or Final Site Plan (whichever is sufficient to make a determination), a description of any request(s) for Administrative Approvals, either listed in writing and/or clearly noted on the Preliminary or Final site plan, as applicable. The Zoning Administrator may require additional information or detail as may be needed.
- c. Prior to the making a final Review Determination the Zoning Administrator may submit the application to other applicable departments or agencies for input and recommendations.
- d. If a Pre-application Development Review meeting is not requested, the Review Determination shall be communicated to the applicant within a reasonable time after the Zoning Administrator has completed the Determination.

1214.04 Application Requirements

1. Following the Review Determination a development application may be filed with the Zoning Administrator and, at a minimum, shall consist of the following:
 - a. An application form, completed in full by the applicant, including a detailed description of the proposed development project and use.
 - b. Payment of a fee as established by the City Council.
 - c. A description of any request(s) for Administrative Departures, either listed in a written narrative and/or clearly noted on the Preliminary or Final site plan, as applicable.
 - d. Preliminary or Final site plans meeting the Site Plan Submittal requirements of 1214.06 Site Plan Review. For rezoning, a site plan is not required (unless necessary as part of a conditional rezoning request, per Chapter 1217: Conditional Rezoning.). Copies of a scaled map showing the location of the entire property to be rezoned shall be submitted.
 - e. A statement describing the application's compliance with the Development Requirements of the district and the applicable standards and requirements for the project under consideration, e.g. Special Land Use, Site Plan Review, etc.

2. Applications for Special Land Uses and Site Plan Review shall be submitted and reviewed concurrently. The procedures, standards, and specifications for each shall be followed as specified in this Article and other applicable Articles of this Ordinance. In all cases, a Special Land Use Final Site Plan Review shall be required prior to the submission and application for a building permit.

1214.05 Administrative Approvals

1. **Intent and Applicability.** An Administrative Approval is intended to provide an incentive to applicants who develop their projects in full compliance with all of the requirements of this Ordinance, without deviations or variances, and are not required to receive site plan review or special land use approval.
2. **Administrative Approval Procedure.**
 - a. Administrative Approvals shall be made by the Zoning Administrator. Prior to a final approval the Zoning Administrator shall consult with other City department's designated representatives, as deemed necessary.
 - b. An Administrative Approval shall be completed within thirty (30) days of submission of a completed application, unless a longer period is agreed to by the applicant in writing.
 - c. Permits shall not be applied for or submitted for any building or site activity until the Administrative Approval is completed.
 - d. Administrative Approval decisions of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
 - e. The Zoning Administrator shall have the option of submitting any plan for a Site Plan Review even if deemed eligible for Administrative Approval if he/she deems the scale or effect of the project is significant enough to warrant that review.

1214.06 Site Plan Review

1. **Intent and Applicability**
 - a. In order to promote the purpose of this Ordinance and ensure compliance with the intent as well as the letter of the regulations, it is deemed prudent and necessary to exercise site planning measures which will encourage orderly development and minimize undesirable effects on surrounding properties and upon transportation systems, utilities and other public facilities. The purpose of these controls is to protect the public health, safety and general welfare of the community.
 - b. Site Plan Review is required as provided in 1214.06 Section 2 below.
 - c. A change in occupancy that does not result in a change of use, or a change in the intensity of the use, exterior alterations, changes in parking lot layout or expansion of parking lots, or any other change resulting in different requirements applying to the new use that were not applicable to the prior use, shall not require site plan review.
2. **Site Plan Requirements**
 - a. In accordance with the provisions of this Section, the Planning Commission shall be furnished a site plan of the proposed development prior to the creation of a use or the erection of a building whenever one or more of the conditions cited below apply:
 - i. Expansions of existing buildings of more than twenty-five percent (25%) of the gross floor area of the main building(s) or forty thousand (40,000) square feet, whichever is greater, unless the expansion is approved administratively as described in Sec. 3.03.
 - ii. Special Land Uses in all zoning districts.
 - iii. Permitted Uses in all Zoning Districts, with the exception of one and two-family dwellings.
 - iv. Site condominiums in all zoning districts.

- v. Parking lots and parking lot expansions, unless the lot or expansion is approved administratively as described in Chapter 1234.05.

b. Site Plan Application Requirements

- i. All site plans shall be accompanied by the following items. The Zoning Administrator may waive individual submittal requirements if he/she determines that the requirement is not necessary or is not applicable.
- ii. In addition to the 24' x 36' plan sets required by this Section, whenever possible the plan set shall also be submitted in electronic format, in a format or software configuration determined by the City.

| Plan Data | Preliminary | Final |
|---|-------------|-------|
| Application Form | ✓ | ✓ |
| Name & address of the applicant & property owner | ✓ | ✓ |
| Address & common description of property & complete legal description | ✓ | ✓ |
| Dimensions of land & total acreage | ✓ | ✓ |
| Zoning on the site & all adjacent properties | ✓ | ✓ |
| Description of proposed project or use, type of building or structures, & name of proposed development, if applicable | ✓ | ✓ |
| Name & address of firm or individual who prepared Site Plan | ✓ | ✓ |
| Proof of property ownership | ✓ | ✓ |
| Site Plan Description and Identification Data Site Plan scale - (engineer's) Sheet size at least 24 x 36 in. | Preliminary | Final |
| Site size 3 acres or more: 1 inch = 100 ft. | ✓ | ✓ |
| Site size of less than 3 acres: not less than 1 inch = 50 ft. | ✓ | ✓ |
| If a large development is shown in sections on multiple sheets, then a composite sheet shall be included | ✓ | ✓ |
| Title Block | Preliminary | Final |
| Sheet Number/Title | ✓ | ✓ |
| Name, address and telephone number of applicant & firm or individual who prepared the plans with seal | ✓ | ✓ |
| Scale & north arrow | ✓ | ✓ |
| Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning & streets within a quarter mile | ✓ | ✓ |
| Legal & common description of property | ✓ | ✓ |
| Zoning classification of petitioner's parcel & all abutting parcels | ✓ | ✓ |
| Net acreage (minus rights-of-way and submerged land) & total acreage | ✓ | ✓ |

| Site Data | Preliminary | Final |
|---|-------------|-------|
| Existing lot lines, building lines, structures, parking areas & other improvements on the site & within 50 feet of the site | ✓ | ✓ |
| Computations, with documentation, of average setbacks, where required | ✓ | ✓ |
| Topography on the site & within 100 feet of the site not to exceed two foot contour intervals, referenced to a U.S.G.S. benchmark | | ✓ |
| Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, & other improvements on the site & within 100 feet of the site | ✓ | ✓ |
| Proximity to intersection(s) & major thoroughfares | ✓ | ✓ |
| Location of existing drainage courses, floodplains, streams, & wetlands with elevations | ✓ | ✓ |
| Location of trash receptacle(s) & transformer pad(s) & method of screening | | ✓ |
| Extent of any outdoor sales or display area | ✓ | ✓ |
| Access and Circulation | Preliminary | Final |
| Dimensions, curve radii & centerlines of existing & proposed access points, roads & road rights-of-way or access easements | ✓ | ✓ |
| Driveways & intersections within 250 feet of site | | ✓ |
| Cross section details of proposed roads, driveways, parking lots, sidewalks & non-motorized paths illustrating materials & thickness | | ✓ |
| Dimensions of acceleration, deceleration, & passing lanes | | ✓ |
| Dimensions of parking spaces, islands, circulation aisles & loading zones | ✓ | ✓ |
| Calculations for required number of parking & loading spaces | ✓ | ✓ |
| Designation of fire lanes | ✓ | ✓ |
| Traffic regulatory signs & pavement markings | | ✓ |
| Location of existing & proposed sidewalks/pathways within the site or right-of-way | ✓ | ✓ |
| Location, height, & outside dimensions of all storage areas & facilities | ✓ | ✓ |
| Landscape Plans | Preliminary | Final |
| Location, sizes, & types of existing trees 6 inches or greater in diameter, measured at 3½ ft. off the ground & the general location of all other existing plant materials, with an identification of materials to be removed & materials to be preserved | ✓ | ✓ |
| Description of methods to preserve existing landscaping | | ✓ |
| The location of existing & proposed lawns & landscaped areas | ✓ | ✓ |
| Landscape plan, including location & type of all proposed shrubs, trees, & other live plant material | | ✓ |
| Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical & common names, & quantity | | ✓ |
| Proposed dates of plant installation | | ✓ |
| Landscape maintenance schedule | | ✓ |

| | REQUIREMENT | |
|--|-------------|-------|
| | Preliminary | Final |
| Building and Structure Details | | |
| Location, height, & outside dimensions of all proposed main and accessory buildings or structures | ✓ | ✓ |
| Building floor plans & total floor area, including number and height of stories | ✓ | ✓ |
| Location, size, height, & lighting of all proposed site & wall signs | ✓ | ✓ |
| Location, size, height & material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required | ✓ | ✓ |
| Building facade elevations for all sides, drawn at an appropriate scale | | ✓ |
| Calculations for transparency requirements | | ✓ |
| Description of all exterior building materials & colors (samples may be required) | ✓ | ✓ |
| Utilities, Drainage and Related Issues | | |
| Location of sanitary sewers, existing & proposed | | ✓ |
| Location & size of existing & proposed water mains, water service, storm sewer loads, & fire hydrants | | ✓ |
| Stormwater drainage & retention/detention calculations | ✓ | ✓ |
| Indication of site grading, drainage patterns & other stormwater management measures | ✓ | ✓ |
| Stormwater retention & detention ponds, including grading, side slopes, depth, high water elevation, volume & outfalls | ✓ | ✓ |
| Location & size of underground storm sewers & drains | | ✓ |
| Location of above & below ground gas, electric & telephone lines, existing & proposed | | ✓ |
| Location of transformers & utility boxes | | ✓ |
| Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable | | ✓ |
| Additional Information Required for Multi-Family Development | | |
| The number & location of each type of residential unit (one bedroom units, two bedroom units, etc.) | ✓ | ✓ |
| Density calculations by type of residential unit (dwelling units per acre) | ✓ | ✓ |
| Garage &/or carport locations & details, if proposed | | ✓ |
| Mailbox clusters | | ✓ |
| Location, dimensions, floor plans & elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable | | ✓ |
| Swimming pool fencing detail, including height & type of fence, if applicable | | ✓ |
| Location & size of recreation & open space areas | ✓ | ✓ |
| Indication of type of recreation facilities proposed for recreation area | | ✓ |

3. Preliminary Site Plan Review

- a. If desired by the applicant, a Preliminary Site Plan Review may precede the Final Site Plan Review, in accordance with the procedures of this Article. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- b. If a Preliminary Site Plan Review is elected, ten (10) copies of a preliminary site plan meeting the requirements noted in C, above, shall be submitted for review by the Planning Commission.
- c. The Planning Commission shall review the preliminary site plan and make recommendations to the applicant that will cause the plan to be in conformance with the requirements of this Ordinance and the review standards of this Article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan but shall not be bound by any statements or indications of acceptance of the plan.

4. Final Site Plan Review

- a. Ten (10) copies of a final site plan prepared by a registered professional competent in these matters may be submitted for review without first receiving approval of a preliminary site plan. However, a final site plan will be required for those projects meeting the requirements
- b. The Planning Commission shall review the final site plan and approve, approve with conditions, or deny the plan, using the Standards for Site Plan Approval of Chapter 1214.06 (6) below.

5. Authority and Limitations

- a. Site Plan Review decisions of the Planning Commission may be appealed to the Zoning Board of Appeals.

6. Standards for Site Plan Approval. Site plan approval shall be granted only if the site plan meets all the applicable requirements of this Ordinance and the following standards, as applicable:

a. Site Design Characteristics

- i. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings.
- ii. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
- iii. The site shall be designed to conform to all provisions of this Ordinance.
- iv. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance relative to and proportionate to the extent of redevelopment, as determined by the approving authority.
- v. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.
- vi. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- vii. Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.

b. Environmental Standards

- i. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, minimizing alteration to the natural drainage courses, and minimizing the amount of cutting, filling and grading.
- ii. Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.
- iii. Buildings and structures will be placed to preserve environmentally sensitive areas.

- iv. Landscaping buffers and/or greenbelts may be required to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- v. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These sites shall be designed to meet all applicable state and federal regulations.

c. Vehicular and Pedestrian Circulation

- i. The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon.
- ii. Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site.
- iii. The width of streets and drives shall be appropriate for the existing and anticipated volume of traffic.
- iv. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- v. Off-street parking and loading areas shall be provided where required with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- vi. Safe, convenient, non-congested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- vii. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.

d. Stormwater and Erosion Controls

- i. Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
- ii. Stormwater management facilities shall be designed, constructed and maintained to prevent flooding and protect water resources and may be incorporated into the open space portions of a development site.
- iii. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water.
- iv. Provisions shall be made to prevent erosion and the formation of dust during and after construction.
- v. Efforts should be made to reduce/minimize the amount of impervious surfaces, such as using infiltration basins, trenches or dry wells, grassed (vegetated) waterways or swales, or rain gardens in yards or parking lots.
- vi. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

e. Public Services

- i. The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.
- f. The general purposes and spirit of this Ordinance and the Master Plan of the City shall be maintained.

7. Planning Commission Decision.

- a. The Planning Commission shall use the Site Plan Review Standards identified in Chapter 1214.06 Section 6 in making its decision.

- b. The Planning Commission may impose special condition(s) of approval that relate to both the physical and operational aspects of the project, provided they are reasonably necessary to protect the public interest.
 - c. The Planning Commission shall approve, approve with conditions, table or deny the plan, stating the reasons for its decision in the minutes. The decision of the Planning Commission cannot be appealed to the Board of Zoning Appeals.
 - d. Site Plan Review approval cannot be used to permit a building or site requirement that is less restrictive than the requirements of this Chapter. To this end, the Commission shall not have the authority to change any part of the Site Plan that meets the Development Requirements of the Zone District or has been approved as an Administrative Approval.
- 8. **Effective Date.** Projects approved through Site Plan Review shall have immediate effect.
 - 9. **Duration of Approval.** An approved Site Plan shall be valid for a period of one (1) year, in which time a LUDS and/or building permit shall be obtained and the first phase of construction substantially commenced. Upon written request prior to expiration of the approval, one (1) extension of up to six (6) months may be granted if the Planning Commission finds that the extension is warranted due to circumstances beyond the control of the applicant. If no action is taken to finalize construction after the one (1) year approval period, or as extended per this Subsection, plan approval shall expire when applicable LUDS and/or building permits expire.

1214.07 Site Plan Amendments

The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan. Documentation outlining conditions necessitating the changes shall be provided. Changes to the approved site plan shall be reviewed in accordance with the requirements of this Section.

- 1. **Minor Amendments.** Minor amendments may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specific conditions imposed as part of the original approval.
- 2. **Minor amendments shall include the following:**
 - a. Change in the building size, up to ten percent (10%) in total floor area.
 - b. Movement of buildings or other structures by not more than ten (10) feet.
 - c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - d. Changes in building materials to a comparable or higher quality.
 - e. Changes in floor plans that do not alter the character of the use.
 - f. Changes required by outside agencies such as the County, State, or Federal departments.
- 3. A proposed amendment not determined by the Zoning Administrator to be minor shall be submitted as a new application and reviewed in accordance with the requirements of this Article.

Chapter 1215.

Special Land Uses

1215.01 Intent

This Section provides procedures and standards for special uses of land or structures that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow practical latitude for the investor or developer but maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

1215.02 Application and Review Procedures

1. An application for a Special Land Use shall be submitted to the Zoning Administrator, and, at a minimum, shall consist of the following:
 - a. An application form, completed in full by the applicant, including a detailed description of the proposed use.
 - b. A statement by the applicant describing the application's compliance with the site and district requirements related to the use under consideration.
 - c. Payment of a fee as established by the City Council.
 - d. A Preliminary or Final site plan meeting the requirements of [Chapter 1214: Zoning Administration, Reviews and Permitting](#).
2. The application together with all required data shall be transmitted to the Planning Commission for review.
3. Applications for Special Land Uses and Preliminary or Final Site Plan Review shall be submitted jointly. The procedures, standards, and specifications for each shall be followed as specified in this Article and other applicable Articles of this Ordinance. In all cases, a Final Site Plan Review shall be required prior to the issuance of zoning compliance for a Special Land Use.
4. **Public Hearing.** The Planning Commission shall hold a public hearing in accordance with the requirements of the Zoning Act to consider Special Land Use applications subject to their review. Following the public hearing the Commission shall approve, approve with conditions, or deny the application, stating the reasons for their decision in the minutes.
5. **Special Land Use Decisions**
 - a. Before the Planning Commission makes its decision, the General Standards and the Development Requirements of each District shall be satisfied.

- b. The Planning Commission may impose additional conditions and safeguards deemed necessary. Conditions shall meet the requirements of the Zoning Act.
 - c. The breach of any condition, safeguard or requirement shall be considered a violation of the Special Land Use approval. The Planning Commission, following notice to the property owner, shall have the authority to revoke, after public hearing held in the same manner as the original approval, any Special Land Use if the applicant fails to comply with any of the applicable requirements in this Article or any other applicable sections of this Ordinance.
 - d. Validity of approval: Any approval given by the Planning Commission under which the premises are not used or work is not started within six (6) months, or when the use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect. The Planning Commission may permit one (1) six (6) month extension, if applied for in writing by the applicant prior to the expiration of the approval, provided that the Planning Commission finds that the extension is warranted due to circumstances beyond the control of the applicant.
 - e. No application which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Commission after a demonstration by the applicant of a change of circumstances from the previous application.
6. **General Standards:** In addition to the Development Requirements of each District, decisions on Special Land Uses shall be based upon the findings that the Special Land Use will:
- a. Promote the intent and purpose of this Ordinance. Be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.
 - b. Be served adequately by essential public facilities and services such as streets, water, sanitary and storm sewer, police and fire protection, refuse disposal/recycling, or that the person or agencies responsible for the establishment of the land use shall be able to provide such service.
 - c. Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
 - d. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Chapter 1216.

Zoning Ordinance and Map Amendments

1216.01 Amendments

An amendment to the Zoning Ordinance text and Map may be initiated by:

1. The City Council (The City staff may act at the behest of the City Council.);
2. The Planning Commission; or
3. Petition by an owner or person having a legal interest in property in the City.

1216.02 Application

All applications for amendments to this Ordinance shall be in writing, signed and filed with the City Clerk. The following shall be required as part of any application:

1. An application form signed by the petitioner certifying the accuracy of the required information.
2. A fee, as required by the City Council.
3. For Zoning Ordinance text amendments, a copy of the existing Ordinance language and the proposed change(s).
4. For Zoning Map amendments:
 - a. A proof of ownership of the property or documentation of a legal interest, such as an executed purchase agreement or other similar document.
 - b. A plot plan or survey, drawn to a minimum scale of 1 inch = 200 feet containing all of the following information:
 - i. Legal description of property proposed for change, including street address, tax identification number, and total acreage;
 - ii. Scale, north arrow, date of submission, and dates of all revisions;
 - iii. A location map indicating major roads and section numbers;
 - iv. Zoning classification of the subject parcel and any abutting parcels;

- v. Subject property lines; and
 - vi. Locations and dimensions of all existing or proposed public and private road rights-of-way or private access easements.
 - c. A detailed statement of how the proposed amendment complies with the Master Plan
 - d. Any additional reasonable information required by the Planning Commission or City Council to assist in its review.
5. The Zoning Administrator may require the applicant to provide a specified number of copies of all required application materials.

1216.03 Public Hearing

1. Upon examination and approval of the application as to form, the City Clerk shall forthwith transmit the application to the Planning Commission, which shall process the petition according to the provisions set out in this Chapter. Any amendment to the Zoning Ordinance shall first be referred to the Planning Commission.
2. The Commission shall undertake a complete study of the proposed amendment and hold a public hearing in accordance with the requirements of the Zoning Act. An affidavit of mailing shall be maintained.
3. After the public hearing the Planning Commission shall make its recommendation to the City Council, accompanied by a summary of the comments submitted at the public hearing.

1216.04 City Council Action

1. Upon receipt of the recommendation of the Planning Commission, the City Council may hold a public hearing before the adoption of the proposed amendment to this Article in accordance with the requirements of the Zoning Act.
2. Following the public hearing, at a time determined by the City Council, the application shall be approved or denied. The City Council shall state the reason(s) for its action in the minutes.

1216.05 Review Considerations

1. For changes to the text of the Zoning Ordinance the Planning Commission shall, and the City Council may, consider at a minimum the following:
 - a. Whether the amendment is consistent with the intent and purpose of the ordinance and the Master Plan.
 - b. Whether the change is the result of an error or omission in the original text.
 - c. The potential effects on areas that are most likely to be directly affected by the change.
 - d. Any changes or enhancements in physical or economic conditions or development practices that justify the proposed change.
 - e. Whether the change might result in the creation of significant nonconformities on properties in the City.
2. For changes to the boundaries of a Zoning District (rezoning) of the Zoning Ordinance the Planning Commission shall, and the City Council may consider at a minimum the following:
 - a. Whether the proposed amendment meets the intent and purpose of the Zoning Ordinance.
 - b. Whether the proposed amendment complies with the adopted Future Land Use map and/or furthers the goals of the City, as defined in the Master Plan.
 - c. Whether the proposed zoning is consistent with the zoning classification(s) of the surrounding land.

- d. Whether all of the requirements in the proposed zoning classification can be accommodated on the parcel.
 - e. If the site's physical, geological, hydrological and other environmental features are compatible with the full range of uses in the proposed zoning district.
 - f. Whether the capacity of infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city or the surrounding area.
3. Upon adoption of a Zoning Ordinance or subsequent amendments, notice of adoption shall be published in accordance with the requirements of the Zoning Act.

1216.06 Resubmission

- 1. Following the final action of the City Council on a text amendment application or request for a zoning map amendment, no further applications shall be considered of any part or all of the same property for twelve (12) months from the date of the City Council's action, except as provided in subsections 2 and 3 below.
- 2. The time limit imposed by subsection 1, above, may be waived by a majority vote of the City Council when it is deemed necessary to facilitate the proper development of the City, and when the City Council finds that there has been a substantial change in circumstances since the original vote on the proposed zoning amendment was taken.
- 3. Notwithstanding subsections 1 and 2, above, the City Council may reconsider an application for a zoning amendment of property if a City Council member of the prevailing side makes a motion for reconsideration and it is seconded and passed at the meeting at which the decision was made. The vote on the reconsideration of the original action shall not be held later than the next regularly scheduled City Council meeting.

Chapter 1217.

Conditional Rezoning

1217.01 Intent

The City of Highland Park City Council recognizes that there are certain instances where it would be in the best interest of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by applicants as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Conditional Zoning Offer, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act.

In addition to the other requirements of this Article, an applicant requesting a change in a Zoning District may propose a Conditional Zoning Offer, as defined in this Chapter. The required application and process shall be the same for rezoning requests as detailed in Chapter 1216: Zoning Ordinance and Map Amendments, except as modified by the requirements of this Chapter.

1217.02 Definitions

The following definitions shall apply to this Chapter.

1. **Conditional Zoning Offer** shall mean conditions proposed by the applicant and approved by the City processed as part of an approval under this Chapter. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
2. **Zoning Agreement** shall mean a written agreement offered by the applicant and approved and executed by the applicant and the City and recorded with the Wayne County Register of Deeds, incorporating the Conditional Rezoning Offer along with any requirements necessary to implement the Conditional Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Conditional Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in this Article.

1217.03 Eligibility

1. An applicant for rezoning may submit a proposed Conditional Rezoning Offer and Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed or may be made later during the rezoning process, as provided in this Chapter.

2. In order to be eligible for the proposal and review of a Conditional Rezoning Offer with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district.

1217.04 Zoning Agreement

The Zoning Agreement shall set forth the Conditional Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, before acceptance by the City Council the Zoning Agreement shall include the following:

1. Acknowledgement that the Zoning Agreement and the Conditional Rezoning Offer were proposed voluntarily by the applicant, and that the City relied upon the Agreement and may not grant the rezoning but for the Conditional Rezoning Offer and terms spelled out in the Zoning Agreement.
2. Acknowledgement that the Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis.
3. Agreement and understanding that the property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.
4. Agreement and understanding that the approval and the Zoning Agreement shall be binding upon and inure to the benefit of the property owner and the City, and their respective heirs, successors, assignees, receivers or transferees.
5. Agreement and understanding that, if a rezoning with a Zoning Agreement becomes void in accordance with Chapter 1217, and the Zoning Act, no development shall take place, and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
6. Agreement and understanding that each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed District classification and the specific use(s), activities, or conditions authorized.
7. Agreement and understanding that no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is to be zoned.

1217.05 Conditional Rezoning Offer

1. The Zoning Agreement shall specify the Conditional Rezoning Offer and any requirements necessary to implement it. However, the Conditional Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance be allowed unless and until a variance is granted by the Zoning Board of Appeals pursuant to the requirements of Chapter 1215: Special Land Uses.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use or Site Plan Review shall be approved as required by this Ordinance prior to establishment of or commencement of development of the use.
3. The Conditional Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Conditional Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.

5. The Conditional Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
6. A Conditional Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than the City of Fremont, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the City, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

1217.06 Procedure for Application, Review and Approval

1. An application for Conditional Rezoning shall be the same as the process outlined in Chapter 1214: Zoning Administration, Reviews and Permitting.
 - a. In addition to the required materials listed in [Chapter 1215: Special Land Uses](#), a Zoning Agreement in a recordable format acceptable to the City shall be submitted, along with any plans necessary to illustrate the Conditional Rezoning Offer. The Zoning Administrator shall determine the adequacy of any submitted plan and may request additional detail if deemed necessary to properly demonstrate the extent of the proposed Offer(s).
 - b. The application may be amended during the process of consideration, provided that any amended or additional Conditional Rezoning Offers are entered voluntarily by the applicant.
 - c. The Zoning Agreement shall be reviewed by the City Attorney prior to the required Planning Commission public hearing. The City Attorney shall indicate to the Planning Commission whether or not the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is in a form acceptable for recording with the Wayne County Register of Deeds.
2. **Standards of Review.** Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon whether the proposed Zoning Agreement and the Conditional Rezoning Offer:
 - a. Are consistent with the intent of this Section.
 - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
 - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Conditional Rezoning Offer.
 - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
 - f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use or conditions proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the Conditional Rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments thereof.
3. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the Conditional Rezoning and Zoning Agreement; provided how- ever, that any conditions which add to or amend the Conditional Rezoning Offer are acceptable to the applicant and the applicant provides a written statement to that effect.

4. Upon receipt of the Planning Commission's recommendations, the City Council shall deliberate upon the rezoning and Zoning Agreement. The Council shall approve or deny the Zoning Agreement, provided that any conditions that add to or amend the Conditional Rezoning Offer are acceptable to the applicant.
5. **Revisions by the City Council.**
 - a. Should a Conditional Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the City Council shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
 - b. Alternatively, should the City Council determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the City Council shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the City Council.
6. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the City Council shall first remand the application to the Planning Commission, who shall hold a new public hearing on the Conditional Rezoning and proposed Zoning Agreement and submit a report and recommendation to the City Council.
7. **Approval.**
 - a. If the Conditional Rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the District to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the District to which the property is rezoned, plus the letter "A" to indicate that the property is subject to a Zoning Agreement (i.e., "MU-A" - for a rezoning to the Mixed Use Development District). The City Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
 - b. Upon Conditional Rezoning, the use of the property in question shall conform to all the requirements regulating use and development within the new Zoning District; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Conditional Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
 - c. The applicant shall record the approved Zoning Agreement with the Wayne County Register of Deeds within ten (10) business days following approval by the City Council. Evidence of recording shall be provided to the City Attorney within fourteen (14) business days of approval by the City Council. Failure to record the approved Zoning Agreement shall render the Agreement void and of no effect.
 - d. Prior to development, any other applicable zoning approval or other approval requirement imposed by this Ordinance or other City ordinance shall be met.
8. **Expiration.**
 - a. Unless extended by the City Council for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the City commences within the two (2) year period and proceeds diligently to completion.
 - b. In the event that approved development has not commenced or has not proceeded diligently to completion within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
 - c. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the City is taken to bring the property into compliance with the Zoning Agreement, the City may withhold or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - d. Notwithstanding the above, if the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the City Council may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. The extension may be granted if the property owner is able to demonstrate that the reasons for the extension were reasonably beyond his/her control and that the project has a reasonable expectation of proceeding. No further extensions may be granted.

- e. If the Zoning Agreement becomes void as outlined above, then the land shall revert to its original Zoning District, as required by the Zoning Act. The reversion shall be initiated by the City Council with notice and hearing as required for rezonings by the Zoning Act and this Ordinance.
- f. Nothing in the Agreement, nor any statement or other provision shall prohibit the City from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

9. Continuation

- a. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized thereunder may continue indefinitely, provided that all terms of the Conditional Rezoning Offer and the Zoning Agreement continue to be adhered to.
- b. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the City, including expiration of the Agreement, as noted in Chapter 1217.05 Section 8, above.

10. Amendment

- a. During the initial two (2) year period, or during any extension granted by the City as permitted above, the City shall not add to nor alter the Conditional Rezoning Offer in the Zoning Agreement.
- b. The Zoning Agreement may be amended or altered after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

Chapter 1218.

Nonconforming Lots, Buildings and Structures, and Uses

1218.01 Intent

1. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continued use or survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this Section.
3. 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 conducted.
4. The City may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The City Council may take action in the manner provided for by law.

1218.02 Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any required yard setback for a building or structure may be reduced by the same percentage of the nonconforming lot area provided that no side yard shall be less than five (5) feet.
2. **Contiguous Nonconforming Lots in Common Ownership.**
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

- i. are in common ownership;
 - ii. are adjacent to each other or have continuous frontage, and;
 - iii. individually do not meet the lot width or lot area requirements of this Ordinance.
- b. Parcels meeting these requirements shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of that parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

1218.03 Nonconforming Buildings or Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, that building or structure may be continued so long as it remains otherwise lawful.
2. **Extensions of Nonconforming Buildings and Structures.**
 - a. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except as noted in ii, below.
 - b. Where the nonconforming setback of a building or structure is equal to or less than one-half (½) of the distance required by this Ordinance, the nonconforming setback may be extended along the same building line as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
3. **Reconstruction or Movement**
 - a. Should a nonconforming building or structure be destroyed to an extent of more than seventy five percent (75%) of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformance with the provisions of this Ordinance.
 - b. Should a nonconforming building or structure be destroyed to an amount equal to or less than seventy five percent (75%) of its replacement value, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.
 - c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location that complies with the requirements of this Ordinance.
4. **Nonconforming Building Elements**
 - a. Renovations of buildings that require alteration or replacement of the first floor facing a public street, or one-third (1/3) or more of the entire facade of the building, shall meet the façade variation, entry, transparency, or building material requirements of the District in which they are located.
 - b. Wherever practical, facade renovations should not destroy or cover original details on a building. These details are often vital to the proper proportion of the facade. Brick and stone facades should not be covered with artificial siding or panels.
 - c. Wherever practical, existing window and door openings should be maintained. New window and door openings should maintain a similar horizontal and vertical relationship as the original.
 - d. 4. The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements should be maintained wherever possible.

1218.04 Nonconforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:

- a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots; Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
 - b. Shall comply with all parking, sign, or other applicable regulations applicable to the area affected by the proposed enlargement, increase, or greater area;
 - c. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community; and
 - d. Shall not be larger than twenty five percent (25%) of the original nonconforming area.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside the building.
 3. If a nonconforming use is abandoned for any reason for a period of more than one hundred and eighty (180) days, any subsequent use shall conform to the requirements of this Ordinance.
 4. If any part of a nonconforming use is moved or reduced in size by action of the owner, the part of the nonconforming use that is moved or reduced in size shall be considered to be abandoned and any subsequent use shall conform to the requirements of this Ordinance.
 5. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures necessary for the operation of the nonconforming use; and
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
 6. A non-conforming use may be changed to another non-conforming use provided that the zoning board of appeals makes all of the following determinations:
 - a. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous non-conforming use.
 - b. The proposed non-conforming use shall not be enlarged or increased nor extended to occupy a greater area of land than the previous non-conforming use except as otherwise be permitted by the section.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.
- 7. Nonconforming Site Elements**
- a. The intent of this Section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites that predate the various requirements for landscaping, paving, and other non-safety site related items.
 - b. Improvements or expansions may be permitted by the Planning Commission during Special Land Use or through Site Plan Review without a complete upgrade of all site elements under the following conditions (listed below). The City may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.
 - i. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
 - ii. The applicant has addressed safety related site issues on the overall site.
 - iii. The improvements or minor expansion will not increase noncompliance with site requirements.
 - iv. The applicant has upgraded the overall site landscaping consistent with this Ordinance.

- v. Driveways that do not conform to the access management requirements of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the requirements of this Ordinance.
- c. Unless otherwise specified, the provisions of this Ordinance reasonably related to the improvement or changes being made shall be met where a building permit or site plan is required for upgrading or improvements to existing buildings or land.
 - i. Where a site plan is required to be approved by the Planning Commission, the Commission shall determine which provisions of this Ordinance shall apply.
 - ii. Where a site plan is not required to be approved by the Planning Commission, the determination shall be made by the Zoning Administrator, and other City staff.
- d. Parking areas that are nonconforming, either by required number of spaces, landscaping, set-back, lighting or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
 - i. Whenever a parking area is expanded by an area that is fifty percent (50%) or more of the original nonconforming area; or
 - ii. Whenever twenty-five percent (25%) or more of the surface area of the parking area is reconstructed (existing pavement removed and replaced).
- e. Sites that are nonconforming by reason of landscaping or screening required by this Ordinance, either by required area, materials, setback, or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
 - i. Whenever the size of the nonconforming site is expanded by an area that is fifty percent (50%) or more of the original nonconforming area, all landscaping on the site shall be brought into compliance with this Ordinance; or
 - ii. Whenever twenty-five percent (25%) or more of the surface area of the landscaped area is reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscaped area shall be brought into compliance with this Ordinance.
 - iii. Nothing in this subsection shall be construed to require the removal of vegetation that as preserved as part of the original construction of the landscaped area.
 - iv. In all instances, required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.
- f. Sites that are nonconforming by reason of lighting required by this Ordinance, either by fixture type or height, coverage, or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
 - i. Whenever the size of the nonconforming site covered by existing lighting is expanded by an area that is fifty percent (50%) or more of the original nonconforming area, all lighting on the site shall be brought into compliance with this Ordinance; or
 - ii. Whenever twenty-five percent (25%) or more of the existing light poles and/or fixtures present are replaced by new poles, bases, or fixtures all lighting on the site shall be brought into compliance with this Ordinance.

1218.05 Nonconforming Signs

1. Every permanent sign which was erected legally, and which lawfully exists at the time of the enactment of this Ordinance, but which does not conform to the height, size, area, or location requirements of this Section as of the date of the adoption of these regulations, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, or other non-permanent sign.

2. Nonconforming signs may not be altered, expanded, enlarged, or extended in such a way to increase the area or height of the sign or reduce the sign setback, or to increase the intensity of the sign (such as adding or expanding an electronic display); however, nonconforming signs may be maintained and re-paired so as to continue the useful life of the sign. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.
3. For the purposes of this Section, a nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. The copy or face of the sign may be amended or changed without bringing the sign into compliance with the requirements of this Ordinance, provided that no such change will increase the nonconforming nature of the sign.
4. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss.
5. Any sign that, for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which the sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a nonconforming use may be erected in the City in accordance with the sign regulations for the district in which the property is located.
7. Other than a change in face or copy, a nonconforming sign may not be replaced with another nonconforming sign.
8. **Normal Repairs and Maintenance:** None of the provisions of this Section or this Ordinance are meant to preclude normal repairs and maintenance on any building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

Chapter 1219.

Site Condominium

1219.01 Purpose.

The purpose of this Section is to provide procedures for the division of land on the basis of condominium owner - ship that is not subject to the platting provisions of the [Land Division Act, Public Act 288 of 1967](#), as amended.

1219.02 Applicability.

1. Separate Lot. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed on it and uses conducted within it as allowed in its Zone District provided the unit meets the development requirements for the Zone District in which it is located.
2. Exempt Buildings. Existing buildings where rental units are planned for conversion to condominium units shall be exempt from these requirements so long as the number of residential units does not increase.

1219.03 Application Procedures.

1. An application shall be filed with the Community and Economic Development Department.
2. The application together with all required information shall be transmitted to the Planning Commission for review.
3. The applicable fee established by resolution of the City Council shall be submitted.

1219.04 Review Procedures.

1. Application Completeness. Upon acceptance of the application for form and completeness, the Zoning Administrator shall assign the application a public hearing date and time.
2. Public Hearing. The Planning Commission shall provide public notice and hold a public hearing in accordance with the requirements of the Zoning Act and the Planning Commission Rules of Procedure for consideration of a Special Land Use application.

1219.05 Site Plan Review Standards.

1. Preliminary Site Plan Review.
 - a. A preliminary Site Plan shall be reviewed and approved by the Planning Commission.
 - b. Approval of a preliminary Site Plan shall for a period of two (2) years confer upon the proprietor approval of lot sizes, lot orientations, and street layouts.
 - c. Three (3) separate one (1) year extensions may be granted by the City Council if applied for in writing prior to the date of expiration of approval of the preliminary Site Plan.
 - d. After a period of two (2) years from approval, unless extensions as provided for in this Chapter have been granted, the preliminary Site Plan approval shall become null and void if substantial progress has not occurred.
2. Final Site Plan.
 - a. A final Site Plan for the site condominium project shall be approved by the City Council prior to the issuance of any building permit for any structures on the proposed site, unless they already exist.
 - b. At its regular meeting or at a meeting called within thirty (30) days of the date of submission, the City Council shall examine the final plan for general compliance with this Chapter. The property owner or responsible person may request an extension of the thirty (30) daytime limit, which the City Council may grant at its discretion.
 - c. To receive final approval for the site condominium project, the owner shall submit ten (10) copies of the plan to the City Clerk who shall place the final plan on the agenda of the City Council, said plan to contain the information required by this Chapter. Copies of the final plan shall be distributed to the appropriate City departments and consultants for their review and comment to the City Council.

1219.06 Recommendation to City Council.

Following the public hearing, the Planning Commission shall make its recommendation to the City Council, including a summary of the public comment and the review standards used in making its recommendation.

1219.07 City Council Decision.

1. Upon receipt of the recommendation of the Planning Commission, the City Council may hold a public hearing prior to taking action on the proposed amendment to this Chapter.
2. Following a public hearing, at a date determined by the City Council, the Commission shall approve the proposed Site Condominium, approve it with modifications or deny it. The City Council shall state the reason(s) for its decision for the minutes.

1219.08 Effective Date.

1. Notice of Adoption. Upon adoption of a Site Condominium, notice of adoption shall be published in accordance with the requirements of the Zoning Act.
2. Effective Date. The Site Condominium approval shall commence and be in full force thirty-one (31) calendar days after the date the City Council adopted the amendment, unless otherwise provided by the City Council.
3. Building Permit. Prior to the issuance of a building permit for any site work or building in an approved Site Condominium project, the following items shall be fulfilled, unless waived by the appropriate City department. The City Council may consider the issuance of building permits prior to the approval of the final Site Plan in exceptional or unusual circumstances beyond the ability of the applicant to control.

- a. Proposed master deed.
- b. Articles of incorporation for the condominium association.
- c. Improvement plan approval.
- d. Block grading, floodway, soil erosion approval.
- e. Basement elevation and building restriction approval.
- f. Construction of hydrant water, adequate fire access, stormwater detention, floodways, and soil erosion controls.

1219.09 Boundary Monuments.

Monuments shall be set at all boundary corners and deflection points and at all street right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.

1219.10 One-Year Delay

The City Engineer or engineering consultant may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the City Council, on the condition that the owner or responsible person provide a performance guarantee or surety in a form approved by the City in an amount determined from time to time by resolution of the City Council.

1. The deposit shall be returned to the owner or responsible person upon receipt of a certificate by a survey or registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
2. If the owner or responsible person defaults, the City Council shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium Site Plan, at the owner or responsible person's expense.
3. All rights-of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final Site Plan.
4. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
5. The developer shall dedicate to the City all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the City Engineer or engineering consultant and the applicable standards of the City.

Chapter 1220.

General Provisions

The provisions of this Chapter generally apply to all zoning districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Zoning District, the regulations of the Zoning District shall prevail.

1220.01 Area, Height and Use Conditions and Exemptions

1. **Required Area or Space.** Any lot or lots in common ownership and yards, courts, parking areas or other spaces may be divided, altered or reduced if the area or dimension as divided, altered or reduced meets the minimum requirements of this Ordinance. If already less than the minimum required under this Ordinance, that area or dimension shall not be further divided or reduced.
2. **Main Buildings and Principal Uses.** Except as otherwise specifically provided in this Ordinance, no lot may contain more than one (1) main building or principal use, except for groups of multiple family buildings, retail business buildings, or other groups of buildings contained within a single integrated complex. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to be a principal use collectively.
3. **Exceptions:** The height and area requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, stage towers or scenery lofts, solar panels, monuments, cupolas, domes, steeples and spires and necessary mechanical appurtenances. Additions to existing buildings, which now exceed the height limitations of the zone district, up to the height of the existing building, and new structures will be permitted in those instances in which the lot is large enough to encompass a circular area with a radius equal to at least the height of the new addition or new structure.

1220.02 Lot and Yard Requirements

1. **Building Setbacks.** All building setbacks and required building lines (RBL) shall be measured from the right-of-way line or property line to the nearest foundation or building wall of the building or structure.
2. **Corner and Through Lots.** Corner and through lots shall have two (2) front lot lines and two (2) front yards. The remaining yards shall be considered side yards. There shall be no rear yards.
3. **Irregular Lots.**
 - a. The minimum distance between side lot lines at the street right-of-way shall be forty (40) feet measured in a straight line.

- b. The minimum required lot width shall be measured at a straight line drawn between the two (2) side lot lines. This line will be drawn from the points along the side lot lines at which the required front setback distance for the District is met.
- c. If the minimum lot width is not met at the required setback distance, the minimum required set-back line shall be moved farther into the lot to the point at which the minimum lot width is met.

4. Projections into Yards

- a. Except as otherwise allowed by this Ordinance, every part of a required yard shall be open from its lowest point to the sky unobstructed, except that chimneys may be permitted by the Zoning Administrator where they do not obstruct light and ventilation.
- b. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of the required side yard and may extend or project into a required front yard not more than three (3) feet. This shall not be interpreted to include or permit fixed canopies. No other projection is allowed into a required side yard.
- c. Other than parking lots and associated drives as regulated elsewhere in this Ordinance, any walk, terrace, patio or other pavement or surface not more than nine (9) inches above grade shall not be considered to be a structure, and shall be permitted in any required yard.
- d. The Zoning Administrator may permit encroachment into any yard for ramps used for the disabled, provided that he/she determines that the encroachment will not impede access for operations related to safety, such as access for fire personnel or equipment, or otherwise create a hazard.
- e. Average Setbacks: Where average front and side yard minimum setbacks are permitted, the average setback line shall be established by existing main buildings located within two hundred (200) feet of the proposed building on the same and facing street sides and in the same Zoning District.
- f. Maximum Lot Width to Depth Ratio.
 - i. In all Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half (½) of their street frontage on a cul-de-sac. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.
 - ii. In the case of a corner lot or corner parcel, the depth of a lot or parcel shall be measured from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.
 - iii. The Planning Commission may permit the creation of a lot or parcel which does not comply with this Chapter. In determining whether to grant this approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other City ordinances and regulations, unless an appropriate variance is granted from the applicable ordinances or regulations as therein required.

1220.03 Clear Vision Area

1. **View.** No plantings or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway. This shall not prohibit the maintaining of shrubbery or structures less than thirty (30) inches in height in this area.
2. **Clear Vision Area.** On corner lots, except within the Central Business District, the clear vision area shall mean a triangular area formed by the street property lines extended 25 feet in each direction and a line connecting them at points as described in the City's Traffic Safety Code from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.
3. Any intersection within the Central Business District shall provide a clear vision triangle that is 50 feet along the arterial street and 25 feet along the side street.

4. The Zoning Administrator may require a reduction in the height of a screening improvement as may be required in this Ordinance where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to a screening improvement. In this case, height shall be reduced only for that portion of the screening improvement necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.

1220.04 Essential Services

Essential services shall be permitted in all zone districts subject to review by the Zoning Administrator to determine that the yard, parking and landscaping and other requirements are met, and are designed to be compatible with surrounding uses. Ancillary facilities, which are determined by the City Engineer to be necessary in support of essential services, may be permitted in any zone district subject to the Administrative Approval.

1220.05 Accessory Structures

1. Accessory buildings shall occupy the same lot as the principal use or main building.
2. All accessory buildings shall be separated from the main building by no less than ten (10) feet. Attached private garages shall contain the setback requirements for the main building, and that such attached private garages are part of condominium developments.
3. Private Garage. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard and that the such structure is setback not less than one foot and no more than three feet from the rear lot line, not less than ten feet from the principal building, and not less than a combined six feet on the sides with a minimum of not less than one foot on one side. Private garages shall not encroach into any recorded easements. A private garage shall be constructed with access only from a public alley. A garage shall be permitted to be constructed with access from a public street only if an accessible public alley does not exist or if there is an existing city-authorized curb cut and an existing city-authorized driveway.
4. Storage Buildings. No storage building shall be located in the front yard. A storage shed shall be no greater than eighty square feet.

1220.06 Home Occupations

Home occupations may be conducted within a single or two family dwelling in accordance with the following requirements:

1. The dwelling shall conform to all its zone district requirements.
2. No stock or stock-in-trade shall be displayed on the premises.
3. The use shall be carried on only by the residents of the dwelling, plus not more than one (1) person who is not a resident of the dwelling.
4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than one-fourth ($\frac{1}{4}$) of the living area of the dwelling unit and accessory building, either attached or detached is devoted to the home occupation.
5. Home occupations shall not require external alterations or involve construction features not customary in dwellings, or require use of mechanical or electrical equipment which will create a nuisance to the adjacent neighborhood.
6. One (1) wall sign, attached to the wall of the dwelling, shall be permitted. The sign may not exceed two (2) square feet in area and may not be directly illuminated.
7. No new external entrance to the space devoted to the occupation shall be created.

8. The activity shall not require any additional parking.
9. No home occupation shall be permitted which would increase traffic, fire and safety hazards, noise, dirt, odor, dust, gas, vibration or other nuisance elements. The following uses shall be prohibited: automotive and engine repair, furniture refinishing, and animal processing.

1220.07 Repair and Storage of Vehicles

1. Mechanical work and repairing of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any similar vehicles, which are not owned by or leased to and registered to and displaying a legal license in the name of the occupant of a dwelling for his or her own personal use, is prohibited in any Residential District.
2. Outdoor storage of no more than two (2) recreational vehicles, as follows: boat, boat trailer, boat and trailer, utility trailer for residential use, travel trailer, motor home, recreation vehicle, or any similar vehicle, shall be permitted on a lot within a Residential District in accordance with the following requirements:
 - a. Storage shall be located in the rear yard.
 - b. If storage in the rear yard is not possible because of size or topography, one (1) recreational vehicle as listed above, not to exceed twenty-four (24) feet in length, may be stored in the side yard, but not closer than four (4) feet from the property line and screened from adjacent property by a solid fence or hedge no more than six (6) feet high.
 - c. On corner lots, these vehicles or equipment or any part thereof, shall not be parked or stored within the setback area required or existing on either street.
 - d. This requirement shall not apply to a recreational vehicle that is parked on the driveway for the purpose of loading, cleaning or maintenance for a period not to exceed seventy-two (72) hours.
 - e. A recreational vehicle shall not be used for dwelling purposes; however, a camper, motor home or similar recreational vehicle may be parked and occupied in a residential district for a period not exceeding seventy-two (72) hours.

1220.08 Regulations Applicable To All Single-Family Dwellings

A single-family dwelling and any additions or alterations thereto erected or placed in the City, other than manufactured homes located in a licensed manufactured home community, shall conform to the following in addition to all other regulations of this Ordinance:

1. There shall be a minimum dimension of twenty-two (22) feet in any horizontal dimension.
2. There shall be a minimum floor area of seven hundred and fifty (750) square feet for a single-family detached dwelling.
3. Each primary building entrance shall be provided with a step, porch or approved disabled ramp that meets code, which is attached to the building foundation, or provided with a four-inch-deep masonry foundation of its own. A porch or landing shall not have any horizontal dimension less than three (3) feet.
4. There shall be a surfaced access from the public access to the required parking space. The access shall consist of concrete four (4) inches minimum depth, asphalt two (2) inches minimum depth or unit paving materials fabricated for this use.
5. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
6. In any dwelling with a basement at least one (1) means of access (stairway) shall be provided from within the dwelling unit.
7. If the dwelling is a manufactured home, it shall:

- a. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a perimeter wall as required in this Chapter.
 - b. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - c. All construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured home shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as from time to time these standards may be amended.
8. The dwelling shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the City.
 9. The dwelling shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 10. The dwelling shall be in compliance with the standards contained in this Section, and shall be aesthetically compatible in character, design and appearance to residential dwellings located outside of manufactured home communities, as follows:
 - a. If located in a platted subdivision or site condominium development with at least one (1) other existing home, the dwelling shall be compatible with homes in the particular plat or development of which it is a part.
 - b. If not located in a platted subdivision or site condominium development and the area within two thousand (2,000) feet has existing homes, the dwelling shall be compatible with those homes within this area that might reasonably be considered to be an identifiable neighborhood of which it would be a part.
 - c. Otherwise, the dwelling shall be compatible with homes generally located throughout the City.
 - d. The determination of compatibility shall be based upon compliance with the requirements listed below. If at least five (5) of the requirements in this subsection are met, a dwelling may be approved as aesthetically compatible in character, design and appearance, provided where the other requirements are not met it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible. Where a district requirement is more restrictive than the elements listed below, the more restrictive requirement shall apply.
 - i. The dwelling shall have a roof covered with composition asphalt organic felt shingles or a material of similar texture, malleability and coarseness, not to exclude copper, wood, slate or clay material, as on roofs of homes with which the dwelling is to be compatible.
 - ii. The roof of the dwelling shall have a slope of not less than two (2) vertical units to each twelve (12) horizontal units.
 - iii. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, or which are comparable to steps and/or porches of homes with which the dwelling is to be compatible.
 - iv. The exterior surface of exterior walls of a dwelling and roof shall be covered with wood or stucco, or a material of metal, metal alloy, brick, masonry, vinyl or plastic with major actual or visual vertical or horizontal joints spaced at not more than eight (8) inches apart.
 - v. The dwelling shall have windows located on the front elevations and shall have exterior doors either on the front and rear, or front and side as generally found in homes with which the dwelling is to be compatible.
 - vi. The dwelling shall not have a detached private garage, if attached private garages are typical to homes with which the dwelling is to be compatible.
 - vii. The ratio of the horizontal dimension of the front to side elevation of the structure shall not be more than three (3) units to one (1) unit.
 - viii. The standards and requirements of this Section are not to be construed to prohibit innovative design concepts involving energy conscious devices such as solar energy panels, view shed protection, protection of unique land contour or relief from the common or standard designed home. To this end, the Zoning Administrator may waive any of the above requirements that fulfill this objective.

1220.09 Temporary Uses or Buildings

1. Upon written application the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.
 - a. Temporary office building or construction yard incidental and necessary to construction at the site where located.
 - b. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
2. Temporary construction activities with or without temporary buildings shall be defined as construction activities other than actual construction of buildings approved pursuant to a building permit. They include, but not by way of limitation, a construction yard for a development project, a cement or asphalt- making operation for streets or roads in the city and other similar activities.
3. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
 - a. The use or structure will not have an unreasonable detrimental effect upon adjacent properties.
 - b. The use or structure is reasonably necessary for the convenience and safety of the construction proposed.
 - c. The use or structure does not adversely impact the character of the surrounding neighborhood.
 - d. Access to the use area or structure is located at a safe location.
4. **Permit Requirements**
 - a. The Zoning Administrator shall determine, before issuing a temporary use permit, whether the proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should be located at the proposed location.
 - b. The Zoning Administrator shall also find that the proposed activity does not place excessive use on the sanitary sewer and/or water system, nor create a hazardous fire condition.
 - c. In granting the approval, the Zoning Administrator may attach conditions to the permit that may be necessary to minimize disturbance to the area and the surrounding land uses.
 - d. As a condition of approval, the Zoning Administrator shall require the posting of a performance guarantee, in accordance with the provisions of this Ordinance to ensure compliance with this Ordinance and all other applicable City ordinances, standards, rules and regulations, and to ensure a proper cleanup of the site at a time indicated in the permit.
 - e. The fees to be charged for the issuance of the permit and for inspections by the City shall be as set by resolution of the City Council.
 - f. The applicant shall also file with the City comprehensive liability insurance in reasonable amounts as deemed adequate by the Zoning Administrator.
5. Activities allowed by this Section shall conform to the following requirements:
 - a. All roads used for hauling on the site or for ingress or egress, on and off the site, shall be kept dust free by use of a method, material or substance approved by the City.
 - b. Work areas shall be kept clean and clear.
 - c. Work areas shall be posted with the names and phone numbers of the owner and operator.
 - d. Work yards shall be fenced or otherwise made safe.

- e. Truck crossings and other means of ingress and egress shall be posted for two hundred (200) feet in either direction to warn motorists.
- f. Construction or associated construction activity shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, exclusive of holidays. Construction activities on Sunday or a holiday shall be authorized only by special written permission granted by the Zoning Administrator in his/her discretion.

1220.10 Gasoline Service Stations

1. **Purpose.** The purpose of this section is to establish land use standards unique to the development, alteration or re-use of service stations in order to assure that service stations are functionally and aesthetically compatible with adjacent uses; provide adequate traffic circulation and off-street parking; minimize visual/noise/air pollution; and reduce pedestrian-vehicular conflict. These standards are in addition to other applicable land use and development standards elsewhere in this chapter. Gasoline Service Stations are required to obtain a Special Use Permit and are subject to the following regulations:

- a. **Criteria.**

- i. **Site area and size.** Establishment of a new service station may be permitted only when the site area is no less than 20,000 square feet, except when it becomes a part of a functionally integrated commercial or industrial complex.
- ii. **Setbacks.** New buildings or additions to existing buildings shall reflect the setback and building disposition requirements of the Zoning District. New gasoline pump islands or additions to existing gasoline pump islands shall be set back at least sixteen (16) feet from any property line.
- iii. **Signs.** All signs shall conform to the provisions of Chapter 1225: Signs.
- iv. **Driveways.** The location and design of driveways shall be as follows.
 - 1) The maximum width of driveways shall be thirty-five (35) feet at the side-walk, unless the Planning Commission determines a wider driveway is necessary due to the unique nature of the site or due to the volume or pattern of traffic circulation.
 - 2) There shall be no more than two (2) driveways for any one street frontage. Such driveways shall be at least twenty-five (25) feet apart and may not be closer than five (5) feet to any side property line except in functionally integrated commercial or industrial complexes.
 - 3) Utilities. All on-site utilities shall be placed underground.
- v. **Operations.** Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, additives, water, air, minor parts replacement, and cleaning and detailing. No painting, body, and fender repair or tire recapping shall be allowed on the site.
- vi. **Inoperable vehicles.** No damaged or permanently disabled vehicles shall be kept on the site for more than forty-eight (48) hours.

1220.11 Adult Foster Care and Adult Day Care.

1. **Adult Foster Care Family Home.** A family home shall consist of a private residence with the approved capacity to receive not more than six (6) adults who are provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care home licensee, whether one (1) person or two (2), shall be a member of the household and an occupant of the residence, but is not counted among total adults.
2. **Adult Foster Care Small Group Home.** An adult foster care small group home is a facility with the approved capacity to provide not more than twelve (12) adults with foster care, excluding the licensee and staff. The adult foster care small group home shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended.

3. **Adult Foster Care Large Group Home.** An adult foster care large group home is a facility with the approved capacity to provide thirteen (13) to twenty (20) adults with foster care, excluding the licensee and staff. The adult foster care large group home shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended.
4. **Adult Day Care Homes.** An adult day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.11 et seq., as amended.

1220.12 Child Care Center.

A child care center is a state-licensed facility, other than a private residence, receiving one (1) or more preschool or school age children for care and supervision for periods of less than twenty-four (24) hours a day, and where the parents are not immediately available to the child.

1. **Outdoor Play Area.** There shall be sufficient on-site outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a minimum of four (4) foot high fence. Where located in the front yard, the fence shall be a decorative metal fence.
2. **Ingress and Egress.** Vehicle ingress and egress shall be provided as far as possible from street intersections.
3. **Pick Up and Drop Off Area.** An on-site drive shall be provided for drop off and pick up of children near the entrance. This drive shall not create a hazard to traffic flow on the public street or create obstructions to pedestrian movements on sidewalks.
4. **Parking Requirements.** All required parking standards shall be satisfied.
5. **Accessory to Institutional Use.** A child care center may be permitted as an accessory use to an institutional use, such as a church, subject to satisfying all of the necessary requirements listed in this Article.

1220.13 Pawn Shops

1. Pawn Shops shall be located on Woodward Avenue and must have at least 60 feet of street frontage.
2. The clustering of certain types of business, when located in close proximity to each other, can create a "skid row" atmosphere. Accordingly, pawn shops shall be located no nearer than one thousand (1,000) ft from any other pawn shop.

1220.14 Recycling Collection Stations

1. Recycling collection stations shall be subject to the following standards:
 - a. **Materials.** Materials collected at recycling collection points shall be limited to aluminum, copper, plastic, glass, paper materials or batteries.
 - b. **Maintenance.** Recycling collection points shall be well maintained and orderly in appearance, such as bins with uniform color, size and shape. The areas immediately surrounding recycling sites shall be kept clean, in good repair and free of materials, rubbish or debris. The exterior of outside collection containers shall remain free of graffiti, chipped or peeling paint, or other signs of abandonment or neglect.
 - c. **Containers.** Collection containers shall be located a minimum of twenty (20) feet from any lot line adjacent to a residence or residential Zone District.
 - d. **Location of Storage.** Storage of collectible recyclable materials may be located inside or outside of an enclosed building. If located outside, recyclable materials shall be stored within weather tight containers no larger than eight (8) feet in height.

- e. **Screening.** Collection containers and recycling locations shall be screened from external view as approved by the Zoning Administrator, and may include solid fencing, a vegetative screen or combination thereof.
- f. **Processing Equipment.** Processing equipment, including crushers and sorting equipment shall not be part of an outside collection operation.
- g. **Parking.** A minimum of five (5) parking spaces per recycling collection point or one (1) parking space for each receptacle, whichever is greater, shall be required.

1220.15 Outdoor Activities

The term "outdoor activity" refers to an enterprise, operation or activity that occurs outside of an enclosed building or structure as part of a permitted use on a lot, including any outdoor display or sales of materials. Outdoor activities shall be permitted in the CBD, TOD and MU-UV Districts as listed, subject to the following requirements and restrictions:

1. **Ancillary Use.** Outdoor activities shall be ancillary functions to the principal permitted use.
2. **Parking Lot.** The area used by outdoor activities shall not occupy any required parking spaces. Parking lots may be used for outdoor activities only if there is surplus parking space available and that the outdoor activity does not reduce the amount of available parking below the required number of spaces.
3. **Pedestrian Space.** A minimum pedestrian clear space of five (5) feet is required along all public walkways.
4. **Clear Vision.** Outdoor activities shall be located outside of clear vision areas.
5. **Sidewalk/Right-of-Way Permit.** If an outdoor activity is located in the public right-of-way or on public property, a sidewalk occupancy permit shall be obtained from the City.
6. **Site Plan and Photographs.** A site plan shall be submitted that includes the location and dimensions of the outdoor activities; site dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates. Photographs of the area shall be included.
7. **Outdoor Displays.** Outdoor displays shall meet the following requirements:
 - a. The items or products shall be located no farther than fifteen (15) feet from the commercial building or structure.
 - b. The items or products shall not be displayed during non-business hours, except where located in a designated display case.
 - c. Display areas that abut a residential district along a side or rear lot line shall be effectively screened from view of the residential Zone District by a solid wall or fence, or dense vegetative screen six (6) feet in height.
 - d. Food Preparation and Cooking. Outdoor food preparation and cooking shall be subject to Special Land Use approval and the following requirements:
 - i. Food preparation shall be directly related to the principal use on the same lot.
 - ii. All equipment shall be located on private property.
 - iii. Cooking apparatus must be separated from areas of pedestrian movement.
 - iv. Smoke emissions shall not impair pedestrian or vehicular sight distances or serve as a distraction at street intersections.
 - v. An Administrative Departure may be granted provided that there are no residential uses located within two hundred (200) feet of the subject parcel and that all other requirements of this Section are satisfied.
 - vi. Administrative approval may be granted provided that there are no residential uses located within two hundred (200) feet of the subject parcel and that all other requirements of this Section are satisfied.

1220.16 Outdoor Seating Areas

The term "outdoor seating area" refers to a balcony, patio, terrace, walkway, parking area, lawn, garden or any other place which is not enclosed where seating or other activities shall be permitted in association with a commercial use, subject to the following requirements and restrictions:

1. **Ancillary Use.** Outdoor seating areas shall be permitted as an ancillary use to a permitted primary use such as a restaurant, cafe or similar establishment.
2. **Site Plan and Photographs.** A site plan shall be submitted that includes the location and dimensions of the outdoor seating area; site dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters. Photographs of the area shall be included.
3. **Pedestrian Space.** A minimum pedestrian clear width of five (5) feet is required along all public walkways at all times.
4. **Trash Receptacles.** Trash receptacles related to outdoor seating areas shall be maintained and shall be located outside of the public right-of-way during non-business hours.
5. **Dining Areas.** Outdoor dining areas shall be designed so as to be architecturally compatible with existing structures on the subject property.
6. **Sidewalk/Right-of-Way Permit.** If an outdoor activity is located in the public right-of-way or on public property, a sidewalk occupancy permit shall be obtained from the City.
7. **Side and Rear Yard Locations.** Outdoor seating areas which are not located at the front of a building or on a public sidewalk shall be subject to the Special Land Use Standards for review. Administrative approval may be granted for such outdoor seating areas provided that there are no residential uses located within three hundred (300) feet of the subject property's lot line.
8. **Hours of Operation.** Outdoor seating or other outdoor activity areas not located at the front of a building or on a public sidewalk and/or located within three hundred (300) feet of a residential use shall have outdoor seating hours of 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission.

Chapter 1221.

Buffering and Landscaping

1221.01 Purpose and Applicability

1. **Purpose.** The purpose of this Section is to maintain the natural edge and views, establish a healthy environment by reducing air pollution and heat gain associated with large, paved areas, protect wildlife habitat, safeguard property value, and enhance the community's visual character for citizens' use and enjoyment.
2. **Applicability.** Landscaping is required for all new buildings and additions over 500 square feet. The landscaping shall be completed within 8 months from the date of the occupancy of the building.

1221.02 Yards and Landscaping Requirements

Front yards required by this Ordinance shall be completely landscaped with lawn, shrubs, trees and/or other vegetation, except for those areas occupied by utilities, access driveways, paved walks, walls, and structures. No front yard shall be entirely covered in concrete or a concrete-like material, unless otherwise permitted by this Ordinance.

1. **Street-Side Side Yards.** All side yards flanking a public street shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls, and structures. No side yard flanking a public street shall be entirely covered in concrete or a concrete-like material.
2. **Rear Yards.** All rear yards shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls, and structures. No rear yard shall be entirely covered in concrete or a concrete-like material.

1221.03 Materials and Spacing

1. **Plant Material.** All plant material shall be hardy to the City of Highland Park, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
2. **Street Trees.** Within street rights-of-way, tree species, size and spacing shall conform to the City of Highland Park Zoning Ordinance requirements.
3. **Minimum Sizes and Spacing.** Wherever screening is required, closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier may be used. Deciduous plant material may be used for variety to supplement evergreen plantings. The minimum plant sizes and spacing shall be provided in accordance with the Minimum Sizes and Spacing table.

4. Trees should be planted below the grade of the sidewalk and the street in structural cells with sufficient root space.
5. Rain Gardens and Bioswales should be installed to infiltrate runoff from parking lots, Thoroughfares, Plazas and other impervious surfaces.

Table 1: Minimum Sizes and Spacing Table

| Type of Plant Material | Minimum Plant Sizes | Spacing Requirements |
|------------------------|---|----------------------|
| Canopy/Shade Trees | 2½ inch caliper | 25 ft. on-center |
| Ornamental Trees | 2 inch caliper dbh OR 6 ft. height (clump form) | 15 ft. on-center |
| Evergreen Trees | 5 ft. height | 15 ft. on-center |
| Shrubs | 2 ft. height | 3-4 ft. on-center |

6. Where vegetative solutions are not feasible, porous concrete or porous asphalt should be specified for Sidewalks, parking lots, and Plazas to infiltrate stormwater.
7. **Mixing of Species.** The landscape plan shall not contain more than thirty-three percent (33%) of any single plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
8. **Unaccredited Species.** The Unaccredited Species table lists species that are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and/or other undesirable characteristics. The planting of these species is not encouraged.
9. The landscape installed shall consist primarily of native species requiring minimal irrigation, fertilization, and maintenance.
10. **Planting Beds:** Bark used as mulch shall be maintained at minimum of two (2) inches deep. Planting beds shall be edged with plastic, metal, brick or stone in Residential Districts and metal edging in all other zoning districts.
11. **Topsoil.** Topsoil shall consist of a four (4) inch base for lawn areas and an eight (8) to twelve (12) inch base within planting beds.
12. **Storage, Loading Areas, and Mechanical Equipment.** All structures and facilities for storage, truck loading areas and outdoor mechanical equipment must be screened so as not to be visible from the street and from pedestrian circulation areas. As an alternative, these features may be recessed or enclosed within the footprint of the building.
13. **Proximity to Utilities.** Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
14. **Proximity to Parking.** All screens and plantings shall be protected from vehicular damage by a raised curb of six (6) inches in height. Landscape area adjacent to parking spaces shall be landscaped so that no plant material greater than twelve (12) inches in height is located within two (2) feet of the face of the curb.
15. **Timing of Planting.** All required plant material shall be planted to adhere to standard MDNRE and Wayne County Soil Erosion and Control standards. In the event that the project is completed during a time of year when planting is impractical, a performance guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the City.
16. **Completion of Improvements.** Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
17. **Irrigation.** All landscaped areas in the commercial and industrial districts shall be provided with an underground irrigation system, metered separately from the domestic water supply.
18. **Maintenance.**
 - a. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris.

- b. Plant materials, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
- c. All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one (1) growing season.

1221.04 Preservation Requirements:

The following regulations shall apply to existing plant material:

1. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site that would otherwise be removed is also encouraged. Existing trees may be used to fulfill landscaping requirements if they are in healthy growing condition, at least the minimum size, appropriate type, and spaced according to their likely mature size.
2. Should any tree designated for preservation die, for which landscaping credit is given, the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of two and one-half (2½) inches caliper.
3. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance.

Chapter 1222.

Fences, Walls and Enclosures

1222.01 General Requirements

1. Location

- a. Fences or walls shall not be constructed in any public right-of-way.
- b. Fences or walls shall be located completely within the boundaries of the lot to which they are associated.
- c. Fences shall be constructed in a manner that allows for the free flow of surface water
- d. Fences shall not be constructed in a manner that causes damages to underground utilities.

2. Materials

- a. Retaining walls shall not be considered as a fence or wall for the purposes of this Section.
- b. Materials used for fences and walls located within 200 feet of a residential district shall consist of wood, masonry, brick, wire mesh, metal bars less than one and one-half inches in diameter or other such durable and weather resistant material which may be approved by the Zoning Administrator.
- c. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered as a fence when they have the same effect or accomplish the same purposes normally associated with fences.
- d. Walls shall be of clay, brick, stone or other similar decorative material.
- e. Electronic barriers such as an "Invisible Fence" buried beneath the ground are permitted in all districts for the purpose of animal control.
- f. Chicken wire, snow fencing, and other temporary fencing materials are prohibited, unless used in a temporary fence otherwise allowed by this Ordinance.
- g. Electrified fences are prohibited.

3. Visibility and Prohibited Obstructions.

- a. No fence, wall, screen, or planting material shall be erected or maintained in any location that will obstruct the vision of motorists exiting driveways.

- b. No fence or wall may be erected where it may prevent or unreasonably obstruct the use of any adjacent parcel, nor shall a wall or fence be erected where it would prevent or unreasonably obstruct safe use of an existing driveway or other means of access to any adjacent parcel. In enforcing this provision, the City may require a wall or fence to be set back a minimum distance from a driveway or property line.

4. Construction.

- a. In erecting any fence, the finished side shall face outward toward abutting properties and rights-of-way.

5. Maintenance.

- a. Fences and walls shall be erected and maintained in a quality and workmanlike manner. Rot-ten, crumbled or broken materials shall be replaced, repaired or removed. As required, surfaces shall be stained, painted or similarly treated to prolong the life of the structure. Painted and other finished surfaces shall be maintained.

6. Removal of Damaged or Illegal Fences

- a. Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the Zoning Administrator shall order the property owner to remove such fence(s) or make necessary repairs within 21 days.
- b. If property owner fails to take such actions within 21 days, the City may act to remove such fences at the expense of the property owners. The City may then place a lien on the property, adding necessary removal expenses to the property's tax bill.

1222.02 Residential and Mixed Use Districts

Fences are permitted in all Residential and Mixed Use Districts as follows:

1. Height Requirements

- a. Front or Side Street Yards. In any residential district, decorative or concealing or opaque type fences such as wood picket fences, wrought iron-appearing fences not exceeding four feet in height measures above the immediate ground level are permitted in the front yard.
- b. Rear or Interior Side Yards. Decorative or concealing or opaque type fences or walls not exceeding six feet in height above immediate ground level are permitted in side or rear yards.

2. Location. Fences or walls may be located in any yard.

3. Materials. Barbed wire and other similar hazardous materials are prohibited in residential districts.

1222.03 Industrial Districts

1. Height Requirements

- a. Front or Side Street Yards. In any Industrial district, decorative or concealing or opaque type fences such as wood picket fences, wrought iron-appearing fences not exceeding six feet in height measures above the immediate ground level are permitted in the front yard.
- b. Rear or Interior Side Yards. Decorative, security, concealing or opaque type fences or walls not exceeding eight feet in height above immediate ground level are permitted in all side or rear yards.

2. Location. Fences or walls may be located in any yard.

3. Materials. Barbed wire and other similar hazardous materials are permitted only in areas adjacent to primary or accessory buildings or utilities and if screened by landscape plantings such as mature trees.

1222.04 Dumpsters

1. Outdoor trash containers or dumpsters shall comply with the following requirements:
 - a. Adequate vehicular access shall be provided to such containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from main buildings. The placement of the dumpster shall be subject to site plan review.
 - b. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen the containers. The maximum height of walls, fences, and gates shall be six feet.
 - c. The container or containers, the screening walls or fences, and gate shall be maintained in a neat and orderly manner, free from loose rubbish, wastepaper, and other debris. Damaged, broken or otherwise deteriorated enclosure components shall be removed and replaced. Upon identification of a damaged or dumpster enclosure, the Zoning Administrator shall order the property owner to remove such fence(s) or make necessary repairs within 21 days.

Chapter 1223.

Off-Street Parking

1223.01 Purpose and Intent.

The purpose of this Section is to support the development of a balanced transportation system that promotes the efficient use of transportation resources and supports Master Plan goals. Off-street parking and loading spaces for each use shall be provided in accordance with the standards established in this Section in order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands, improve the visual aesthetics of parking areas, ensure the proper and uniform development of parking areas throughout the City, prevent the establishment of excessive amounts of off-street parking, encourage appropriate redevelopment and reinvestment within established areas, advance the compatibility of parking lanes and drive entries with pedestrian safety, and reduce the need for parking by promoting the use of mass transit, bicycles, and other Transportation Demand Management (TDM) measures as an alternative to traditional patterns of automobile use.

1223.02 Applicability.

1. **General.** The off-street parking and loading standards of this Article shall apply to all new development and redevelopment in the City.
2. **Change in Use or Intensity.**
 - a. Whenever the use of a building or lot changes to a use with different off-street parking requirements as identified in Table 3 parking facilities shall be provided as required by this Chapter for the new use.
 - b. If any building or structure is enlarged through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
 - c. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Chapter are provided elsewhere, or the parking requirements of the site have changed as determined by the Zoning Administrator.

1223.03 General Standards for Off-Street Parking, Stacking and Loading Areas.

The following standards apply to surface parking areas

1. **Use of Off-Street Parking, Stacking, and Loading Areas.** All vehicular parking areas, stacking areas and loading areas required by this Section shall be used only for those designated purposes. Any other use of these areas is prohibited.
2. **Location.** All off-street parking areas shall be provided on the same lot as the use it serves. However, parking may be allowed on another lot where there are practical difficulties in the location of the parking area or if public safety or public convenience is better served by another location. Required parking shall be provided no further than three hundred (300) feet from the nearest point of the building to the nearest point of the parking facility along public rights-of-way. Parking may be owned, leased or shared by the owner of the building with another building owner upon providing evidence of agreements or easements to the Zoning Administrator.
3. **No On-Street Parking.** Public right-of-way shall not be used to satisfy the minimum number of required off-street parking spaces, except as allowed in this Chapter.
4. **Minimum Size.** Each off-street parking space shall have an area of not less than one hundred forty (140) square feet, exclusive of access drives or aisles, and conform with the Dimensional Standards in 1253.03
5. **Curbs and Vehicle Stops.** All off-street parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide curbs or similar devices to prevent vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent property, or landscape areas.
6. **Defined Areas.** Off-street parking areas of three (3) or more spaces and off-street loading areas shall include painted lines, curbs, vehicle stops or other similar identifiers to delineate parking and loading areas.
7. **Garages.** When individual garages are accessed directly from a street, garage doors and all required off-street parking spaces must be located at least twenty (20) feet from the front lot line to prevent obstruction of the sidewalk by parked cars.
8. **Barrier-Free Parking.** Parking lots shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
9. **Drainage.** All off-street parking, stacking and loading areas shall comply with the stormwater management standards of Chapter 1226: Stormwater Management and other applicable state and federal laws.
10. **Outdoor Lighting.** New or redeveloped off-street parking, stacking and loading areas shall comply with the standards of Chapter 1224: Exterior Lighting.
11. **Landscaping and Streetscape Elements.**
 - a. All parking areas shall be landscaped in accordance with Chapter 1221: Buffering and Landscaping. Required landscape areas shall be protected from vehicular encroachment and damage by curbs or pinned wheel stops.
 - b. Streetscape elements (e.g. benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) shall be compatible with the architectural features of buildings or structures in the Neighborhood Classification to help establish a unifying theme for the Zone District. Where an adopted Streetscape Plan exists, the plan shall be followed.
12. **Setbacks.** Except for parking areas on the same lot as a detached single-family or two-family dwelling, off-street parking and loading areas shall meet the following requirements:
 - a. **Front Yard Setbacks.** No parking shall be permitted in the front area of the property between the right-of-way and the main building or structure.
 - b. **Side and Rear Yard Setbacks - Residential.** Where located within or abutting a Residential Zone District, the parking area shall maintain the minimum side and rear yard setbacks as required in the Zone District; except where an alley abuts the property, the required rear yard setback may be reduced to five (5) feet. Parking shall not be located in the landscape buffer areas.

- c. Non-Residential. Where located within or abutting a mixed-use, commercial or industrial use or zone district without an abutting residential property, the parking lot side and rear setbacks may be reduced to five (5) feet so long as proper landscaping and greenspace requirements are satisfied.

13. Surfacing.

- a. All off-street parking, stacking, loading areas and drive approaches from the alley or street shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material in accordance with City specifications. Surfaces such as pervious asphalt, pervious concrete or turf blocks are permitted.
- b. Surfacing materials shall be maintained in a smooth, well-graded condition, except for approved pervious paving materials.
- c. Surfacing materials for outdoor parking areas associated with vehicle or container storage may be gravel, provided the subject area is at least one hundred (100) feet in driving distance from the nearest public street, and no gravel is tracked off-site.

14. Access.

- a. All off-street parking, stacking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- b. All off-street parking, stacking and loading areas shall be provided with adequate, paved, access drives and aisles, or other vehicle maneuvering areas.
- c. Except for detached single-family dwellings, attached single-family dwellings or where tandem parking is approved, off-street parking areas with three (3) or more spaces shall be configured so that a vehicle may enter and leave a parking space without moving another vehicle.
- d. Where a parking area abuts an alley, access to the parking area shall be obtained from the alley. Where a parking area does not abut an alley, and abuts two (2) or more streets, access to the parking area shall be from the street with the lower traffic volumes. The Zoning Administrator may waive this requirement if, due to the particular situation of the parcel, this requirement cannot be satisfied.
- e. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways in accordance with accepted access management principles.
- f. Access to an off-street parking area that serves a nonresidential use shall not be permitted across lots that are residential in use or located in a residential Zone District.

15. Large Parking Lots (200 or more parking spaces).

- a. Large off-street parking lots shall be designed to simulate a grid pattern through the placement of landscape islands, buildings, and drive aisles.
- b. Large off-street parking lots shall have landscaped islands, ells or natural drainage swales throughout.
- c. Utility placement on sites with large parking lots shall be configured to allow for future new buildings on the site.

16. Construction.

- a. A required parking lot shall be fully constructed within six (6) months of receipt of a building permit and prior to the issuance of a Building Certificate of Occupancy for the use or uses it serves. The Zoning Administrator may grant one (1) extension for up to an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner or responsible person.
- b. In the case of phased development, off-street parking, stacking and loading areas shall only be provided for the portions of the development for which a site plan has been approved or upon receipt of a temporary use permit for a surface parking lot.

17. Maintenance.

- a. All parking areas shall be maintained free of dust, trash, weeds and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good repair and safe condition at all times.

- b. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
 - c. All off-street parking, stacking and loading areas required by this Chapter shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall, not to exceed five (5) days.
18. **Use.** Off-site parking areas shall be regulated as listed in the Use Tables of the applicable Zone District. Use of parking facilities in a residential zone by a nonresidential use shall be treated as a Special Land Use.
 19. **Parking Demand Study.** The Zoning Administrator may require the submittal of an independent parking demand study that analyzes parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity and location.

1223.04 Parking Requirements.

1. **Parking Plan Required.** A parking site plan shall be submitted for any development or use that is required to provide more than three (3) off-street parking spaces. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking areas to the uses or structures the areas are designed to serve.
2. **Maximum Parking.** To minimize excessive areas of pavement no parking lot shall exceed the required number of parking spaces by more than twenty (20) percent, except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking is needed, based on documented evidence of actual use and demand provided by the applicant. All stormwater runoff created as a result of the additional parking area shall be completely retained onsite for any rainfall that is less than or equal to the 25 year, 24-hour rainfall. Stormwater facilities shall be reviewed and approved by the City's Engineer or designated individual.
3. **Dimensional Standards.** All parking spaces and aisles shall be designed to the following minimum standards:

Table 2: Dimensional Standards for Parking Spaces and Aisles

| Parking Angle | Stall Width (ft) | Stall Depth (ft) | Min and Max Aisle Width (ft) |
|---------------|------------------|------------------|------------------------------|
| Parallel | 8 | 22 | 12-16 |
| 45 degrees | 8.5 | 19 | 12-16 |
| 60 degrees | 8.5 | 20 | 16-20 |
| 90 degrees | 8.5 | 18 | 22-26 |
| Compact | 8.5 | 17 | 20-24 |

4. **Required Parking Spaces for All Zone Districts.** The amount of required off-street parking spaces for individual uses shall be determined in accordance with [Table 3: Parking Requirements](#)
5. The following key is to be used in conjunction with [Table 3: Parking Requirements](#) in determining the required number of parking spaces.
 - a. **Floor Area.** Where floor area is the unit of measurement to determine the required number of off-street parking and loading spaces, Gross Floor Area (GFA) shall be used, unless Leasable Floor Area is specified. Where Leasable Floor Area is not yet defined for a particular project, it shall be calculated at eighty-five (85) percent of the Gross Floor Area.
 - b. **Bench Seating.** In calculating bench seating for places of assembly, each continuous four (4) foot segment of benches, pews or other similar seating shall be counted as one (1) seat.
 - c. **Employees.** Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time.
 - d. **Occupancy.** Where occupants are used as a measurement, all calculations shall be based on the maximum capacity permitted under fire safety and building codes.

- e. **Stalls.** Where vehicle stalls are used as a measurement, all calculations shall be based on the number of service bays, garage door openings or booths.
- f. **Uses.** Parking shall be calculated separately for each use in a building, structure or on a lot, except that the Zoning Administrator may determine that a lower standard would be adequate for shared parking, as described in [1223.05 Reductions in Parking Requirements](#).
- g. **Ancillary Uses.** Ancillary uses shall be calculated separately.
- h. **Fractions.** Where units of measurements determining the number of required parking or loading spaces result in a fraction, the fraction shall be counted as one (1) additional parking space.
- i. **Unlisted Requirements.** The Zoning Administrator shall make a determination as to the proper classification of a parking standard not listed for a particular use based on the standards of the closest comparable use.

Table 3: Parking Requirements

| Use Category | Specific Use | Number of Parking Spaces/ Measurement | Additional Requirements |
|--|--|---------------------------------------|---|
| Residential | | | |
| Household Living | Single-Family Dwelling, Detached | 2.0 / du | - |
| | Single-Family Dwelling, Attached | 1.75 / du | - |
| | Two-Family Dwelling | 1.75 / du | - |
| | Multiple-Family Dwelling | 1.0 / du | .25 / per bedroom above 2 bedrooms/du |
| | Lodging, Extended Stay | .75 / room | Ancillary uses sep. 25 / room above 1 bed |
| Group Living | Nursing/Convalescent Home | .5 / bed | - |
| | Rooming/Boarding Houses | 1 / room | - |
| | Single Room Occupancy (SRO) | .5 / du | - |
| | All Other Group Living | .25 / bed 1 / employee | - |
| Ancillary Uses | Accessory Dwelling Unit | 1.0 / du | .25 / per bedroom above 1 bedroom/du |
| Educational, Government and Institutional | | | |
| Government and Institutional | All Educational Uses, see also Auditorium and Office Use | 1 / 1,000 sq ft | 1 per classroom |
| | Assembly Areas | .25 / seat | 1 seat = 4 ft of bench or 50 sq ft of floor |
| | Community Center, see also Auditorium and Office Use | 1 / 1,000 sq ft | 1 per classroom |
| | Hospital | 3 / bed | - |
| | Outdoor Recreation Field | 6 / 1,000 sf | - |
| | Research Institution | .5 / employee | - |
| Commercial, Office, Retail | | | |
| Auto-Oriented | Automobile Rental, Short-Term | 1.25 / vehicle | - |
| | Car/Truck Wash | - | 1 / stall above 5 stalls |
| | Drive-In or Drive-Through Use | 2 / window | - |
| | Vehicle Fuel Station (without vehicle repair, may include C-Store) | 5.0/ premises | - |
| | Vehicle Service, Repair Facility; Vehicle Towing, Storage | 3.0 / stall | 1/ employee |
| | Vehicle Sales/Lease (e.g. auto, boat, RV) | - | - |

| | | | |
|---|---|--------------------|---|
| | Vehicle Wrecking, Salvage, and Storage of Inoperable Vehicles | 3 / stall | - |
| Entertainment Hospitality and Recreation | Arcade, Amusement Devices, Gaming, Pool Hall | 3 / 1,000 sf | |
| | Auditorium, Cinema, Concert Hall, Theater, Banquet Hall | .25 / seat | 1 seat = 4 ft of bench or 50 sq ft of floor |
| | Bar, Tavern | .75 / 3 occupancy | - |
| | Bowling Alley (lanes) | 2.0 / lane | Ancillary uses calculated separately |
| | Dance Club, Night Club | 3 / 1,000 sf | |
| Entertainment Hospitality and Recreation | Health or Athletic Club, Sports Complex (e.g. tennis, golf, soccer) | 2.5 / 1,000 sq ft | Ancillary uses calculated separately |
| | Social or Service Club | .75 / 3 occupancy | - |
| | Lodging, Short-Term (Hotel, Motel, Bed and Breakfast) | .75 / room | Ancillary uses calculated separately |
| | Restaurants (see also Outdoor Seating below) | .5 / 3 occupancy | - |
| Office | Bank or Credit Union | 2 / 1,000 sq ft | - |
| | General or Professional Uses | 2 / 1,000 sq ft | - |
| | Medical or Dental Uses | 4 / 1,000 sq ft | - |
| | Live-Work Unit | 2 / unit | - |
| Personal Services | Barber Shop, Beauty Salon, Nail Salon, Tattoo, Tanning, Therapeutic Massage | 1.5 / station | - |
| | Contractor, Building (e.g. plumbing, heating, electrical) | 3 / 1,000 sq ft | 1 / stall above 3 stalls |
| | Funeral Home, Mortuary | .25 / occupancy | - |
| | Personal Service uses, not specified | 2 / 1,000 sq ft | 1 / stall above 3 stalls, as warranted |
| | Studio (aerobics, dance, yoga, karate, etc.) | .25 / occupancy | - |
| | Veterinary Hospital, Kennel | 1.5 / 1,000 sq ft | - |
| Retail Sales, Outdoor Activities | Retail Sales, General | 1.25 / 1,000 sq ft | - |
| | Outdoor Retail Sales, Nursery or Garden Center | .5 / 1,000 sq ft | - |
| | Outdoor Retail Sales, Booths | 1 / stall | Ancillary uses calculated separately |
| | Outdoor Seating | - | - |
| Industrial, Transportation, Utilities | | | |
| Industrial, Transportation, Utilities | Assembly, Manufacturing, and Production | 1 / 4,000 sq ft | Offices may be ancillary |
| | Inter-Modal Transportation Facility or Transit Center | 2 / 1,000 sf | - |
| | Mineral Extraction | 1 / employee | - |
| | Printing, Publishing and Allied Industries | 1 / 4,000 sq ft | Offices may be ancillary |
| | Self-Storage Facility | 1 / 1,000 sq ft | - |
| | Warehousing, Wholesaling | 2 / employee | - |

Note: The listing of various uses under each Zone District grouping is not intended to imply that such uses are permitted in every Zone District. The Use Table for each Zone District must be consulted for permitted uses. Abbreviations: du = Dwelling Unit; sq ft = Square Foot; "-" = Not Applicable

1223.05 Reductions in Parking Requirements.

1. **Reductions.** Off-street parking requirements may be reduced based on the requirements of Subsections 2., 3., 4., and 5. below.
 - a. The Zoning Administrator may reduce off-street parking requirements by fifty (50) percent. The Zoning Administrator may refer the decision of allowable off-street parking reductions to the Planning Commission, based on neighborhood character, absence of public parking or the results of a parking demand study.
 - b. The Planning Commission, using Special Land Use procedures, may eliminate or reduce up to all one hundred (100) percent of required off-street parking.
 - c. Administrative Waiver. An Administrative Waiver for part or all of the off-street parking requirements, not to exceed eight (8) spaces, may be granted by the Zoning Administrator, where the building comprises ninety (90) percent or more of the lot, or the lot cannot otherwise accommodate the required parking.
2. **Alternate Modes of Transportation.** One or more of the following methods may be utilized to reduce off-street parking requirements.
 - a. Transit. Parking requirements may be reduced for buildings, structures or uses within three hundred (300) feet of a Light Rail or Bus Rapid Transit (BRT) station or one hundred (100) feet of a transit stop. A Transportation Demand Management (TDM) study may be required to demonstrate that a sufficient number of vehicle drivers would immediately opt for transit, and therefore would not result in adverse parking impacts on surrounding properties.
 - b. Alternative Vehicles. Parking spaces reserved, signed, and enforced for Low-Emitting and Fuel-Efficient Vehicles (vehicles that are either classified as Zero Emission Vehicles (ZEV) by the California Air Resources Board or have achieved a minimum green score of 40 on the American Council for an Energy Efficient Economy (ACEEE) annual vehicle rating guide), or for car-sharing services, may count as four (4) regular parking spaces. Electric car spaces shall include a power outlet for use by the parked car. Such spaces should be closest to the main entrance (exclusive of spaces designated for handicapped). Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two (2) regular parking spaces.
 - c. Bicycle. Parking requirements may be reduced by one (1) space for every four (4) covered, secure bicycle parking spaces, where lockers, one or more floor pumps, and a work stand are provided on site. Parking requirements may be further reduced by four (4) spaces where free showers are available for employee use within the building.
3. **On-Street and Business District Parking.**
 - a. The use of on-street parking or publicly-owned business district parking lots or parking structures to meet a portion of the minimum off-street parking requirements shall be permitted, provided the following conditions are met:
 - i. Adequate on-street, district lots or parking structures exist within five hundred (500) linear feet of the primary entrance of the main building;
 - ii. No more than fifty (50) percent of the off-street parking space requirement is met through the use of on-street, district lot or structure parking;
 - iii. The intensity of the use and its parking requirements shall not substantially adversely impact surrounding uses; and
 - iv. There is no negative impact to existing or planned traffic circulation patterns.
 - b. A parking demand study may be required to demonstrate that adequate available spaces exist on street or in a district lot or parking structure.
4. **Payment in Lieu of Parking.** A parking program may be instituted to develop publicly-owned district parking lots or structures as opposed to individually owned and operated parking areas.
 - a. **Payment.** In lieu of providing the required off-street parking space for any development located in the TOD or CBD District, a payment may be made to the City's Parking Facilities Account or to a special assessment fund.

- b. **Special Assessment.** The City may, as part of any special assessment levied to defray a portion of the cost of a parking facility, determine that the payment or, alternatively the levy of a special assessment, shall constitute provision of a designated number of parking spaces for the building or structure, and any future building or structure, located on the property specially assessed. The determination of the number of parking spaces deemed to be provided, if any, shall be made at the time that the special assessment is levied.

5. Shared Parking Agreements.

- a. **Mixed-Land Use.** Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking spaces are encouraged. Shared parking agreements for off-street parking for two (2) or more buildings or uses is permitted subject to the following:
 - i. The total number of required parking spaces for each use on each lot shall not be reduced by more than fifty (50) percent.
 - ii. Shared parking areas shall be located within three hundred (300) feet of the use.
 - iii. Adjacent lots shall be interconnected for vehicular passage.
 - iv. Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
- b. **Easements.** Written easements that provide for continued use and maintenance of shared parking shall be submitted to the Zoning Administrator for review and approval. Any agreement shall include provisions to address changes in use.

- 6. **Mixed-Use Parking Coefficient.** Where the Zoning Administrator determines that a mix of land uses could reduce the number of required parking spaces, Table 3 below shall be used. To calculate mixed-use parking requirements, the required parking for each use shall be totaled, and then divided by the appropriate mixed use coefficient:

1223.06 Loading/Unloading Spaces.

- 1. **Purpose.** In all Zone Districts, every building or part thereof which is to be occupied by one or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this Section.

Table 4: Parking Standards and Shared Parking

| | |
|-------------|--------------------|
| RESIDENTIAL | 2.0 / dwelling |
| LODGING | 1.0 / dwelling |
| OFFICE | 2.0 / 1,000 sq.ft. |
| RETAIL | 3.0 / 1,000 sq.ft. |

2. Location.

- a. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street.
- b. Loading/unloading operations shall not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas or internal drives and sidewalks.
- c. No loading space that is adjacent to a residential Zone District shall be located closer than thirty (30) feet to the Zone District line unless it is contained within a completely enclosed building, or enclosed on all sides by a wall or solid fence not less than six (6) feet in height.
- d. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.

- e. All required loading/unloading spaces shall be at least twelve (12) feet in width, thirty (30) feet in length, and have fourteen (14) feet of clearance. Each additional required loading space shall be at least ten (10) feet in width, forty five (45) feet in length, and have fourteen (14) feet of clearance.
3. The minimum number of loading spaces shall be provided in accordance with the Loading Space Requirements described below.
 - a. If a single loading space is required, an alley may be used in lieu of the required loading space.
4. **Administrative Waiver.** An Administrative Departure may be approved to modify loading space and location requirements where the Zoning Administrator finds that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

Table 5: Loading Space Requirements

| Use Type Size Loading Space(s) | | |
|--------------------------------|--------------------------------|------|
| Residential | 0 - 24 Dwelling Units | None |
| | 25 - 74 Dwelling Units | 1 |
| | 75 or More Dwelling Units | 2 |
| Non-Residential | Less than 20,000 sq. ft. GFA | None |
| | 20,001-75,000 sq. ft. GFA | 2 |
| | 75,001-100,000 sq. ft. GFA | 3 |
| | 100,001 sq. ft. GFA and Larger | 5 |

1223.07 Mobility and Circulation.

1. **Purpose.** The purpose of this Section is to establish mobility and circulation standards that give equal treatment to alternative modes of travel; allow reasonable access to properties; create a continuous net- work of non-motorized pathways within and between developments; maintain the capacity of existing public infrastructure as land development occurs; ensure safe access to and from streets by emergency vehicles; and reduce interference with through traffic by other vehicles, bicycles and pedestrians.
2. **Street Connectivity.**
 - a. Streets and internal circulation drives shall be arranged to provide for the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.
 - b. Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.
3. **Cross Access Between Adjacent Uses.**
 - a. Internal vehicular circulation areas shall be designed to allow for cross access to adjacent lots with residential, nonresidential or mixed-uses.
 - b. A stub for future cross access shall be provided from the vehicular use area to all adjacent lots. Where cross access is deemed impractical by the Planning Commission or Zoning Administrator during Site Plan Review on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived where appropriate bicycle and pedestrian connections are provided between adjacent developments or uses.
 - c. A cross-access easement shall be recorded with the Wayne County Register of Deeds prior to the issuance of a Building Certificate of Occupancy for the development.
4. **Block Length.** Except for areas that contain environmental or topographic constraints, the average block length in a development shall not exceed six hundred (600) linear feet between the right-of-way lines of intersecting streets. In cases where a block length exceeds six hundred (600) feet, sidewalks in easements or on open space lots shall be provided mid-block to connect parallel streets on the long side of the block.

5. **Internal Pedestrian Circulation.** All attached single-family and multi-family residential, non-residential and mixed-use developments shall comply with the following standards:
- a. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.
 - b. At least one pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets.
 - c. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.

Chapter 1224.

Exterior Lighting

1224.01 Intent and Purpose

1. **Purpose:** The purpose of this Section is to provide reasonable regulations to direct the location, design and use of certain outdoor lighting at appropriate illumination levels while minimizing its undesirable effects. Specifically, this Section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare, and otherwise in the public interest:
 - a. Maintain safe nighttime driver performance on public roadways by minimizing both brightly- lighted surfaces and lighting glare.
 - b. Promote lighting that provides security but is not unduly intrusive or a nuisance to nearby residents and drivers.
 - c. Preserve the qualities of the corridor by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow."
2. **Modifications.** The Zoning Administrator may modify the requirements of this Section if it is determined that in so doing, it will not jeopardize the Purposes of this Section. However, exceeding the height and intensity of lighting fixtures as stated in the Section may only be approved as a variance by the Zoning Board of Appeals, as provided in [Chapter 1211: Zoning Board of Appeals](#).

1224.02 Lighting Plan

The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Zoning Administrator prior to lighting installation:

1. A site plan drawn to a scale of one (1) inch equaling no more than thirty (30) feet showing the buildings, landscaping, parking and service areas, location and type of all proposed outdoor lighting.
2. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this article. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five-(25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.
3. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) "cut-off" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
4. The lighting plan shall provide a design for illuminations in accordance with this Section.

1224.03 Exterior Lighting

1. All exterior lighting, including free-standing, canopy, pole, and building mounted, shall be fully shield- ed and directed downward to prevent off-site glare. Canopy lighting shall be fully recessed.
2. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any property line, except where it abuts a Residential District or use where a maxi- mum of 0.5 footcandles is permitted. The only exception is with vehicle service use canopies and new or used vehicle sales lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above requirements shall apply to intensity at the property line.
3. Except as otherwise required, mounting height of fixtures that are located within two hundred (200) feet of a Residential District shall not exceed twenty (20) feet. Mounting height shall not exceed thirty (30) feet in any other circumstance.

1224.04 Fixtures

1. All outdoor fixtures, including building mounted fixtures, shall be full cut-off fixtures as defined by ESNA.
2. Metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
3. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the ap- pearance of the site.

1224.05 Other Lighting

1. The internal illumination of building-mounted awnings is prohibited.
2. Indirect or front-lighted illumination of signs, awnings and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized (or equal light output of non-wattage fixtures) and there is no glare.
3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
4. Lighting shall not consist of or have the appearance of movement or flashing components.

1224.06 Installation and Operation Cost

The cost of installing and operating approved roadway lighting on any public road shall be through a financial method approved by the City or by the Michigan Department of Transportation. The costs of all other lighting systems shall be borne by the developer/property owner.

1224.07 Exemptions

The following outdoor light fixtures are exempt from the provisions of this Section.

1. Outdoor light fixtures installed prior to the effective date of this Section and replacements of the luminaire or lamp of those fixtures.
2. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.
3. Streetlights located within a public right-of-way.

4. Outdoor light fixtures, which use an incandescent light bulb of, or light level equivalent to, one hundred fifty (150) watts or less except where they create a hazard or nuisance from, glare or spill light.
5. Lighting necessary for road or utility construction or emergencies.

Chapter 1225.

Signs

1225.01 Purpose and Intent.

The sign regulations of this Article are intended to balance public and private interests. The purpose of this Article is to promote a safe, well-maintained, vibrant and attractive City while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse and otherwise communicate information. While these regulations allow for a variety of sign types and sizes, they do not necessarily ensure every property owner or business owner's desired level of visibility. It is not the intent or purpose of this Chapter to regulate the message displayed on any sign or the content. The objectives of this Article are to:

1. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare;
2. **Public Safety.** Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
3. **Protect Aesthetic Quality of Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties;
4. **Free Speech.** Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
5. **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems;
6. **Neighborhood Character.** Reinforce and support the desired character of each Zone District in a manner that takes into consideration building scale and massing, lot size, building setbacks, transparency, street dimensions, travel speed and pedestrian presence so that signage is a contributing streetscape element and aids in creating a "sense of place;" and
7. **Business Identification.** Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law

1225.02 Applicability.

1. **Compliance with this Article.** It shall hereafter be unlawful for any person to erect, construct, install, place, locate, re-build, modify or maintain a sign or allow a sign to remain on property in the City except in compliance with this Article.
2. **Key Elements.** The effect of this Article is:
 - a. To regulate any sign, display, figure, painting, drawing, message, placard, poster, billboard, or other thing, visible from a public or private right-of-way and that is used or has the effect of being used, to advertise, announce or identify the purpose of any business, establishment, person, entity, product, service or activity; to communicate information of any kind to the public, or to attract attention to the premises.
 - b. To establish a permit system to allow a variety of sign types in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Chapter;
 - c. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this Chapter, but without requirement of a permit;
 - d. To prohibit all signs not expressly permitted by this Article; and
 - e. To provide for enforcement of the provisions of this Article.
3. **Conflict with Other Regulations.** In the event of conflict between the regulations of this Chapter and those of other local, state or federal regulations, the more restrictive regulation shall govern.

1225.03 1225.03 Nonconforming Signs.

1. **Applicability.** Every permanently affixed sign which was legally erected, constructed, installed, placed or located, and which lawfully existed on the effective date of this Chapter, but which does not conform to the type, height, size, area, or location requirements of this Article shall be deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, including signs affixed to the interior or exterior of windows.
2. **Expansion or Extension Prohibited.** Nonconforming signs shall not be expanded, enlarged, extended or structurally altered to create an additional nonconformity or to increase the extent of the existing nonconformity. A nonconforming sign may be diminished in size or dimension without jeopardizing its nonconforming status in accordance with Section 1225.03 (7).
3. **Maintenance.** Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
 - a. Maintenance and repair include refacing, painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices. A permit application shall be submitted for sign refacing, however, it is not required that a sign permit be issued for normal repairs and maintenance.
 - b. Excluding maintenance and repair, modifications to nonconforming signs shall be prohibited unless the signs are brought closer to conformance with this Chapter.
4. **Damage or Destruction.** Should a nonconforming sign be destroyed to an extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation, the sign shall not be restored or rebuilt.
5. **Site Redevelopment.** Nonconforming signs may be eliminated as part of Zoning Administrator, Planning Commission or Board of Zoning Appeals approvals involving the redevelopment of a site, including but not limited to Administrative Review, Site Plan Review, Special Land Use, Zone Change or Use Variance applications.
6. **Nonconforming Use.** A sign on a lot with a nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.

7. **Administrative Approval.** An Administrative Approval may be granted for the replacement of a nonconforming sign with a new sign that is a minimum of twenty-five (25) percent smaller in size or dimensions than the nonconforming sign to be replaced and closer to compliance with this Article, based on the number of building tenants, redevelopment potential of the site, existing and proposed land uses and the age and condition of the existing nonconforming sign

1225.04 General Provisions for Signs

1. **Standards for All Signs.** All signs shall be designed, constructed, installed, placed, located and maintained in accordance with all applicable standards, procedures and regulations in and referred to by this Article.
2. **Placement.**
 - a. **Private Property.** All signs and sign structures shall be located on private property, except when expressly allowed to encroach into a public right-of-way. A sign containing a commercial message which advertises a product, service, activity, event, person, institution, or business that is not located on the subject lot is prohibited, unless permitted elsewhere in this Article. A sign permit shall not be approved until a principal use has been established on the property.
 - b. **Setbacks.** Sign setbacks shall be measured from all lot lines. All signs, unless otherwise provided for, shall be set back a minimum of fifteen (10) feet from the front, side, or rear property line.
 - c. **Utility Lines and Poles.** A minimum ten (10) foot horizontal separation between any sign and any overhead utility shall be maintained at all times. Any part of a sign, including cables, guys, etc. shall maintain a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.
 - d. **Natural Features.** Construction, erection, installation or modification of a permitted sign shall not cause the removal or alteration of natural features on the parcel, including but not limited to removal of trees, alteration of the natural topography, or obstruction of a natural drainage course.
 - e. **Public Right-of-Way.** Those signs permitted in a public right-of-way are required to obtain an encroachment permit from the City. Signs illegally placed in the public right-of-way shall be forfeited and immediately confiscated by the City.
 - f. **Administrative Approvals.**
 - i. An Administrative Approval for a reduction of up to five (5) feet from the required setback may be granted for sign placement where unique conditions such as building placement, slope, vegetation or other conditions exist on the site.
 - ii. An Administrative Approval for a reduction of the ten (10) foot separation between a sign and a utility line may be granted, provided it is approved by the City's Traffic Engineer or Engineering Consultant using the standards of the National Electrical Safety Code (NESC), as amended.
3. **Height and Ground Clearance.**
 - a. **Overall Height.** No portion of any pylon/pole sign shall exceed an overall height of twenty five (25) feet, unless provided for elsewhere in this Article.
 - b. **Building Roof Line.** Signs attached to a building shall not extend higher than the building roof line.
 - c. **Minimum Ground Clearance.** Projecting, awning, canopy, marquee and pole/pylon signs shall have a minimum ground clearance of eight (8) feet over public sidewalks and a minimum ground clearance of fourteen (14) feet where any sign extends over any vehicular driveway or parking area. No vehicles or structures shall be allowed in the area beneath a pylon sign.
 - d. **Overall Height within 10 Feet of Front Lot Line.** No ground sign, permanent or temporary, that is permitted within ten (10) feet of the front lot line shall have an overall height of more than thirty (30) inches.
4. **Materials.**
 - a. **Display Surfaces.** Display surfaces for all types of signs shall be made of wood, metal, plastics, masonry, or other durable surfaces approved by the Zoning Administrator.

- b. **Prohibited Materials.** Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- c. **Free Speech.** Unless otherwise prohibited in this Article, noncommercial copy (that which is unrelated to commercial or business endeavors) may be substituted for commercial copy on any lawful sign structure.

5. Illumination.

- a. Illuminated signs shall not create glare or unduly illuminate the surrounding area. The following provisions shall apply to illuminated signs that are permitted elsewhere in this Article.
 - i. **Light Sources.** Signs shall be illuminated only by steady, stationary, shielded light sources using approved electrical devices. Exposed bulbs are prohibited except where neon or LED bulbs are used as signs, historic light fixtures are used for face-lit signs, or for marquee signs used for public theatres.
- b. **Direction and Shielding.** Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be directly visible from or aimed at adjacent streets, roads or properties. To the extent possible, fixtures shall be mounted and directed downward (below the horizontal).
 - i. **Back-Lit and Internally Illuminated Signs.** Back-lit and internally illuminated signs shall not cause excessive glare, and light emitted from such signs shall not encroach onto surrounding properties.
- c. **Motorist Distraction.** Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- d. **Adjacent Residential Use.** Where a lot is adjacent to a residential use, backlit and internally illuminated signs are prohibited on any side or rear building face exposed to view from a residential use.
- e. **Fuel Station Canopies.** All lighting on the underside of a fuel station canopy shall be fully recessed. A maximum of twenty-five (25) percent of each fuel station canopy visible from a public street may be internally illuminated. No portion of any fuel station canopy may be externally illuminated.
- f. **Timer Control.** Where illuminated signs are permitted in a residential Zone District, or where a residential Zone District is located across the street from the subject property, each illuminated sign shall be equipped with a functioning timer control. No sign shall be illuminated after 11:00 p.m. or one half (1/2) hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m., or one half (1/2) hour prior to the beginning of the opening of the business, whichever is earlier.
- g. **Underground Wiring.** Underground wiring shall be required for all permanent and temporary illuminated signs that are not attached to a building. In lieu of underground wiring for a temporary illuminated sign, a portable generator may be used where approved by the Building Official.

- 6. **Community Special Events.** The sponsors and participants of community special events operating under a special events permit issued by the City Manager may erect additional signs or banners in a manner that is not otherwise consistent with this Article for the duration of the permit period in accordance with the applicable City policies governing such special events.

7. Flags. Flags are permitted as follows:

- a. Flags representing a nation, state, city or educational institution attached to ground-mounted flag poles anchored in concrete shall be permitted in all Zone Districts. The height of the flag pole shall not exceed the height restriction of the Zone District. No more than three (3) such flags shall be permitted on any one (1) lot or lots of common ownership.
- b. Flags representing a nation, state, city or educational institution affixed to a building shall be permitted in all Zone Districts, provided the flag does not exceed five (5) feet by eight (8) feet in size. No more than three (3) such flags shall be affixed to any one lot or lots of common ownership.
- c. Flags representing a ground-floor business or organization affixed to a building shall be permitted in the CBD, TOD and MU-UV Districts, provided one of the following conditions exist:
 - i. The flag is restricted to the business or organization's name and/or logo, does not exceed three (3) feet by five (5) feet in size, and is limited to one (1) flag per business or organization.
 - ii. The flag is restricted to a general information message (such as "Open" or "Live Music"), does not exceed two (2) feet by three (3) feet in size, and is limited to one (1) per business or organization.

- iii. An Administrative Approval may be granted by the Zoning Administrator to permit one (1) business flag on a flag pole for a business or organization located on a lot or lots of common ownership of one (1) acre or larger.
 - d. One (1) flag or pennant may be displayed on vehicles for sale or lease.
8. **Historical Plaques.** Historical plaques and signs describing city, state or national designation as an historic site or structure, not exceeding two (2) square feet in area, are permitted.
 9. **Address Numbers and Street Names.** Unless otherwise permitted in this Chapter, address numbers and street names with a height no greater than twelve (12) inches for residential uses and thirty-six (36) inches for non-residential uses are permitted without special approval.
 10. **Holiday Decorations.** In mixed-use commercial Zone Districts, holiday decorations for nationally recognized holidays are permitted. Outdoor string lights may be strung no sooner than sixty (60) days before the holiday and shall be removed within twenty (20) days following the holiday.
 11. **Mural.** Murals shall be permitted, except a mural shall not project more than twelve (12) inches from any side of a building.
 12. **Official Sign.** An official sign, including signs for essential services, governmental purposes and utility identification are permitted in all zone districts. Such signs shall be permitted in the public right-of-way.
 13. **Political Signs.** Political signs shall be spaced at least twenty (20) feet apart on an individual parcel. A political sign shall not exceed twenty-four (24) square feet in area and shall be removed within five (5) calendar days following the election.
 14. **Traffic Control Signs.** Traffic control signs and signals including regulatory and directional traffic control and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices, are not subject to the requirements of this Article. Such signs shall be permitted in the public right-of-way.
 15. **Window Signs.** Window signs are permitted, provided the total area of such signs does not cover more than twenty-five (25) percent of the window area. Energized window signs, including electronic message boards, changeable message centers, multi-media or computer-controlled variable message signs and similar electronic devices, must comply with the provisions of this chapter pertaining to illumination and placement.
 16. **Abandonment.**
 - a. **Removal Required.** Any sign that advertises, identifies or pertains to an activity that no longer exists or that no longer refers to a bona fide business conducted, or product sold on the lot shall be removed within sixty (60) days of written notice. The sign cabinet shall either be removed in its entirety, or the sign face shall be removed, painted a neutral color, or a blank sign face substituted. If the sign is not removed the City may declare the sign a nuisance per se and institute appropriate actions or court proceedings to correct or abate the violation.
 - b. **Re-Use Within One Year.** If a sign face is not re-used within one (1) year of the business closing, the remaining sign structure shall be removed.
 - c. **Seasonal Activities Exemption.** The above provisions shall not apply to seasonal activities during the regular periods in which they are closed.
 - d. **Administrative Approval.** An Administrative Approval may be granted by the Zoning Administrator for an extension of the requirement to remove the sign structure, subject to the owner submitting a statement of intent and a reasonable timeline for re-use of the sign structure.

1225.05 Prohibited Signs.

The following signs shall be prohibited in any district:

1. Any sign not specifically permitted.
2. Signs that obstruct free access or egress from any building, including those that obstruct any fire escape, required exitway, window, or door opening or that prevent free access to the roof by firefighters.

3. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts. Other than an electronic display as permitted by this Ordinance, no sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.
4. Signs using high intensity, blinking or flashing lights, festoons, spinners or other animated devices.
5. Exterior string lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within fifteen (15) days following the holiday for which they were erected.
6. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters that interferes with, misleads, or confuses traffic is prohibited.
7. Signs that obstruct or impair the vision of motorists or non-motorized travelers at any intersection, drive- ay, within a parking lot or loading area.
8. Signs that obstruct sidewalks or other public rights-of-way.
9. Nongovernmental signs placed in any public right-of-way except as otherwise provided for in this Section; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
10. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.
11. Any sign or sign structure that:
12. Is structurally unsafe.
 - a. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - b. Is capable of causing electric shock to person who come in contact with it.
 - c. Is not kept in good repair, with broken parts, missing letters, or nonoperational lights.

1225.06 Temporary Signs.

1. General Requirements.

- a. Temporary signs shall be permitted in all Zone Districts, except as otherwise specified in this Article.
- b. Temporary signs shall be approved for a period not to exceed thirty (30) days per event. Permits for grand openings shall be allowed for a period not to exceed thirty (30) days, or thirty (30) days from the issuance of a Building Use and Occupancy permit whichever is less.
- c. Temporary signs shall be permitted no more than three (3) times within a twelve (12) month period on the same lot, including lots of common ownership.
- d. Temporary signs shall be limited to one (1) sign per street frontage, with a maximum of two (2) signs per event.
- e. Temporary ground signs shall not exceed forty (40) square feet per sign unless provided for elsewhere in this Article, nor shall such signs exceed six (6) feet in height from finished grade, except as permitted elsewhere in this Article. Signs which are positioned on a movable trailer shall not exceed eight (8) feet, three (3) inches in height.
- f. Temporary signs shall comply with all provisions of this Section.

2. Portable signs shall be permitted as temporary signs in the following areas:

- a. In all mixed-use commercial Zone Districts

- b. In all residential Zone Districts for educational, government or institutional uses.
- 3. Banner signs shall be permitted as a temporary sign under the following conditions:
 - a. The banner sign shall be securely affixed to the building face.
 - b. Attachment of a temporary banner to utility poles, light poles, railings, fences, mechanical pent- houses or other appurtenances shall be prohibited.
 - c. A banner sign shall not conceal architectural detailing or windows.
 - d. Temporary banners shall not exceed thirty-two (32) square feet in size.
- 4. **Sign Permit. A sign permit is required for all temporary signs allowed in this Section.**
- 5. **Residential Real Estate Signs.**
 - a. **General.** Residential real estate signs shall not be located in public rights-of-way and shall have a minimum setback of two (2) feet from the property line for a single-family, two-family or ground-level condominium unit.
 - b. **Sale or Lease Signs.**
 - i. **Ground-Level Dwelling Unit.** A ground-level residential dwelling, including but not limited to a single-family house, two-family dwelling or a ground-level condominium unit, shall be permitted one (1) on-premises, non-illuminated sale or lease sign per street frontage. The total signage shall not exceed eight (8) square feet on each street frontage.
 - ii. **Upper-Level Dwelling Unit.** An upper-level residential dwelling unit, such as a con- dominium unit with no ground-level living space, shall be permitted one (1) on-premises, non-illuminated sale or lease sign per street frontage. The sign shall be affixed to the building face and located in relation to the unit for sale or lease. The total signage shall not exceed eight (8) square feet on each street frontage.
 - c. **Open House or Model Home Signs.**
 - i. **Open House.** A residential dwelling unit that is for sale and open for the public for view shall be permitted one (1) on-premises sign per street frontage, with a maximum of two (2) signs. The total signage shall not exceed six (6) square feet per street front- age. The sign(s) shall not be up for more than eight (8) hours in a day and shall be removed within one (1) hour of closing.
 - ii. **Model Home.** A model home or unit that is for sale and open for the public for view shall be permitted one (1) on-premises sign per street frontage, with a maximum of two signs. The total signage shall not exceed eight (8) square feet per street frontage. The sign(s) shall be removed when the model home or unit is closed.
 - iii. **Permit.** A sign permit is not required for residential real estate signs allowed per this Section.
 - d. **Commercial Real Estate Signs.** For the purposes of this Article, a commercial real estate sign shall be defined as a sign advertising the sale or lease of one (1) or more commercial buildings or tenant spaces on a single property, including multi-family structures, and excluding single- family, two-family, and individual condominium dwellings.
 - i. **General.** Commercial real estate signs shall not be located in a public right-of-way and shall have a minimum setback of fifteen (15) feet from the property line. One (1) on-premises real estate sign is permitted per street frontage. Signs on a building wall shall not cover windows or other architectural details.
 - ii. **Maximum Size.** Total signage shall not exceed thirty two (32) square feet per street frontage, and signs on the ground shall not exceed eight (8) feet in overall height.
 - iii. **Illumination.** Commercial real estate signs may be externally illuminated.
 - iv. **Permit.** A permit is required for each commercial real estate sign allowed by this Section that is greater than twenty (20) square feet in size.
 - v. **Time Limits.** A commercial real estate sign shall be valid for twelve (12) months.
 - vi. Following that time period, the permit may be renewed annually.

- vii. **Administrative Departure.** An Administrative Departure of up to five (5) feet may be granted to the minimum setback where topography, vegetation or other condition prohibits compliance.
- e. **Construction Signs.** For the purposes of this Article, construction signs are defined as signs containing the name of the project and the names of the contractors, architects, sponsors, engineers, developers or lenders.
 - i. **General.** One (1) on-premises sign is allowed per street frontage for a maximum of two signs per property. A construction sign may be affixed to the building under construction. Construction signs shall not be illuminated.
 - ii. **Setback.** Freestanding signs shall be set back fifteen (15) feet from a public right-of- way.
 - iii. **Maximum Size/Overall Height.** Construction signs shall not exceed thirty two (32) square feet for each forty thousand (40,000) square feet of lot area or fraction thereof. The maximum size of an individual sign shall be ninety six (96) square feet.
 - iv. A freestanding construction sign shall not exceed eight (8) feet in overall height.
 - v. **Permit.** A permit is required for each construction sign allowed per this Section.
 - vi. **Time Limits.** Construction signs shall only be erected after building and sign permits have been issued and shall be removed within thirty (30) days of project completion, or the Building Use and Occupancy permit has been issued, whichever occurs first.
- f. **First-Time Sale or Lease Signs.** Signs advertising the first-time sale or lease of four (4) or more units of real estate on a single site which has been newly developed or redeveloped shall be permitted, in addition to commercial real estate sign(s), provided the following occurs:
 - i. **General.** One (1) sign is permitted on each building face which abuts the public right- of-way. Such signs shall not be illuminated.
 - ii. **Maximum Size.** New development signs shall not exceed five (5) percent of the total area of the building face to which the sign is affixed. No sign shall be more than eighty (80) percent of the length of the side of the building to which it is attached.
 - iii. **Architectural Details.** The sign shall be attached to the new or redeveloped structure and shall not cover architectural detailing or extend out beyond any wall.
 - iv. **Sign Permit.** A permit is required for each first-time sale or lease sign allowed per this Section. The permit shall expire for each allotment of time as described in Part v of this Section.
 - v. **Time Limits.** The signs shall not be in place for more than one (1) consecutive twelve (12) month period upon execution of a valid sign permit. One (1) twelve (12)- month extension may be granted by the Zoning Administrator upon receiving evidence that an active marketing strategy has been employed by the applicant, including but not limited to the use of billboards, magazine and/or newspaper advertising, website, electronic media, staffed sales office, or other method so that it is clear that the signs are not the sole form of advertising being relied upon to advance the project's success. An additional period of time may be granted by the Zoning Administrator after twenty-four (24) months to be calculated as follows: for every ten (10) units available one (1) additional one (1)- month period shall be allowed up to a maximum of twelve (12) months. In no case shall first-time sale or lease signs be allowed to exist for a period longer than thirty-six (36) months from the issuance date of the first sign permit. No additional requests for time extensions shall be considered by the Zoning Administrator or Board of Zoning Appeals.
- g. **Street Reconstruction.** Signs announcing that one (1) or more retail, office or professional businesses are "open during construction" are permitted where vehicular access to the site from a public street is difficult due to a public infrastructure project, provided the following occurs:
 - i. **Right-of-Way.** Signs for private businesses shall be allowed in the public right-of-way during construction of certain projects, as determined necessary by the City's Engineering Consultant or designee.
 - ii. **Special Event Banner.** One (1) special event banner sign under the terms of this sub- section shall be permitted for each affected building, not to exceed four (4) square feet.
 - iii. **Sign Permit.** A permit is not required for street reconstruction signs allowed per this Section.

1225.07 Changeable Copy Signs.

1. **General.** Changeable copy signs may be manual or electronic and shall comply with the maximum area and site location requirements of the applicable Zone District.
2. **Changeable Portion of Sign.** The changeable copy portion of a ground, pylon or wall sign shall not exceed fifty (50) percent of the total sign area and shall be integral to the sign cabinet. The remainder of the sign shall be of a permanent character as otherwise required under this Chapter. A changeable copy sign located in a window shall not exceed 25% of the window area nor be more than three square feet in area and must comply with all other provisions of this Chapter. Temporary portable signs shall be exempt from this requirement.
3. **Time, Temperature and Commodities Information Signs.** Time, temperature and commodities information signs may be added to a permitted ground or pylon sign. Such signs shall be included in the overall permitted sign square footage and are subject to all sign requirements.
4. **Electronic Signs.** For the purposes of this Article, electronic signs include electronic message boards and changeable message centers, multi-media or computer-controlled variable message signs, and similar devices. Electronic signs shall be permitted, under the conditions described in this Subsection.

a. Display Regulations.

- i. Scrolling or traveling of a message on to and/or off of the display shall be allowed; provided the message is coming from one (1) direction only and that no message shall take more than five (5) seconds to be displayed in its entirety. Once scrolled, the screen may not change for five (5) minutes.
- ii. If non-scrolling, the screen of the sign shall not change more than once every five (5) minutes, and shall remain in a stationary state for at least five (5) minutes.
- iii. The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or other similar movements.
- iv. All electronic signs in any residential Zone District, or within one hundred fifty (150) feet of a residential Zone District, shall discontinue the display between the hours of 11:00 p.m. and 6:00 a.m.

b. Light Levels Requirements.

- i. In order to prevent glare, electronic signs shall not operate at a brightness level greater than the manufacturer's recommended levels, except as provided in this or other City Codes.
- ii. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- iii. Maximum brightness levels for electronic signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness during daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn.

c. Additional Requirements.

- i. Permitting.

- 1) Electronic sign permit applications shall include a copy of the manufacturer's specifications for luminosity.
 - 2) Electronic sign permit applications shall also include a certification from the owner or operator of the sign stating that the sign shall be operated in accordance with City Codes and that the owner or operator shall provide proof of such conformance upon request of the City.
 - 3) An electrical permit shall be obtained prior to the issuance of a sign permit.
 - 4) Electronic sign permit applications shall include a copy of the manufacturer's specifications for luminosity.
 - 5) Electronic sign permit applications shall include a certification from the owner or operator of the sign stating that the sign shall be operated in accordance with City Codes and that the owner or operator shall provide proof of such conformance upon request of the City.
 - 6) If the sign is programmed from the site or from a remote location, the computer interface that programs the sign shall be available to City staff for inspection upon request. If the computer interface is not immediately available, the sign shall cease operation until such information can be provided.
 - 7) No lot or abutting parcels under common ownership shall be permitted more than one (1) electronic sign.
- ii. Electronic signs within five hundred (500) feet of any residentially zoned lot that shares the same street frontage shall be subject to the Special Land Use provisions of [1215.02 Application and Review Procedures](#)

1225.08 Measurement.

1. **Area Measurement.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
2. **Circle Shapes.** The area of a sign that is located entirely within a perfect circle shall be measured as the radius squared multiplied by 3.14 (pi).
3. **Irregular Shapes.** In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on a wall, the area of the sign shall be the area within the perimeter of not more than six (6) straight lines at right angles that enclose the extreme limits of writing, representation, emblem, or any figure or similar character. The area includes any material or color forming an integral part of a background of the display or used to differentiate the sign from the backdrop or wall.
4. **Multiple Faces.** The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back, are of equal size, and are no more than twenty (20) degrees apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the sign area.
5. **Painted Signs.** The area of a painted wall sign shall be determined by calculating the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background. Sign elements shall be measured as one (1) unit when the distance between the elements is less than two (2) times the length of each element.
6. **Space between Lettering.** The sign area shall include vertical and horizontal spacing between letters, characters, emblems, and similar images that convey the sign's message.

7. **Windows and Doors.** Any signs on windows, doors or other transparent surfaces regardless of material, that are painted, stenciled, or applied on such surfaces, shall not cover more than twenty five (25) percent of the window, door or other transparent surface.
8. **Awning, Canopy or Marquee Signs.** The area of a sign that is incorporated into an awning, canopy or marquee shall be determined by calculating the area of the smallest square or rectangle that can be drawn around all of the sign elements. Unless otherwise provided in this Article, where back-lit or internal illumination is used, the entire area of the awning or canopy face that has signage on it shall be counted as signage.
9. **Sign Base.** The base or supporting structure of a ground sign shall not count toward the permitted area of the sign, provided it is architecturally distinct from the sign face itself. The base or supporting structure shall be in proportion to the ground sign and may not exceed one hundred (100) percent of the permitted sign area.
10. **Height, Overall.** The overall height of a sign or sign structure is measured as the vertical distance from the lowest point of the ground directly below the sign, excluding any artificially constructed earthen berms, to the highest point on the sign or sign structure.
11. **Ground Clearance.** Ground clearance is measured from finished grade located directly below the sign to the lowest point on the sign structure enclosing the sign face.
12. **Sign Setbacks.** All signs, unless otherwise provided for, shall be set back a minimum of fifteen (15) feet from any front, side, or rear property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

1225.09 Signage Standards

| A-Frame (Sandwich Board) Sign | |
|---|--|
| A sandwich board or tent sign which is not permanently affixed to the ground or a structure | |
| Total Maximum Area | 8 sq. ft. |
| Maximum Width | 2 ft. |
| Maximum Height | 4 ft. |
| Maximum Number | 1 wall sign per ground floor tenant |
| Display Period | A sign shall only be displayed during open business hours in front of the business establishment |
| Pedestrian Safety | A sign shall not impede pedestrian, vehicular or non-motorized traffic. A five (5) foot wide clearance area shall be maintained for pedestrians at all times |
| Placement | Placement of signs along a street or business/shopping center shall be consistent |
| Zones Permitted | CBD, MU-UV, TOD |
| Sign Permit | Permit required |

| Awning or Canopy Sign | |
|--|--|
| An awning sign is one affixed flat against the surface of an awning. A Canopy sign is any sign that is part of or affixed to a canopy over a door, entrance, window, or outdoor service area | |
| Area, Maximum | Max Letter Height of 10 in Max Logo Area of 3 sq ft |
| Placement | On Building Facade (wall facing street) Only |
| Materials, Design | Barrel/Plastic Awnings Permitted (may be internally illuminated) |
| Message | Signs limited to the name, address or logo of the business |
| Illumination | Signs in the CBD Zone District may be internally illuminated. If internal illumination is used, the entire area of the awning or canopy face that has signage on it shall be counted as wall signage |
| Ground Clearance | Min. 8 ft. between ground and bottom edge of awning or canopy |
| Total Signage | <p>General: Except for fuel pump canopies, the area of an awning or canopy sign shall count against the maximum permitted wall signage.</p> <p>Fuel Pumps: The signage on fuel pump canopies is limited to the name of the company. The letters are limited to extend above the facade of the canopy. This signage shall not count against the maximum eighteen (18) inches in height on three (3) sides of the canopy and may not extend above the facade of the canopy. The signage shall not count against the permitted amount of wall signage</p> |
| Zones Permitted | CBD, MU-UV, TOD |
| Sign Permit | Permit required |

| Wall Sign | |
|--|---|
| A sign attached to or painted onto an exterior wall, parallel to the exterior wall of a building | |
| Total Maximum Area | 1 sq. ft for every 1 linear foot of ground-floor tenant space. 50 sq. ft. max |
| Maximum Height | 16 ft. |
| Maximum Number | 1 wall sign per ground floor tenant |
| Max. Projection | 18 in. Horizontal projection from the wall to which the sign is affixed |
| Placement | Sign shall be located on the same wall as the main customer entrance |
| Illumination | signs may be internally or externally illuminated |
| Sign Permit | Permit required |
| Zones Permitted | CBD, MU-UV, TOD |

| Wall Sign: Building Directory | |
|--|--|
| A sign attached to or painted onto an exterior wall, parallel to the exterior wall of a building | |
| Total Maximum Area | 1 sq. ft for every 1 linear foot of ground-floor tenant space. 50 sq. ft. max 16 ft. |
| Maximum Height | 16 ft. |
| Maximum Number | 1 wall sign per ground floor tenant |
| Max. Projection | 18 in. Horizontal projection from the wall to which the sign is affixed |
| Placement | Sign shall be located on the same wall as the main customer entrance |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

Banner Sign

A sign of lightweight fabric, cloth, or other durable material that is mounted to a pole or a building by a permanent frame at one (1) or more edges without an enclosing structural framework.

| | |
|--------------------|---|
| Zones Permitted | CBD, MU-UV, TOD |
| Area Max. | 40 sq. ft. |
| Ground Clearance | 8 in. minimum clearance between ground and bottom edge of the sign |
| Distance From Curb | 2 ft. minimum |
| Placement/Design | Banners shall be installed flat on a wall or projected vertically at an angle of ninety (90) degrees. If projecting, the banner shall attach to the wall with a 6 inch space between the building and the sign, and shall not extend more than forty two (42) inches from the building. Banners shall not cover windows or architectural details. |
| Message | Any Copy |
| Maintenance | A banner in poor repair shall be promptly removed or replaced. |
| Sign Permit | Required |

Ground Sign

A freestanding sign resting on the ground, on a base or supported by short poles not attached to a building or wall, the bottom of which is no more than 2 ft. above finished grade.

| | |
|-----------------|--|
| Zones Permitted | CBD, MU-UV, TOD |
| Area Maximum | 32 sq. ft. |
| Height | 5 ft. max. |
| Base | Base not exceeding 33% of total sign area shall not be included in the calculation of sign height. |
| Number | 1 per lot. A lot shall not have both a ground and a pylon sign on the same street frontage |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

Marquee Sign

A sign attached to or part of a marquee

| | |
|------------------|--|
| Zones Permitted | CBD, MU-UV, TOD |
| Area Maximum | A marquee sign with one (1) or two (2) sign faces not exceeding one hundred twenty (120) sq ft in area each side shall be permitted for a theater complex, auditorium or arena with a seating capacity of two hundred (200) persons or more. |
| Placement | On building facade |
| Ground Clearance | 8 ft. minimum between finished grade and bottom edge of marquee |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

| Projecting Sign | |
|--|--|
| A single or double-faced sign attached to a building or wall that extends outward at a ninety (90) degree angle. | |
| Zones Permitted | CBD, MU-UV, TOD |
| Area Maximum | 10 sq. ft. |
| Placement | On building facade |
| Projection | 4 ft. from building facade, maximum |
| Height | 16 ft. max. |
| round Clearance | 8 ft. minimum between finished grade and bottom edge of sign |
| Number | 1 sign per ground floor establishment |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

| Pylon/Pole Sign | |
|--|---|
| A freestanding sign supported on a pole or poles and not attached to a building or wall. | |
| Zones Permitted | CBD, MU-UV, TOD |
| Area Maximum | 10 sq. ft. |
| Placement | 5 ft. minimum setback from property line 200 sq. ft. minimum landscape area for sign |
| Projection | 4 ft. from building facade, maximum |
| Height | 16 ft. max. |
| Ground Clearance | 8 ft. minimum between finished grade and bottom edge of sign; 16 ft. for any area extending over driveways, parking areas or travel lanes |
| Number | 1 per lot. A lot shall not have both a ground and a pylon sign on the same street frontage |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

| Upper Level Identification Sign | |
|--|--|
| A sign that consists of a logo, trademark, words or other graphics located above the ground floor level used to identify the building, owner or principal tenant. An address is not considered an upper level identification sign. | |
| Zones Permitted | CBD, MU-UV, TOD |
| Area Maximum | 1 sq. ft. per linear foot of exterior building facade. 2 per building to identify building, owner or primary tenant, and 2 per building for other tenant. Maximum 4 per building |
| Placement | The top level of the building is the area between the roof line and the upper edge or the top floor windows, on that portion of the building free of architectural detail |
| Projection | 4 ft. from building facade, maximum |
| Height | 16 ft. max. |
| Ground Clearance | 8 ft. minimum between finished grade and bottom edge of sign |
| Number | 1 upper level sign per building wall |
| Illumination | Signs may be internally or externally illuminated |
| Sign Permit | Permit required |

1225.10 Application Requirements

1. Application for a sign permit shall be filed with the Zoning Administrator and shall provide the following information:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. Position of the sign in relation to buildings, structures, property lines and other signs within one hundred (100) feet of the proposed sign.
 - d. Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
 - e. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
 - f. Information concerning required electrical connections.
 - g. A bond, as may be required by this Article.
 - h. Written consent of the owner or lessee of the premises upon which the sign is to be erected.
2. **Application Review**
 - a. All locations for placement of a sign submitted in conjunction with the proposed construction of a new building or addition to an existing building or as part of a site plan review required by this Zoning Ordinance shall be shown on the site plan as a part of the required site plan review. The location, size and height of all existing and proposed signs must be shown on the site plan.
 - b. The Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
 - c. Following review and approval of a sign application, the Zoning Administrator shall have the authority to issue a sign permit upon payment by the applicant of the required fees.
 - d. The Zoning Administrator shall deny the application for any sign that does not comply with the requirements of this Ordinance or is found to be inconsistent with any of the requirements herein.

1225.11 Sign Variances

Any party may file a variance request with the Zoning Board of Appeals. The ZBA shall have the authority to grant a variance where the strict application of the regulations would result in peculiar or exceptional practical difficulties upon the applicant, provided relief may be granted without substantially impairing the intent and purposes of this Ordinance. In granting a variance the ZBA may attach conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting a variance, the ZBA shall state the grounds and findings upon which it justifies granting or denying the variance. The ZBA shall consider the following in arriving at a decision:

1. Conforming signs could not be easily seen by passing motorists due to the configuration of existing buildings, trees, existing signs on nearby parcels, or other obstructions.
2. Conforming signs could not be seen by passing motorists in sufficient time to allow safe deceleration or obstruct the vision of motorists. In determining whether these circumstances exist, the ZBA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
3. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to:
 - a. removal of trees,
 - b. alteration of the natural topography, or
 - c. obstruction of a natural drainage course.

4. A sign that exceeds the allowable height or area requirements of the Ordinance would be more appropriate in scale because of the unusually large size or frontage of the premises or building.
5. The particular physical surrounding shape, topographical, or location conditions of the specific property or structure involved results in an inability to comply with the Ordinance if the strict application of this Section was carried out, as distinguished from a mere inconvenience.
6. That any increased costs associated with maintaining compliance with the Ordinance are not considered as a basis for granting a variance.
7. The need for the variance has not been created by any person having an interest in the sign, sign structure, or property.
8. The conditions upon which the petition for a variance is based would not be applicable, generally, to any other property, or structure in the same general area.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area which the sign is located or otherwise endanger the public safety, or substantially diminish or impair property values within the area.

Chapter 1226.

Stormwater Management

1226.01 Intent

It is the intent of this Chapter to establish minimum stormwater management standards, procedures and controls to accomplish, among others, the following objectives:

1. To minimize increased stormwater runoff rates and volumes from identified land development;
2. To minimize the volume of stormwater that needs to be diverted to the storm sewer system for conveyance;
3. To encourage water recharge into the ground where geologically favorable conditions exist;
4. To control non-stormwater discharges to stormwater conveyances and reduce pollutants in stormwater discharges;
5. To minimize non-point source pollution;
6. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
7. To reduce the adverse impact of changing land use on water bodies; and,
8. To ensure that storm drain drainage or stormwater BMPs are adequate to address stormwater management needs within a proposed development

1226.02 Low Impact Stormwater Management Techniques

Whenever this Chapter refers to, or provides incentives for the use of low impact stormwater management techniques, it shall include the following:

1. Rain gardens (bioretention)
2. Infiltration
3. Pervious pavement
4. Vegetated buffer or filter strip
5. Vegetated swale

6. Such methods shall be designed according to the best management practices detailed in Chapter 7 of the Low Impact Development Manual for Michigan. (available on-line at <http://library.semcog.org/Inmagic-Genie/DocumentFolder/LIDManualWeb.pdf>)

1226.03 Stormwater Management Ponds

Where any pond, detention or retention basin or other stormwater management facility is required or proposed, it shall comply with the following landscaping requirements:

1. The facility shall be incorporated into the natural topography to the greatest extent possible. Where this is not practical, the basin shall be shaped to emulate a natural depression, with the basin edge being graded and planted with native wetland species to filter and soften the view of the basin.
2. Basin bottoms and edges shall be planted with a mix of native species to reduce maintenance needs and increase infiltration potential.
3. Vegetation may include trees, woody shrubs and meadow/wet meadow or wetland herbaceous plants, grasses and forbs.

Chapter 1227.

Regulated Uses

1227.01 Purpose

1. In the development and execution of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Chapter. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Code.
2. In regulating sexually oriented businesses, it is the purpose of this Section to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent no effect of this ordinance to condone or legitimize the distribution of obscene material.

3. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, nc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Deja vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Deja vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib.Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 13 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs Accounting to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Zoning Administrator, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the City of Highland Park is seeking to abate and prevent in the future.

1227.02 Uses Subject to Regulation

Uses subject to these controls are as follows:

1. Adult book stores, adult novelty stores, or adult video stores;
2. Adult cabarets;
3. Adult motion picture theaters;
4. Nude or semi-nude model studios; and
5. Sexually oriented businesses.

1227.03 Definitions

As used in this Section, the following terms shall have the indicated meanings:

1. Adult motion picture theater. An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
2. Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment which has significant or substantial portion of its inventory, or derives a significant or substantial portion of its revenues, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one (1) or more of the following:
 - a. Books, magazines, periodicals or other printed and/or electronic or digital matter, or photo- graphs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas." instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - b. For purposes of this definition, "significant or substantial portion" means thirty percent (30%) or more of the term modified by such phrase.
3. Specified sexual activities. Specified sexual activities are defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
4. Specified anatomical areas. Specified anatomical areas are defined as:
 - a. Less than completely and opaquely covered:
 - i. Human genitals, pubic region,
 - ii. Buttock, and
 - iii. The nipple and/or areola of the female breast.
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
5. Adult cabaret. A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - a. Persons who appear nude or semi-nude,
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities," or
 - c. Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."
6. Nude or semi-nude model studios. Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the providing of models to display any "specified anatomical areas" as defined here for patrons for a fee or charge.

1227.04 Permitted Uses

Any of the regulated uses listed in [1227.02 Uses Subject to Regulation](#) are permitted if:

1. The use is located within the CBD or IRD District;
2. The use is located more than three hundred (300) feet from any Residential District, measured to the nearest lot line of the proposed use; Unless the prohibition is waived upon the presentment to the Planning Commission of a validated petition requesting such waiver, signed by 51 percent of those persons owning, residing, or doing business within 500 feet of the proposed location.
3. The site shall be so located as to abut a major thoroughfare, right-of-way, and all ingress-egress to the site shall be directly from such major thoroughfare
4. The use is not located within one thousand (1,000) feet of one (1) other regulated use, measured from the nearest lot line to the nearest lot line on a straight-line basis.
5. The use has received Special Land Use and Site Plan approval.

1227.05 Permitting

Sexually oriented businesses as defined above shall only be permitted in the CBD and RD Districts subject to the following requirements and conditions:

1. After completing review and study of the application, the Planning Commission shall hold a public hearing. Following the public hearing, the Planning Commission shall forward a copy of the application, the minutes of the public hearing, and the Planning Commission recommendation to the City Council. The City Council shall review and make final determination on the application.
2. If the City Council determines that the application for a sexually oriented business is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the sexually oriented business in compliance with the approval standards and development standards of this Section.
3. If the City Council has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special use permit for the same within sixty (60) days of its determination that a completed application has been filed, then the special use permit shall be deemed to have been approved.
4. In the event an application for a special use permit is denied for a sexually oriented business, the applicant shall be entitled to prompt review by the Zoning Board of Appeals as a means to exhaust local remedies and to be consistent with the intent of *Paragon Properties Co., v. Novi*, 206, Mich App 74; 520 NW2d 344 (1994). The applicant shall file for an appeal with the Clerk within five (5) business days of the denial of the special use permit request by the City Council. The review shall, upon the Applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within fifteen (15) days of receipt of such a request; otherwise, it will be considered at the next regularly scheduled meeting of the Zoning Board of Appeals. The Zoning Board of Appeals shall review the record of proceedings conducted before the City Council to determine whether the City Council's decision was based upon competent material and substantial evidence in the record and otherwise review the City Council's determination to ensure that it complies with all requirements of both the Michigan and United States Constitutions.
5. If the Zoning Board of Appeals affirms denial of special use permit application for the operation of sexually oriented businesses, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Clerk. Such written request must be received by the Clerk within thirty (30) days of the date of the decision of the Zoning Board of Appeals. The City shall within five (5) business days of receipt of such written request do the following:
 - a. File a petition in Circuit Court for the County of Wayne, seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the City Zoning Ordinance;

- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) days or as soon as thereafter as is possible. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing, the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the City shall be required to waive its application for preliminary injunction and shall join such request.
 - c. In the event that the applicant does not waive notice and/or does not request an early hearing on the City's application for permanent injunction, it shall nevertheless be the duty of the City to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
- 6. The filing of written notice of intent to contest the City's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application automatically approved if, within fifteen (15) days of the filing of the City's petition, a show-cause hearing has not been scheduled.
- 7. Prior to approving any application for a Special Use Permit, the City Council shall find adequate evidence that the proposed use:
 - a. Will be harmonious with and in accordance with the general objectives of the Master Plan;
 - b. Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of that area;
 - c. Will not be hazardous or disturbing to existing or future neighboring uses;
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole;
 - e. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses or activities, which will create nuisance factors.
 - h. Will be consistent with the intent and purposes of this Ordinance.
- 8. In order to ensure that the proposed use under a Special Use Permit fulfills the requirements of this Section:
 - a. The Planning Commission may recommend, and the City Council require such additional conditions and safeguards as deemed necessary for the protection of the general welfare, and individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement and the failure to correct such breach within thirty (30) days after an order to correct is issued by the City Council shall be reason for immediate revocation of the permit. Additional time for correction of the cited violation may be allowed by the City Council upon submission of proof of good and sufficient cause. 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. Accordingly, the Special Use Permit shall be recorded with the Register of Deeds of Wayne County.
 - b. The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a Special Use Permit may be granted after a review and determination by the City Council, after recommendation of the Planning Commission, that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with standards and requirements in effect at the time that the renewal is requested. The Special Use Permit may also require that a specified percentage of authorized construction be completed within a stated time, as a condition to the issuance of the permit.
 - c. No application for a Special Use Permit, which has been denied by the City Council shall be re-submitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.

Chapter 1228.

Wireless

Telecommunication

Facilities

1228.01 Purpose and Intent.

The regulations of this Chapter 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 Highland Park.

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. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the City that all users should co-locate 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.

1228.02 Zoning Districts and Approval Process for Wireless Communication Facilities.

Wireless Communication Facilities may be located within the City as follows:

| Communication Facility | Districts Permitted | Approval Procedure |
|---|--|--|
| Attached Wireless Communication Facilities on Existing Structures | | |
| 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 | Administrative approval |
| Attached to an existing utility structure that will not be modified or materially alter the pole or impair sight lines or compromise safety | All non-residential districts | Administrative approval, provided letter of acceptance is provided by the utility company |
| Collocation upon an existing wireless communication facility | All Districts | Administrative approval |
| New Wireless Communication Tower | | |
| Monopole, any height | Industrial District or located on a municipally owned site in any district | Special land use and site plan by the City Council after recommendation by the Planning Commission |

1228.03 Application Requirements - Collocation.

The following information shall be provided with the application, in addition to other administrative site plan submittal requirements, as required in [1214.06 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, goal 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 municipality.
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 (\$5,000.00) or as determined upon resolution by the City Council.

1228.04 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 requirements for Special Land Use Review Procedures and Requirements:

1. A description of performance 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.

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 recorded at the office of the Register of Deeds in a form approved by the City Attorney. 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, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation.
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 the services to be provided 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.

1228.05 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 (8) 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 Industrial District and is not visible from a public right- of-way or nonindustrial zoning district.
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. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or 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 (14) 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 requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. 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.

1228.06 Design Standards Applicable to New Towers.

In addition to the design standards in subsection 5 above, 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 cover- age 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 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 (100) feet. Taller towers shall require approval from the Zoning Board of Appeals in accordance with Section 1238.08, below.
4. **Tower Setbacks.** The wireless communication tower shall be setback from all property lines a distance at least equal to one-half (½) the height of the tower, provided the engineering information required in Section 1238.04 Subsection 5 above demonstrates such setback is adequate.
5. **Accessory Structure Setback.** Accessory structures and guys 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 land- scape; 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 soil conditions for the proposed use.
8. **Color.** Towers shall be painted a neutral color so as to reduce visual obtrusiveness or be constructed of galvanized steel.
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.

1228.07 Collocation

1. Statement of Policy

- a. It is the policy of the City of Highland Park 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 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 Zoning Administrator allows reconstruction as a monopole.
- b. An existing tower may be modified or rebuilt to a taller height, not to exceed fifteen (15) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

3. **Antennas Mounted on Structures or Rooftops.** Wireless communication antennas placed on the roofs of buildings may be approved by Zoning Administrator, 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 (12) feet.

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 Zoning Administrator. The equipment cabinet or structure used in association with antennas shall be located in accordance with the Building Code and this Ordinance regarding accessory structures in the zoning district in which it is located.

1228.08 Variances – Wireless Communication Facilities

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 within a district or location in accordance with the standards of this Section cannot reasonably meet the coverage or capacity needs of the applicant.
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 due to 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.

Chapter 1229.

Urban Gardening

1229.01 Intent

The City of Highland Park strives to encourage personal and community scale local food production within defined areas inside the City. Providing opportunities for urban gardening creates food independence and security for City residents, provides access to fresh food that does not lose quality in long transportation,

provides opportunities for entrepreneurship and allows for a positive vacant land utilization strategy. The guidelines and regulations in this section define the relationship between urban gardening and other uses. These regulations are designed to:

1. Promote safety, health and welfare of residents
2. Preserve property values and enjoyment of personal property
3. Protect natural resources
4. Prevent pollution (both run-off (non-point source) or seepage to groundwater)
5. Promote humane animal husbandry practice

1229.02 Organic Practices Encouraged

The City of Highland Park supports organic practices. The City finds that using chemical pesticides, herbicides and fertilizers is destructive to migratory and non-migratory birds and butterflies, destructive to crop and flower pollinators (including but not limited to honeybees). The practices of using chemical pesticides, herbicides and fertilizers also leads to water pollution and groundwater contamination.

1229.03 Kitchen Gardens

1. Kitchen Gardens are a permitted use in all residential and mixed-use districts.
2. Permit not required for Kitchen Gardens.
3. Temporary fencing or netting may be erected in and/or around Kitchen Gardens without a permit.

1229.04 Community Gardens

1. Community Gardens are a permitted use in all Districts.
2. On parcels with structures, Community Gardens are not to encroach into any required setback area.
3. On parcels with no structures Community Gardens are not permitted to encroach into required setback areas.
4. Community gardens require written permission from the property owner to be kept on file by all individuals sharing the use of the Community Garden.
5. Temporary fencing or netting may be erected in and/or around Community Gardens without a permit.

1229.05 Market Garden and Community Supported Agriculture (CSA) Garden

1. Market and Community Supported Agriculture (CSA) Gardens are permitted only in the R-UV and MU- UV Districts.
2. Permit not required for Market or Community Supported Agriculture (CSA) gardens.
3. Temporary fencing or netting may be erected in and/or around Market and Community Supported Agriculture (CSA) Gardens without a permit.
4. Hoop Houses may be constructed in these districts without a permit.
5. Market and Community Supported Agriculture Gardens are prohibited from conducting commercial transactions on the garden site.

1229.06 Apiculture

1. The City of Highland Park recognizes that Apiculture is a severe health hazard for some residents, and the intent of this section is to regulate the keeping of bees to provide guidelines for safe and responsible apiculture operation within the R-UV District.
2. Apiculture is a permitted use only in the R-UV District
3. Maximum of one (1) beehive per acre of owned property.
4. Beehives are not permitted in any required setback area and must be at least 50' from adjacent residential buildings.
5. Beehives must be protected and secured from being knocked over by inclement weather, children, pets, and other wildlife.
6. Beehives require an Apiculture Permit, which includes a Site Plan submitted for Administrative Approval by the City Zoning Administrator.
7. Apiculture Permit Site Plan requires a site map showing proposed hive placement and protective measures.
8. All beekeeping equipment not currently used in the housing of an active bee colony and all unused or waste honey or wax products must be stored securely indoors.
9. The City Zoning Administrator may revoke an Apiculture Permit at any time for violation of any portion of this Section.
10. Apiculture locations must be available for inspection by the City Zoning Official or designated official at all reasonable times.

1229.07 Chickens and Rabbits

1. The City of Highland Park supports local food production, which includes the keeping of Chickens and Rabbits in designated areas of the City. Chickens and Rabbits are permitted in the R-UV District only.
 - a. In the R-UV district, up to six (6) each of Chickens and Rabbits per parcel are permitted
2. Hens only are permitted; guinea-hens and roosters are prohibited.
3. Chicken/Rabbit Permit and Site Plan approval are required.
 - a. Chickens and Rabbits Permit requires Site Plan approval by the City of Highland Park Planning Commission of a site plan showing the proposed placement of the coop or shelter and optional pen.
 - b. For parcels with more than one dwelling unit, the permit also requires obtaining the permission of all neighboring dwellings on the parcel and all neighbors with property adjacent to the property proposing chicken or rabbit tending.
4. **Enclosure**
 - a. Chickens and Rabbits must be provided, and remain enclosed within, a fully enclosed shelter with an adjoining optional fenced pen. The pen must include netting over the top.
 - b. The shelter must be sufficiently robust and the netting of the optional pen sufficiently fine, robust, tightly secured and anchored sufficiently below ground to prevent intrusion of predators or vermin.
 - c. Placement of enclosure:
 - i. Permitted only in the 3rd layer
 - ii. Must maintain all required setbacks and be a minimum of 25' from all adjacent parcels
 - d. All feed and other items associated with the keeping of Chickens and Rabbits that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be stored in metal containers so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
5. Slaughtering of Chickens and Rabbits outdoors is prohibited.
6. No storage or accumulation of manure or other odor- or dust-producing material is permitted.
7. The Zoning Administrator may revoke a Chicken/Rabbit Permit at any time for violation of any portion of this Section.
8. All structures and enclosures for Chickens and Rabbits must be available for inspection by the City Superintendent or designated official at all reasonable times.
9. Any person who keeps chickens or rabbits in the City of Highland Park shall obtain a permit before acquiring chickens or rabbits. No permit shall be issued by the City unless the owners of all residentially zoned adjacent properties consent in writing to the permit and this consent is presented along with an application for a permit.

1229.08 Livestock Prohibited

The keeping of livestock not described in [1229.07 Chickens and Rabbits](#) is prohibited.

1229.09 Private Restrictions Take Precedence.

Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of Chickens and Rabbits is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Chapter 1230.

Rules of Construction and Organization and Definitions

1230.01 Rules of Construction and Organization.

1. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.
2. Rules of Construction: The following rules of construction apply to this Chapter:
 - a. The language of this Chapter shall be read literally. Regulations are no more or less strict than stated.
 - b. The particular shall control the general. For terms used in this Chapter, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
 - c. In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.
 - d. A building or structure includes any part thereof.
 - e. The term "used" includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.
 - f. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
 - i. "And" indicates that the connected items, conditions, provisions or events apply.
 - ii. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - iii. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.
 - g. Terms not defined in this Article shall have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

1230.02 Definitions.

A

ABUTTING. The condition of two adjoining parcels having a common property line or boundary but not including cases where adjoining lots are separated by a street or alley.

ACCESSORY STRUCTURE. A building or structure that is subordinate in use and square footage to the principal permitted use of land or buildings, is customarily found in connection with the principal use or structure and is located on the same lot as the principal use. When an accessory building is attached to the main building in a substantial manner (such as a wall or roof), the accessory building shall be considered a part of the main building for setback purposes. Examples are garages, carports, sheds, gazebos, large play structures and greenhouses.

ACCESSORY USE. A use located on the same lot that is customarily incidental, appropriate and subordinate to the principal use of land or buildings. Synonymous with Ancillary Use.

ADJACENT. The condition of where two or more parcels share common property lines or where two parcels are separated only by an alley, easement or street. Synonymous with Adjoining.

ADULT USES. See Regulated Uses.

AFFORDABLE HOUSING. Any form of group living or household living intended for low- or moderate-income persons and families with incomes at or below 80% of area median income, adjusted for family size; and here monthly shelter costs do not exceed a designated percentage of that person's or family's income. Definitions for low- or moderate-income, Area Median Income, monthly shelter costs and percentage of income for housing shall be those used by the U.S. Department of Housing and Urban Development (HUD) or the Michigan State Housing Development Authority (MSHDA).

ALLEY. See Street, Alley.

ALTERATION. Any change, addition or modification in construction or type of occupancy or 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 in this Chapter as "altered" or "reconstructed."

AMENDMENT. A change in the wording, context or substance of this Chapter, or a change in Zone District boundaries or Neighbor- hood Classifications on a zoning map.

ANCILLARY USE. See Accessory Use.

ANIMALS AND ANIMAL SERVICES

1. **DOMESTIC ANIMAL.** A small animal of the type generally accepted as pets including, but not limited to, dogs, cats, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or similar animals.
2. **KENNEL.** A facility for the boarding, breeding, raising, grooming, selling, training or other animal husbandry activities for domestic animals.
3. **SALES, SERVICES AND DAY CARE.** An establishment that includes sales, grooming or other services, or day time care of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.
4. **VETERINARY CLINIC.** A building, or any portion of a building, used for the treatment of house pets as outpatients only and does not have interior or outdoor kennels and overnight boarding.
5. **VETERINARY HOSPITAL.** A building, or any portion of a building, used for the treatment of house pets, and may have interior or outdoor kennels and overnight boarding.

APPEAL. A procedure by which a decision, interpretation or enforcement action is brought from a lower decision-making authority to a higher authority for determination.

APPLICANT. The owner of property or the authorized representative of the owner applying for development approval.

APPROVAL. A written notice by an authorized representative or designated decision-making body of the City approving the design, progress or completion of work.

ARCHITECTURAL ELEMENTS. That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening. Also, ornamentation or decorative features attached to or protruding from an exterior all that add detail and/or finely-scaled features to a facade. Examples are plinths, cornices, knee braces, columns, belt courses, chimneys, bay windows and other decorative ornaments. Synonymous with Architectural Detail.

ARTICULATION. Shifts in the plane of walls, setbacks, stepbacks, reveals, overhangs, and details in order to create variations in a building's facade. Variations of a building's mass through the use of deep setbacks, diminishing upper floor areas, and/or projecting roof overhangs.

ASSEMBLY BUILDING. A building or structure designed and intended for use as a place of public assembly, with or without fixed seats, for entertainment, business, social, religious, educational or other purposes. Examples of assembly buildings include but are not limited to churches, synagogues, mosques, theaters, cinemas, community centers, social or service club locations, auditoriums, sports arenas, and convention centers.

AUDITORIUM. An establishment designed or used for the gathering of people seated as an audience; open to the general public, with or without admission charge; and used primarily for public speaking or live entertainment.

AUTOMATED TELLER MACHINE (ATM). An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution.

AUTOMOBILE. A motor vehicle designed for passenger or light cargo transportation, including pick-up trucks, vans, motorcycles, sport utility vehicles, and similar vehicles.

AVERAGE. See Mean Average (Arithmetic Mean).

AWNING. A retractable or fixed shelter projecting from and supported by the exterior all of a building (i.e. cantilevered) and constructed on non-rigid materials on a supporting framework. Compare to Canopy and Marquee.

B

BANQUET HALL. An establishment that is used regularly for serving food or beverages to groups that, before the day of the event, have reserved the facility for banquets or meetings; and to which the general public is not admitted; and for which no admission charge is imposed at the door.

BASEMENT. That portion of a structure between the floor and ceiling which has more than one half (1/2) its height below grade.

BERM. An elongated earthen mound capable of supporting live landscaping materials typically built to separate, screen, or buffer adjacent uses.

BLOCK. Land bounded by streets, not including alleys, or by a combination of streets and public land, railroad rights-of-way, water bodies, or any other barrier.

BLOCK CORNER. The outside corner of a block at the intersection of any two (2) streets.

BLOCK FACE. Land abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad rights-of-way, water bodies, or un-subdivided land.

BLOCK, SQUARE. Land comprised of one or more individual lots entirely surrounded by streets or by a combination of streets, parks, bodies of water, or railroad rights-of-way, but not an alley.

BOARD OR BOARD OF ZONING APPEALS. The Board of Zoning Appeals (BZA) for the City of Highland Park.

BUFFER. Vegetative material, structures (e.g. walls, fences), berms, or any combination of these elements that are used to separate and screen incompatible uses from one another.

BUILDABLE AREA. The area of the lot within the limits of the required setbacks for the main building or principal structure. The build- able area is the maximum area that can be built upon, including additions, now and in the future. Synonymous with building envelope.

BUILDING. An independent structure, either temporary or permanent, having a roof supported by columns or any other support used for the enclosure of persons, animals, chattels or property of any kind, or carrying on business activities or other uses.

BUILDING FRONTAGE. See Frontage, Building.

BUILDING HEIGHT. The vertical distance measured from the finished grade to the highest point of the roof surface of a flat roof; to the deck of mansard roofs; and to the average height level between eaves and ridge of the highest roof section for a gable, hip and gambrel roofs. When the terrain is sloping, the finished grade shall be the average of the lowest and highest elevation points adjoining the exterior walls of the structure.

BUILDING, MAIN. A building or structure in which the primary permitted use of the lot is conducted, with such use possibly occurring in one or more buildings or structures. Synonymous with principal building or principal structure.

BUILDING MASS. The three-dimensional bulk of a building: height, width, and depth.

BUILDING LINE. The inner edge of any required setback, and the corresponding outer edge of the buildable area of a lot.

BZA. See Zoning Board of Appeals.

C

CALIPER. The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four inches in diameter; and 12 inches above the ground for trees greater than four inches in diameter.

CAMPUS. The grounds and buildings of a college, university, hospital or other institutional or educational use.

CANOPY. A rigid multi-sided structure covered with fabric, metal or other material and supported in whole or in part by posts embedded in the ground. Compare to Awning and Marquee.

CARPORT. A roofed structure or shelter or portion of a building open on two or more sides that is provided for the purpose of sheltering one or more motor vehicles.

CHARACTER. Those attributes, qualities, and features that make up and distinguish a building or structure, a group of buildings or structures, or a neighborhood or a Zone District, and give it a sense of purpose, function, definition, and uniqueness.

CHILD CARE. A private home or facility in which minor children are received for care and supervision for periods of less than twenty four (24) hours a day, and where the parents are not immediately available to the child.

1. **CHILD CARE CENTER.** A facility, other than a private home, receiving one (1) or more preschool or school age children for care and supervision.
2. **CHILD CARE HOME, FAMILY.** A private home in which one (1) to six (6) minor children receive care and supervision. Children related to an adult member of the family by blood, marriage or adoption are not counted in the number of children al- lowed. The term includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
3. **CHILD CARE HOME, GROUP.** A private home in which seven (7) to twelve (12) minor children receive care and supervision. Children related to an adult member of the family by blood, marriage or adoption are not counted in the number of children allowed. The term includes a home that gives care to an unrelated minor child for more than four (4) eeks during a calendar year.

CHURCH. See Religious Institution.

CITY. City of Highland Park, Michigan.

CITY OFFICIALS. City officials who are duly elected or appointed to those offices or positions and includes anyone designated by them or by any of their superiors to act in their place. Examples include City Manager, City Clerk, and City Attorney.

CLEAR VISION AREA. The area located at the intersection of two streets, whether public or private, or a street and driveway through which an unobstructed view of approaching traffic is necessary for pedestrians and drivers.

CLINIC. An establishment providing medical, dental, psychiatric or surgical treatment exclusively on an out-patient basis, with no overnight stays. Clinics may provide examinations, diagnostic services and medical treatment.

COMMERCIAL USE. Any nonresidential use of a lot, building or structure for financial gain, including but not limited to entertainment activities, offices, personal services and retail sales. Garage/basement/yard sales operating more than two (2) days on two (2) separate occasions per year are considered a commercial use.

COMMERCIAL VEHICLE. A vehicle designed, maintained or used primarily for the transportation of property or passengers in furtherance of a commercial enterprise, including tow trucks and semi-trucks.

COMMISSION. See Planning Commission.

COMMON OWNERSHIP. See Ownership, Common.

COMMUNITY CENTER. A government or nonprofit facility used for recreational, social, educational, cultural, or advisory services and activities. Services may be targeted to certain populations (e.g. youth, seniors) but membership is available to the general public. Examples of services include but are not limited to: parenting classes, counseling, tax assistance, health and fitness training, senior meals, and after-school tutoring sessions. This use does not include any facility that meets the definition of a school, religious institution, public assembly facility, or social or service club.

COMMUNITY SUPPORTED AGRICULTURE (CSA S) . CSAs are farmer-to-consumer arrangements that have emerged in response to local dairy, poultry, vegetable production being squeezed out of local markets as the food industry consolidated and shipped products be- came the norm. Most CSAs are of the subscription type wherein the farmer(s) organize the CSA, make most of the management decisions, and do most of the farm work.

The USDA defines CSA s as follows: "In basic terms, CSA consists of a community of individuals who pledge to a farm operation so that the farmland becomes, either legally or spiritually, the community's farm, with the growers and consumers providing mutual support and sharing the risks and profits of food pro- duction. Members or shareholders of the garden or farm pledge in advance to cover the anticipated costs of the farm operation and farmer's salary. In return, they receive shares of the farm's bounty throughout the growing season, as ell as satisfaction from reconnecting with the land. Members also share in risks, including poor harvests due to unfavorable weather or pests."

COMPATIBILITY. See Design Compatibility.

CONDOMINIUM. A form of property ownership in which each owner holds title to his/her individual unit, plus a fractional interest in the common areas of the multi-unit project. Each owner pays taxes on his/her property and is free to sell or lease it. These individual units may be either units within a common building or individual units on a common lot. The term condominium refers to a form of property ownership, not a specific style or type of building.

CONSERVATION AREA. The portions of a site that contain sensitive natural features to be protected through open space set aside or dedication.

CONSERVATION EASEMENT. The grant of a property right stipulating that the described land will remain in its natural state and precluding or limiting future or additional development.

CONVENIENCE STORE. A retail establishment with a total sales area of five thousand (5,000) square feet or less. A convenience store may or may not be licensed by the State of Michigan for the sale of beer, wine, liquor or other alcoholic bever- ages for consumption off the premises. Compare to Package Goods Store.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED). Architectural design, site design, and landscape design principles intended to reduce the fear and incidence of crime, and to improve the quality of life.

CRITICAL ROOT ZONE. A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. The critical root zone shall be considered as one (1) foot of radial distance per inch of caliper measurement.

D

DECK. A roofless outdoor structure built as an aboveground platform supported by posts, at least one (1) foot above average grade. A deck may or may not be attached to the main building and may or may have railings or steps. A deck is generally of significant size and is used primarily for recreation uses, and secondarily as an entrance and exit to the building.

DENSITY. The number of dwelling units per acre of land. Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site. For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and lot lines shall be included.

DESIGN COMPATIBILITY. The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Design compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

DEVELOPER. Any individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land.

DEVELOPMENT. The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, proportion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land.

DIAMETER AT BREAST HEIGHT (DBH) . The diameter in inches of a tree measured in inches at four and one half (4½) feet above the existing grade.

DRIVE-IN OR DRIVE-THROUGH. An establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

DWELLING. A building or portion thereof which is used exclusively for human habitation. Included within this definition are single-family, two-family and multiple-family dwellings, and apartment buildings. The term dwelling does not include group living arrangements or hotels, motels, bed and breakfast operations, or other structures designed for transient residence. See Household Living.

DWELLING, LIVE-WORK. See Live-Work Dwelling.

EASEMENT. The right to use property owned by another for access to another property or for a specific purpose, including but not limited to utility placement, stormwater drainage, or driveway.

ELEVATION DRAWING. A vertical view drawing of the front, side or rear of a structure that describes the design, floor-to-floor dimensions, building height, window and door dimensions, and signs.

ENCROACHMENT. The portion of a building, structure or sign that intrudes into a required setback, right-of way or easement.

ENTERTAINMENT, LIVE. Any one or more of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged, including but not limited to: musical acts, karaoke, theatrical acts, standup comedy, plays, revues, dance, magic acts, disc jockey functions or other similar activities. Live entertainment does not include adult entertainment, as defined under Regulated Uses.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies, or for the public health, safety or welfare. For the purposes of this Chapter, wireless communications towers and antennas are not considered essential services, except where a communications facility that is used for the primary purpose of providing local public safety communication services that directly transmit information for fire protection, police protection, and basic or advanced life support to the City of Highland Park Police and Fire Departments, as defined in a written contractual agreement approved by the City Council and uniquely connected to the Police Department data center.

EXISTING. In existence prior to the effective date of this Chapter. Synonymous with Pre-Existing.

FACADE. The exterior wall(s) of a building facing a street.

FAMILY. One (1) or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or not more than four (4) unrelated individuals eighteen (18) years of age or older living together in one (1) dwelling unit, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit. The following do not qualify as a family: any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature. The term family does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) except an adult foster care family home as defined in Section 3 of that Act (MCL 400.703, MSA 16.610(53)).

FENCE. A structure used to delineate a boundary or act as a barrier or means of protection, confinement or screening.

FLOOR AREA

1. **FLOOR AREA, GROSS (GFA).** The sum of the gross area of each story of a building measured from the exterior limits of the faces of the structure, or from the centerline of walls separating two (2) buildings. FA includes halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet, but excluding areas used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than one hundred fifty (150) square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.
2. **FLOOR AREA, RESIDENTIAL.** The area of a residential dwelling unit that is the area within the building measured from the exterior of the exterior walls, but not including areas of basements, unfinished attics, attached or detached accessory structures, breezeways, or enclosed and unenclosed porches.
3. **FLOOR AREA, LEASABLE.** All ground and non-ground floor area used or designed to be used for the sale or display of merchandise or services or to serve patrons, clients or customers, and excludes incidental service, storage, mechanical equipment rooms, heating/cooling systems, and similar areas not intended for the use of patrons, clients or customers.
4. **FLOOR AREA, USABLE (UFA).** The gross floor area of the building minus the areas of the building not being used in a manner that contributes to the principal use of the property such as floor area used as restrooms, closets, corridors and mechanical rooms.

FRONTAGE, BUILDING. The length of any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where customer access to the building is available.

FRONTAGE LINE. See Lot Line, Front.

FRONTAGE, LOT. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect with the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

FUNERAL AND INTERMENT SERVICES. Provision of services involving the care, preparation or disposition of the human dead.

1. **CEMETERY.** Land used or intended to be used for the burial of human remains or storage of cremated human remains, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with, and within the boundary of, such cemetery.
2. **CREMATORY.** An establishment that is involved in the purification and reduction of human bodies by fire.
3. **FUNERAL HOME OR MORTUARY.** An establishment in which the human dead are prepared for burial or cremation. The facility may be used to display funeral equipment and to provide gathering spaces for viewing the body and conducting funeral services.

G

GARAGE (PRIVATE). An outbuilding or accessory structure used primarily for the parking or storage of vehicles and equipment for the use of the occupants of the main building or structure on the lot, with no facilities for vehicle service or repair.

GARAGE SALE | YARD SALE | BASEMENT SALE. A sale of personal household goods and clothing as ancillary to the principal residential use. garage/yard /basement sales operating more than three (3) days per sales or on more than two (2) separate occasions per year are not permitted.

GARDEN, COMMUNITY. A plot of public or private land made available for shared Kitchen Garden use.

GARDEN, KITCHEN. A plot of land where vegetables, herbs and fruiting trees and vines are grown, essentially for consumption by the gardener's household

GARDEN, MARKET. A plot of land where vegetables, herbs and fruiting trees and vines are grown, essentially for sale or profit. Market Gardens differ from kitchen Gardens and Community Gardens in scale, the Market Garden being likely to occupy a larger area. Market gardening may take place in the open, in green-houses or in "hoop-houses".

GLARE. See Lighting, Glare.

GLASS, CLEAR. Clear or lightly tinted glass in windows, doors, and display windows. Glass Visible Light Transmittance (VLT) shall be not less than seventy (70) percent. Compare to Transparency.

GRADE. A reference plane representing the ground level adjoining a building or structure.

1. **GRADE, AVERAGE.** The ground elevation established for the purpose of regulating the height of a structure. The grade shall be the level of the ground adjacent to the structure if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure.
2. **GRADE, EXISTING.** The elevation or surface of the ground or pavement as it exists prior to disturbance.
3. **GRADE, FINISHED.** The elevation or surface of the ground after all earthwork has been completed, without a berm, as measured six (6) feet from the exterior walls of the structure.

GREENBELT. A landscape area, at least ten (10) feet in width, to serve as an obscuring screen, noise abatement or visual enhancement between land uses or between a land use and a public right-of-way.

GREENSPACE. All natural pervious open space at grade, including land and water bodies; and does not include permanent structures, sidewalks, patios, decks, or pavement of any type including gravel. Compare to Open Space, Urban.

GROUND COVER. Low-growing plants including grass that form a dense, extensive growth after one (1) complete growing season and tend to prevent weeds and soil erosion.

GROUND FLOOR ESTABLISHMENT. A building or portion thereof under separate ownership, lease, or management, which fronts on and has access to a street

GROUP LIVING. Residential occupancy of a dwelling unit by other than a household and providing communal facilities. Typical uses include adult foster care facilities, assisted living facilities, nursing homes, and transitional shelters.

1. **ADULT FOSTER CARE FACILITY.** A facility for the care of adults over 18 years of age, as licensed and regulated by the State of Michigan. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. It does not include nursing homes, assisted living facilities, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility. The organizations shall be defined as follows:
2. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive not more than six (6) adults who are provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.
3. **ADULT FOSTER CARE LARGE GROUP HOME.** An adult foster care facility with the approved capacity to receive thirteen (13) to twenty (20) adults, excluding licensee and staff, to be provided with foster care.
4. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity of not more than twelve (12) adults, excluding licensee and staff, who are provided with foster care.
5. **ASSISTED LIVING FACILITY.** A combination of housing, supportive services, personalized assistance or health care designed to respond to the individual needs of persons, typically the frail elderly, who need help with activities of daily living. Such facilities may include a central or private kitchen, dining, recreational or other facilities, with separate bedrooms or living quarters.
6. **NURSING OR CONVALESCENT HOME.** A State of Michigan licensed long term facility providing accommodation and supervised medical and personal care on a twenty four (24) hour basis for aged or infirm persons. A state licensed: a) sub-acute care facility; b) home for the aged; c) nursing home, or d) hospice facility providing twenty four (24) hour care are included. A hospital is not included in this definition.

7. **RESIDENTIAL REHABILITATION FACILITY.** An adult residential care facility operated by a government agency or private nonprofit organization that provides care and supervision on a twenty four (24) hour basis for the treatment of mental illness, alcohol or substance abuse, or other long-term illnesses along with temporary group living accommodations. Also includes "half-way houses" for ex-prisoners making the adjustment from prison/jail to self sufficiency.
8. **ROOMING OR BOARDING HOUSE.** A dwelling which is owner-occupied and serves as the primary residence of the owner; where not more than four (4) rooms are rented to individuals who are not related by blood, marriage or adoption to the owner; where rooms are rented under separate rental agreements or leases, either written or oral; where no more than one (1) person occupies a room; and where communal facilities (such as a kitchen or bathroom) are available to the occupants; and is not a hotel, motel or bed and breakfast.
9. **SINGLE ROOM OCCUPANCY (SRO) .** A room in a dwelling that is designed and intended for a single person's long-term accommodation that contains either a bathroom or kitchen, but not both types of facilities. A SRO facility is not an owner-occupied rooming/boarding house, hotel, motel or bed and breakfast, and usually contains fifty (50) or more units.
10. **TRANSITIONAL OR EMERGENCY SHELTER.** A residential facility operated by a government agency or private nonprofit organization that provides temporary accommodations and on-site management for homeless persons or families, or other persons requiring interim housing arrangements.

H

HEDGE. A row of evergreen or deciduous shrubs two (2) to three (3) foot in height that are planted close enough together to form a solid barrier.

HEIGHT, BUILDING. See Building Height.

HEIGHT, FENCE OR WALL. The vertical distance between finished grade and the highest point of the fence or all to the top of the fence or all.

HEIGHT, STRUCTURE. The vertical distance between the finished grade and the uppermost part of the structure.

HISTORIC STRUCTURE. A building or structure of historic value as designated in Chapter 68 Historic Preservation Commission of the City Code and/or designated by the county, state or federal government as historic landmarks or structures.

HOME OCCUPATION. A business, profession, occupation or trade that is conducted within a single- or two-family dwelling unit for the economic gain or support of a resident of the dwelling unit and is incidental and secondary to the residential use, and that does not adversely or perceptively affect the character of the lot or surrounding area. The dwelling unit shall be owner-occupied and serve as the primary residence of the owner.

HOSPITAL. A facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees or visitors.

HOUSEHOLD LIVING (DWELLING UNIT). Residential occupancy of a dwelling unit by one (1) household, family or person. A dwelling unit consists of a room or a suite of rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for use by one (1) household, family or person only. Typical uses include single-family houses, attached single-family houses, two-family houses, and multi-family apartment buildings. Household living does not include the facilities defined under Group Living.

1. **DWELLING, ATTACHED SINGLE FAMILY.** A single-family dwelling attached to one (1) or more other single-family dwellings by a common vertical all, with each dwelling located on a separate lot. This term includes town houses and row houses.

2. **DWELLING, DETACHED SINGLE-FAMILY.** A principal structure intended for occupancy by a single household, located on a separate lot or parcel, and not sharing common structural elements with any other structure intended for occupation by another household. An accessory dwelling unit is incidental to the principal detached dwelling and may be placed on the same lot.
3. **DWELLING, TWO-FAMILY (DUPLEX).** A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other.
4. **DWELLING, MULTIPLE-FAMILY OR MULTI-FAMILY.** A building containing three (3) or more dwelling units, each of which is totally separated from the other units.
5. **DWELLING, LIVE-WORK.** See Live-Work Unit.
6. **DWELLING, HOME OCCUPATION.** See Home Occupation.
7. **DWELLING UNIT, ACCESSORY.** A secondary and clearly subordinate dwelling unit that is contained within a detached single-family dwelling (primary dwelling unit), included within an accessory structure, or separate from but located on the same lot as a detached single-family dwelling. Also known as a "granny flat."

IESNA. The Illuminations Engineering Society of North America.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreational areas. Synonymous with non-pervious surface.

IMPROVEMENT. Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of the betterment.

INFILL DEVELOPMENT. New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

INFRASTRUCTURE. Public or private structures that serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

INTEGRATED COMPLEX. A group of buildings contained within a single development and under a single approved plan. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use.

INLAND. The earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND USE AND DEVELOPMENT SERVICES (LUDS). A coordinated City program for the review, approval and monitoring of projects that involve the development or redevelopment of land. LUDS includes grading, drainage, landscaping, paving, erosion control, encroachments, permitted land uses and similar activities.

LANDSCAPE SCREEN. A method of visually shielding or obscuring from view a screen comprised of fencing, walls, berms, or plantings of sufficient height, length, and opacity to form a visual barrier.

LANDSCAPING. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material.

LAND USE PLAN. The Future Land Use Map in the Highland Park Master Plan.

LEED CERTIFIED. The LEED (Leadership in Energy and Environmental Design) Green Building Rating System is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.

LIGHTING.

1. **AVERAGE ILLUMINATION LEVELS.** The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.
2. **CUT-OFF-ANGLE.** The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.
3. **CUT-OFF FIXTURES.** Cut-off fixtures control glare by directing light well below the horizon, out of the viewer's line of sight.
4. **DIRECT LIGHT.** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.
5. **FIXTURE.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
6. **FLOODLIGHT.** A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of ten (10) degrees to wide angles (more than one hundred (100) degrees).
7. **FLUSH MOUNTED OR RECESSED LUMINAIRE.** A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.
8. **FOOT-CANDLE.** A measure of light falling on a given surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on a square foot surface one (1) foot away. Footcandle may be measured both horizontally and vertically by a light meter.
9. **GLARE.** The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.
10. **ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA)** . An association of professionals in the field of lighting and related professions.
11. **LAMP.** The component of a luminaire that produces the actual light including luminous tube lighting.
12. **LIGHT POLLUTION.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
13. **LIGHT SHIELD.** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
14. **LUMINAIRE.** The complete lighting system, including the lamp and the fixture.
15. **LUMINAIRE, FULL CUTOFF.** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light- emitting part.

16. **LUMEN.** A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.
17. **MAXIMUM TO MINIMUM ILLUMINATION RATIO.** The ratio of the maximum illumination level to the minimum level.
18. **MOUNTING HEIGHT.** The vertical distance between the surface to be illuminated and the bottom of the light source.
19. **LIGHTING, PEDESTRIAN-SCALE.** Devices intended to provide outdoor lighting that are lower in height than typical street lighting and located proximate to pedestrian areas such as sidewalks, open space areas or plazas.
20. **UNIFORMITY RATIO.** The ratio of average illumination to minimum illumination.

LINER BUILDINGS. A series of smaller buildings located along the primary facade of a larger structure or as standalone perimeter structures positioned to break up the structure's mass. Liner buildings are typically used in conjunction with parking structures.

LIVE-WORK DWELLING UNIT. A dwelling unit that contains limited commercial activities on the ground level of a multiple story building and is located on a major or collector street within one hundred (100) feet of a mixed use commercial Zone District.

LOADING AREA. Any entrance/exit into or out of a building that is used for the loading and unloading of materials by trucks or other vehicles.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum off-street parking.

LODGING, SHORT TERM. Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are considered transient lodgings:

1. **BED AND BREAKFAST.** An owner-occupied detached dwelling in which the owner/operator rents rooms to overnight guests and may offer meals only to those guests. The dwelling shall be the principal residence of the owner/operator and the owner/operator shall live on the premises when the Bed and Breakfast is active.
2. **HOTEL.** An establishment where short term lodging is offered for compensation, typically with a high level of guest services and on-site amenities such as pools, restaurants, fitness centers and similar features. Hotel structures are generally four (4) or more stories in height, with lodging units accessed from interior hallways.
3. **MOTEL.** An establishment where short-term lodging is offered for compensation, and may include microwave ovens and refrigerators in guest rooms. Motel structures are generally one (1) - three (3) stories in height, with lodging units accessed from exterior parking lots or passageways.

LOT. A parcel of land permitted by law to be used, occupied or intended to be occupied by one or more main buildings or structures and accessory structures, together with such yards and open spaces required by this Chapter, and having its principal frontage upon a public or approved private street. A lot may or may not be specifically designated as such on public records. A lot may include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this Chapter.

1. **LOT AREA.** The total horizontal land area within the lot lines of the lot, not to include public or private rights-of-way.
2. **LOT, CORNER.** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty five (135) degrees. A lot abutting a curved street shall be considered a corner lot for the purposes of this Chapter if the arc is of a smaller radius than one hundred and fifty (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 one hundred thirty five (135) degrees.
3. **LOT COVERAGE.** The part or percentage of the lot occupied by buildings or structures, accessory structures and impervious surfaces. Lot coverage is expressed as a percentage of the total lot area.

4. **LOT DEPTH.** For an interior lot, the horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines. For a corner lot, the horizontal distance between the wider of the two dimensions between the front lot line and the side lot line.
5. **LOT, INTERIOR.** Any lot other than a corner lot.
6. **LOT LINES.** The lines bounding a lot are defined as follows. Distances are measured as the length of an imaginary straight line joining two (2) points. Synonymous with Property Lines.
 - a) **LOT LINE, COMMON.** A lot line separating one (1) lot from another lot.
 - b) **LOT LINE, FRONT.** In the case of an interior lot, that line separating such lot from the street. In the case of a corner lot, those lot lines separating the lot from the street. In the case of individual through lots, that line separating such lot from the street which corresponds with the primary entrance of the building. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered front yards and shall meet the requirements for both frontages.
 - c) **LOT LINE, REAR.** That lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within forty five (45) degrees of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear yard depth.
 - d) **LOT LINE, SIDE.** Any lot line other than the front lot line or rear lot line. A side lot line separating an interior lot from another lot is an interior side lot line.
7. **LOT OF RECORD.** A parcel of land, described by deed and/or subdivision plat, filed with the WayneCounty Register of Deeds.
8. **LOT, THROUGH.** An interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.
9. **LOT WIDTH.** For an interior lot, lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. For a corner lot, lot width is the horizontal distance between the narrower of the two dimensions between the front lot line and the opposite side lot line.

M

MAIN BUILDING. A building in which the principal use of the lot is conducted. Synonymous with principal building.

MANUFACTURED HOUSE (HOME). A structure transportable in one (1) or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and de- signed to be used as a single dwelling unit with or without permanent foundation.

MANUFACTURED HOUSING (HOME) COMMUNITY. A parcel or tract of land which is under the control of one person, group or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured house.

MARIHUANA, also known as **MARIJUANA**, also known as **CANNIBIS**. That term shall have the meaning given to it in section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as is referred to in section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act."

MARIHUANA COLLECTIVE OR COOPERATIVE. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an

identification card. The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Initiated Law, MCL 333.26423 (d); Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules of Article 9, Section 5.9.13.R. of this Ordinance. A "marijuana collective or cooperative" shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. t is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Highland Park.

MARIHUANA DISPENSARY OR DISPENSARY. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules of this Ordinance. A "marihuana dispensary" shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. t is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Highland Park.

MARQUEE. A shelter projecting from and supported by the exterior all of a building and constructed of rigid materials on a supporting framework. Compare to Awning and Canopy.

MASTER PLAN. The Master Plan for the City of Highland Park, including appropriate graphic and written materials regarding the physical development of the City. The term "Master Plan" includes any unit or part of the plan and any amendment to the plan or parts thereof.

MDEQ. Michigan Department of Environmental Quality, including any successor agency. Also known as DEQ or Department of Environmental Quality.

MDOT. Michigan Department of Transportation, including any successor agency.

MEAN AVERAGE (ARITHMETIC MEAN). The numerical value derived by dividing the sum of a set of numbers by the total of the numbers. (Example: $50 + 100 + 75 = 225$. $225 / 3 = 75$. 75 is the mean.)

MEDIAN AVERAGE. The numerical value of an ordered set of values below and above which there is an equal number of values. If there is no middle value, median is the arithmetic average of the two middle values. (Example: 40, 40, 48, 50, 60, 70, 71. 50 is the median.)

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d)."

MEZZANINE. An intermediate floor in any story occupying more than one third (1/3) of the floor area of such story.

MIXED-USE. The development of a lot, tract or parcel of land, or building(s) with two (2) or more primary land use components that are grouped into a visually compatible and functional land use arrangement. Such uses may be vertically or horizontally integrated within a building or development site.

MLCC. Michigan Liquor Control Commission, including any successor agency. Synonymous with LCC.

MOTORCYCLE CLUB. A building, room or other facility which is used as a meeting or gathering place for five (5) or more motorcyclists along with their motorcycles.

MUNICIPALITY. The City of Highland Park.

NATIVE VEGETATION, TREES, OR LANDSCAPE. Plant species that are native to southwestern Michigan and characteristic of a pre-settlement landscape.

NONCONFORMING, NONCONFORMITY. An existing use, structure or building, lot or sign lawfully existing prior to the effective date of this Chapter or amendments thereto that does not conform with one or more provisions of this Chapter.

1. **NONCONFORMING BUILDING, NONCONFORMING STRUCTURE.** A building or structure, or portion thereof, lawfully existing at the effective date of this Chapter or amendments thereto, which does not conform to the provisions of this Chapter for the district in which it is located.
2. **NONCONFORMING LOT, NONCONFORMING LOT OF RECORD.** A lot with area or dimension lawfully existing at the effective date of this Chapter or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.
3. **NONCONFORMING USE.** A use that lawfully occupied a building or land on the effective date of this Chapter or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

NON-RESIDENTIAL USE. A use of a lot, structure or building by a commercial, governmental or institutional, industrial or transportation, or other use that is not suitable or intended to be used for human habitation.

OUTDOOR ACTIVITY. Any enterprise, operation or activity that occurs outside of an enclosed building or structure as part of a permitted use on a lot, and any outdoor display of materials, machinery, vehicles or other items that may or may not be for sale or rent.

OUTDOOR DISPLAY. Merchandise displayed for public viewing in any space which is not enclosed, included but not limited to: balconies, patios, terraces, walkways, parking areas, lawns, or gardens.

OUTDOOR SEATING. An unenclosed area where seating is provided in association with a commercial use, included but not limited to: balconies, patios, terraces, walkways, parking areas, lawns, or gardens.

OUTDOOR STORAGE. The keeping of any equipment, goods, junk, materials, merchandise, or vehicles in the same place outside an enclosed building or structure for more than 24 hours. This shall not include the display of vehicles or equipment for sale on a sales lot.

OVERHEAD WALKWAY. A pedestrian connection between structures located over a public street.

OVERLAY DISTRICT. An Overlay District is placed over a base Zone District(s). While base Zone District regulations still apply, additional development or use restrictions are imposed by the overlay.

OWNER. Any person having legal or equitable interest in a property or in real improvements upon a property, solely, jointly, by the entireties, or in common. Owner shall also mean any person who has been empowered to act on behalf of, or as agent of the owner. For the purposes of enforcement, owner shall also mean any person who has or exercises care, custody, dominion or control over any property.

OWNERSHIP, COMMON (RELATED TO ABUTTING NONCONFORMING LOTS). For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Chapter, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter if they:

1. Are in common ownership;
2. Are abutting each other or have continuous frontage, and
3. Individually do not meet the lot width or lot area requirements of this Chapter.

OWNERSHIP, SINGLE. Holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

P

PACKAGE GOODS STORE. A retail establishment licensed by the State of Michigan for the sale of beer, wine, liquor and other alcoholic beverages (also known as package goods) for consumption off the premises, where the package goods sales area comprises fifty (50) percent or more of the total sales area. Compare to Convenience Store.

PARCEL. See Lot.

PARKING. An area on a street, in a paved lot or in a structure used for the temporary or permanent storage of a vehicle.

1. **PARKING, DEFERRED.** A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.
2. **PARKING DEMAND STUDY.** An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients and visitors, based on the recommendations of the Institute of Traffic Engineers (ITE).
3. **PARKING, OFF-SITE.** An off-street parking area intended to serve one or more nonresidential use(s) provided on a different lot than the use(s) it is intended to serve.
4. **PARKING, SHARED.** An off-street parking facility shared by two or more uses that are in proximity to one another, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization by the other use(s).

PARKING LOT. A paved area dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas. Synonymous with parking area.

PARKING LOT LANDSCAPING. Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

1. **PARKING LOT LANDSCAPING, INTERIOR.** Vegetative material, structures (walls and fences), berms, and associated ground cover located within the interior of a parking lot or other vehicular use area for the purposes of providing visual relief and heat abatement.
2. **PARKING LOT LANDSCAPING, PERIMETER.** Vegetative material, structures (walls and fences), berms, and associated ground cover located around the perimeter of a parking lot or other vehicular use area for the purposes of screening the parking lot from off-site views when such areas are adjacent to a street right-of-way or other development.

PARKING SPACE. An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, fully accessible for the storage or parking of permitted vehicles.

1. **PARKING SPACE, ACCESSIBLE.** A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a person with disabilities and any equipment needed for that purpose.
2. **PARKING SPACE, OFF-STREET.** A space that is designated for the parking or temporary storage of one motor vehicle located outside of the dedicated street right-of-way, vehicular travel way, or parking aisle.
3. **PARKING SPACE, ON-STREET.** A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping or parking meters.

4. **PARKING, TANDEM.** A parking space within a group of two or more parking spaces or stalls arranged one behind the other.

PARKING STRUCTURE. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking. Synonymous with parking ramp.

PARTY, RESPONSIBLE. See Responsible Person.

PARTY STORE. See Convenience Store.

PATIO. A level surfaced area directly adjacent to a principal building which is not more than twelve (12) inches above average grade, and without walls or a roof. See Grade, Average

PEDESTRIAN. A person traveling on foot under their own power. For the purposes of this Chapter, the term pedestrian shall also include a wheelchair user.

PEDESTRIAN-ORIENTED DEVELOPMENT. Development designed with an emphasis primarily on sidewalks and pedestrian access to the site and building rather than on vehicular access and parking. In most cases, the building is built close to the sidewalk, building walls along the sidewalk include large windows, and the main entrance is oriented to the sidewalk. Synonymous with pedestrian-friendly development.

PEDESTRIAN SCALE. The use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns lighting, colors, materials and architectural details.

PERSON. Person is any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERSON, RESPONSIBLE. For the purpose of enforcing this Chapter, a responsible person includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. For enforcement action taken under this Chapter, responsible person includes: architect, engineer, contractor, developer, agency, or any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Chapter; or a property owner, land owner, any tenant or occupant, or any other person who has control over, or responsibility for, the use or development of the land on which the violation occurs. Synonymous with responsible party.

PERVIOUS SURFACE. Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

PLANNING ADMINISTRATOR. The Director of Community and Economic Development.

PLANNING COMMISSION. The Highland Park City Planning Commission. Synonymous with Commission.

PLANNING DEPARTMENT. Department of Community and Economic Development

PLANTING. A young tree, vine or shrub that would be placed on or in the ground.

PLAZA. A publicly- or privately-owned square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping and public art.

PORCH, COVERED. A horizontal surface consisting of a deck, slab or other construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered covered if it has a roof supported by pillars or other similar means.

PORCH, ENCLOSED. A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered enclosed if covered by a roof and enclosed by walls or windows.

PORCH, OPEN. An unenclosed horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered open if

covered by a roof and open on the sides that do not abut the building. Porches with railings, knee walls and screens shall be considered open porches.

PORTABLE COMMERCIAL SHIPPING CONTAINER. A container which is used for the temporary storage and/or transportation of property for any commercial purpose.

PORTABLE RESIDENTIAL STORAGE CONTAINER. A container which is used for the temporary storage and/or transportation of personal property. Synonymous with temporary storage container.

PRE-EXISTING. See Existing.

"PRIMARILY RESIDENTIAL" IN USE. Those uses which, in addition to providing food and shelter, may also provide to residents such accessory uses as limited personal care, social or counseling services, and transportation.

PRIMARY ENTRANCE. The doorway into a building that faces a public street and is of greatest importance relative to other building entrances. The primary entrance is often the doorway facing the street on which the building is addressed.

PRINCIPAL USE. The primary use or activity taking place on a lot or in a building or structure. The principal use does not include any accessory uses occurring on the same lot.

PRINCIPAL BUILDING. See Building, Main.

PUBLIC ASSEMBLY FACILITY. A building or other facility where congregations of people regularly attend to participate in or hold meetings, work- shops, lectures, civic activities, religious services, and other similar activities.

PUBLIC FACILITY OR USE. A facility including but not limited to a building, lot or infrastructure owned by a governmental entity or is used to provide a governmental function, activity, service, or public benefit.

PUBLIC PARK. Land dedicated to the City of Highland Park for recreational use by the public at large.

R

RECESSED ENTRANCE. A doorway that is recessed into the face of the building to ensure that the open doors do not encroach onto the sidewalk or other right-of-way, or to provide a sense of entry.

RECREATIONAL VEHICLES AND EQUIPMENT. Portable structures, machines or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use, and the trailers and other devices as shall be primarily intended for the transporting of all the structures, machines, or devices. Recreational vehicles and equipment include:

5. **TRAVEL TRAILER.** A portable vehicle on a towing chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
6. **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
7. **MOTOR HOME.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities. On an industry-wide basis, this type of rec vehicle is classified as either a Class A or Class C recreational vehicle. A Class A or bus-type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

8. **VAN/CAMPER.** A motorized recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans that may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra headroom. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
9. **FOLDING TENT TRAILER.** A folding structure, mounted on wheels for towing and designed for travel and vacation use.
10. **BOATS AND BOAT TRAILERS.** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
11. **OTHER RECREATIONAL EQUIPMENT.** Includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

REDEVELOPMENT. Any expansion, addition, renovation, or major change to an existing building, structure or aspect of development.

REGULATED USES

1. **ADULT MOTION PICTURE THEATER.** An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
2. **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE.** A commercial establishment which has significant or substantial portion of its inventory, or derives a significant or substantial portion of its revenues, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one (1) or more of the following:
 - a) Books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."
 - b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c) For purposes of this definition, "significant or substantial portion" means thirty (30) percent or more of the term modified by such phrase.
3. **SPECIFIED SEXUAL ACTIVITIES.** Specified sexual activities are defined as:
 - a) Human genitals in a state of sexual stimulation or arousal;
 - b) Acts of human masturbation, sexual intercourse or sodomy;
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
4. **SPECIFIED ANATOMICAL AREAS.** Specified anatomical areas are defined as:
 - a) Less than completely and opaquely covered:
 1. Human genitals, pubic region,
 2. Buttock, and
 3. The nipple and/or areola of the female breast.
 - b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
5. **ADULT CABARET.** A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, with or without alcoholic beverages, which regularly features:
 - a) Persons who appear nude or semi-nude,
 - b) Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities," or

- c) Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."
- 6. **NUDE OR SEMI-NUDE MODEL STUDIOS.** Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the providing of models to display any "specified anatomical areas" as defined here for patrons for a fee or charge.
- 7. **REGULARLY FEATURES OR REGULARLY SHOWN.** A consistent and substantial course of conduct such that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as a part of the ongoing business of the adult entertainment business.
- 8. **SEXUALLY ORIENTED BUSINESS.** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas.

RESIDENTIAL REHABILITATION FACILITY. See Group Living, Residential Rehabilitation Facility.

RELIGIOUS INSTITUTION. A building owned or maintained by an organized religious organization for the purpose of regular assembly for or- ship. Examples of religious institutions include but are not limited to: churches, synagogues, mosques, temples, shrines, pagodas, and meetinghouses.

REQUIRED BUILDING LINE (RBL). A line to which a specified percentage of a building shall be built. The RBL is a requirement, not a permissive mini- mum as in a setback.

RESIDENTIAL CHARACTER. A building form, neighborhood, or area that is intended primarily for human habitation, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

RESTAURANT. A business establishment at which food and drinks are provided to the public, primarily for on-premises consumption by seated patrons. If the establishment also serves alcoholic beverages the following is required to constitute the definition of a restaurant:

- 1. A full menu of food and drinks is prepared primarily on premises in a fully equipped kitchen capable of preparing food for the rated seating capacity; and
- 2. Annually, the average daily receipts from the sale of food exceeds fifty (50) percent of the establishment's total average daily receipts, not including sales of novelty items, income from vending machines, cover charges, or other receipts not derived from the sale of food or beverages.

RESTAURANT, DRIVE-IN/DRIVE-THROUGH. An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.

RETAINING WALL. A wall or similar device used at a grade change to hold the soil on the up-hill side of the all from slumping, sliding, or falling, and includes but is not limited to, segmental walls, masonry walls, poured-in-place concrete walls, boulder walls, stacked railroad ties, and pre-split rock walls.

RIGHT-OF-WAY (ROW). An area owned or maintained by the City of Highland Park, federal government, a public utility, a railroad, or a private concern for the placement of utilities or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

ROUNDBOUT. A circular intersection characterized by yield traffic control, channelized approaches, and geometric curvature to slow travel speeds within the intersection.

SCREEN OR SCREENING. A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

SEASONAL SALES. The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

SELF STORAGE FACILITY. A building or group of buildings that contain individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

SERVICE AREAS, OUTDOOR. Loading and unloading spaces, trash removal and storage operations, ground level mechanical facilities, or similar site uses.

SETBACK. The minimum horizontal distance required by this Chapter, measured from the front, side or rear lot line as applicable, to govern the location of buildings, structures or uses on the lot.

SETBACK LINE. The setback line defines the buildable area of a lot. Front, rear and side setback lines are parallel and equidistant from the applicable lot line by a distance specified by this Chapter, between which no buildings or structures may be erected, unless otherwise permitted.

SIGNS. See Definitions in Chapter 1255 Signs.

SITE CONDOMINIUM DEVELOPMENT. A development of condominium units on an unplatted tract of land, in which each individual lot conforms to the requirements of the zoning district in which it is located.

SOCIAL OR SERVICE CLUB. A nonprofit association of persons sharing a common interest or specific purpose who gather on a regular basis for fellowship, recreation, promotional activities, charitable causes and other purposes. Examples include civic clubs, fraternal lodges, veterans' organizations, ethnic halls, and private clubs. Bona fide members are characterized by certain membership qualifications, payment of fees or dues, and a constitution and bylaws. For the purposes of this Chapter, this definition shall also include the building, room, or other facility restricted to the use of the social or service club's members and guests.

SOCIAL SERVICE FACILITY. A building used in whole or in part by a government or nonprofit organization for the provision of counseling, social or advisory services to the general public or to targeted population groups (e.g. seniors, youth, persons with mental illness). No residential care is provided.

SPECIAL LAND USE. A land use of a lot, building or structure that could negatively affect the health, safety, convenience, and general welfare of users of nearby properties and the community as a whole. Special land use requests shall be reviewed by the Planning Commission and appropriate conditions of approval considered per the standards established in Chapter 1215: Special Land Uses.

STACKING AREA. A portion of a parking lot that is dedicated to the temporary storage or "stacking" of vehicles engaged in a drive-through use of the site. A minimum of twenty (20) feet per vehicle is required. The stacking area may not interfere with other on-site circulation, parking facilities or pedestrian movements.

STOOP. An open platform or entrance landing, usually with steps from grade to the door, and may or may not be sheltered by an awning or canopy. A stoop is generally small in size and used primarily for entry and exit from a door. A deck shall not be considered a stoop.

STORAGE BUILDING. Structures used for the storage or warehousing of goods, but not including temporary storage containers such as portable on-demand units, self-storage facilities, or tractor trailers used for storage.

STORY. That part of a building, except a mezzanine, 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 shall not be counted as a story when more

than fifty (50) percent of its cubic content is below the finished grade of the adjoining ground. One (1) story shall be measured not less than nine (9) feet nor exceed more than fifteen (15) feet.

STREET. An existing or planned public or private right-of-way that is designed, dedicated, or used principally for vehicular traffic and providing access to abutting properties. The term street includes alley, avenue, boulevard, circle, court, cul-de-sac, drive, place, road, or any other similar term.

1. **STREET, ALLEY.** A dedicated public or private way affording a secondary means of access to abutting property, not intended for general traffic circulation.
2. **STREET, FRONTAGE.** The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.
3. **STREET FURNISHINGS.** Street furnishings are outdoor amenities, including but not limited to tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and other similar items that help to define pedestrian use areas.
4. **STREET, PRIMARY AND SECONDARY.** Where two (2) or more streets are compared for relative rank or importance, the primary street is the street with the higher(est) vehicle traffic counts.
5. **STREET, PRIVATE.** A street easement which is privately-owned and maintained.

STREET WALL. An opaque all or building facade placed parallel to a public or private street at a distance equal to the Required Building Line or setback from which, when viewed directly from above, aligns with other buildings or structures along the same street frontage.

STREETSCAPE. The various components that make up the street, both in the right-of-way and on private lot frontages including pavement, parking spaces, landscaping and street trees, streetlights, sidewalks, etc.

STREETSCAPE PLAN. A plan adopted by the Planning Commission which may include maps, illustrations, and written descriptions which define the minimum standards for the street environment including the space between buildings, streets, paving, signage, landscaping and trees, lights and street furniture. This includes the general standards adopted as the Downtown Streetscape Plan, as well as any more specific or detailed plans that may be adopted in the future.

STRUCTURE. Anything constructed or erected in, on or over the ground or water. The term structure shall include but not be limited to the following: buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, improved facilities for drainage, flood control, retention, and public recreation.

SUBSTANTIAL PROGRESS. All necessary approvals and building permits for the first phase of the development have been secured, and construction has started.

SURETY (ACCEPTABLE TO THE CITY) . A performance guarantee, such as cash deposit, certified check, irrevocable bank letter of credit, bond, insurance, or other form of surety acceptable to the City.

T

TEMPORARY STRUCTURE OR USE. A structure or use of limited duration, including special events, that comply with the standards set forth in this Chapter and are discontinued upon the expiration of a set time period. Temporary structures, uses and special events shall not involve the construction or alteration of any permanent building or structure.

THROUGH-BLOCK CONNECTION. A paved pathway dedicated to pedestrians and separated from vehicles that extend entirely through a block from a street to a parallel street or alley.

THROUGH TRAFFIC. Vehicular traffic not destined for individual sites or uses within an immediate area.

TRAFFIC IMPACT STUDY. An analysis of the effect of traffic generated by a proposed development or redevelopment on street capacity, operations, and public safety, and may also include a parking study and overall access management plan.

TRAIL. An access way, either paved or unpaved, that is intended to serve multiple modes of travel including walking, jogging, bicycling, or other forms of non-motorized transport.

TRAILER. Any portable structure designed for towing and having no foundation other than wheels.

TRANSIT-ORIENTED DEVELOPMENT (TOD). Moderate- and high-density housing concentrated in mixed-use developments located along transit routes. The location, design, and mix of uses in a TOD emphasize pedestrian-oriented environments and support the use of public transportation.

TRANSIT. The movement of people by public conveyance in a high occupancy vehicle, including busses, carpools or vanpools, light rail, streetcars and trains.

TRANSPARENCY. The ability to see through with clarity. An opening in the building all allowing light and views between interior and exterior. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Glass Visible Light Transmittance (VLT) shall be not less than seventy (70) percent. Measured as glass area for buildings and as open area for parking structures. For single- and two- family dwellings, entrance doors of any material may be used to meet the transparency requirement for the building wall facing the street. Compare to Glass, Clear.

TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES. An approved and adopted plan of actions that will be implemented to reduce traffic volume with incentives and services promoting ride sharing, transit or other alternative commute options, including flextime and staggered work hour programs that reduce rush hour congestion.

TREE. A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

1. **TREE, CANOPY (DECIDUOUS)** . A deciduous tree which has a height of twenty five (25) feet or more, with branch structures that provide foliage primarily on the upper half of the tree and provide shade beneath the tree.
2. **TREE, DECIDUOUS.** A tree that sheds its foliage at the end of the growing season.
3. **TREE, EVERGREEN.** A tree that has foliage that persists and remains green throughout the year.
4. **TREE, ORNAMENTAL (DECIDUOUS).** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty five (25) feet or less. Such tree is sometimes known as an understory tree.

TREE, HEIGHT OF. Where a minimum height is specified for a deciduous or evergreen tree, the height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).

TRELLIS. An outdoor garden frame used to partition an area and/or as a support for vines or other climbing plants.

V

VARIANCE. An approval by the Zoning Board of Appeals (ZBA) permitting a lot, building or structure to be used, or a building or structure to be placed in a location, that is not in accordance with the provisions of this Chapter. The application must meet specific criteria established in Chapter 1211. Variances are intended to provide limited relief where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

VEHICLE. Any device by which a person or property may be transported or drawn upon a street, not including devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE FUEL STATION. An establishment where motor vehicle fuels and related products are sold to the public and where fuels are dispensed through fuel pumps directly into the vehicles; but does not include vehicle service or repair. A single-bay car wash and a convenience store or other retail use may be included.

VEHICLE SALES AREA, OUTDOOR. An outdoor area used for the storage, display, sale or rental of new or used motor vehicles or recreational vehicles in operable condition.

VEHICLE SALES OR RENTAL. Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes, or recreational vehicles in operable condition, including incidental storage, maintenance, and servicing.

VEHICLE WRECKING, SALVAGE OR STORAGE OF INOPERABLE VEHICLES. An establishment involved in vehicle wrecking and towing services; the dismantling or disassembling of used vehicles or trailers; the storage of one (1) or more impounded, damaged, or inoperable vehicles (whether licensed or unlicensed) for a period of more than twenty four (24) hours; or the sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

VEHICLE SERVICE OR REPAIR. An establishment that services or repairs motor vehicles, including automobiles, commercial vehicles, engines and trailers, motor homes or recreational vehicles in an entirely enclosed building or structure. All parts shall be stored in entirely enclosed buildings or structures, and no vehicles may be stored on site other than those awaiting repair or to be picked up by the owner. Motor vehicle fuels may be sold to the public, and a convenience store or single-bay car wash may be included.

Y

YARD. An open space that lies between the nearest property line and the principal structure and which is unoccupied and unobstructed from the ground upward except as permitted by this Chapter.

1. **FRONT YARD.** An open space extending the full width of the lot, between the front lot line and the main building, including covered and enclosed porches that have a foundation.
2. **REAR YARD.** An open space extending the full width of the lot, between the rear lot line and the main building.
3. **SIDE YARD.** An open space between the main building and the side lot line, extending from the inner edge of the front yard to the inner edge of the rear yard.

Z

ZONING ACT. The Michigan Zoning Enabling, Public Act 110 of 2006, as amended, or any successor acts.

ZONING MAP. The official map upon which the boundaries of various zoning districts are drawn, and which is an integral part of this Chapter.

Chapter 1250. Zoning

1250.01 Regulations Pertaining to All Districts

1. A detached single-family dwelling and any additions or alterations thereto, other than manufactured housing located in a licensed manufactured housing community, shall conform to the following in addition to all other regulations of this Chapter.
 - a. **Conversion.** The conversion of an existing detached single-family dwelling to a higher density on the same lot is prohibited, except as permitted in Subsection b. below.
 - b. **Special Land Use.** Where an existing detached single-family dwelling exceeds five thousand (5,000) square feet in Gross Floor Area and the Zoning Administrator determines that the size of the house is out of character with other houses within a three (3) block radius, conversion may be permitted. If it is determined that the conversion is permissible, the request shall be heard as a Special Land Use by the Planning Commission to determine the appropriate number of units.
 - c. **Minimum Dimension.** Each dwelling shall have a minimum dimension of eighteen (18) feet in any horizontal dimension.
 - d. **Minimum Floor Area.** Each dwelling shall have a minimum Gross Floor Area of seven hundred and fifty (750) square feet.
 - e. **Primary Entrance.**
 - i. Each primary building entrance shall be provided with a step, stoop, or porch which is attached to the building foundation, or provided with a four-inch-deep masonry foundation of its own. A stoop or landing shall project at least three (3) feet from the building (not including steps). A porch shall project at least six (6) feet from the building (not including steps).
 - ii. An Administrative Approval may be granted by the Zoning Administrator for handicap ramps and other modifications to a dwelling's primary entrance for housing intended to accommodate persons with mobility impairments.
2. **Manufactured House.** If the dwelling is a manufactured house, it shall:
 - a. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a foundation all as required in this Section.
 - b. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

- c. All construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured house shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as amended, and comply with all applicable building and fire codes.

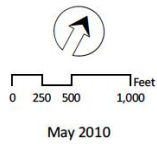
1250.02 Accessory Structures.

3. **Applicability.** All accessory structures shall require a zoning permit and shall be reviewed and approved by the Zoning Administrator prior to construction.
 - a. Mixed-Use Zone Districts. Accessory structures are not permitted in mixed-use commercial Zone Districts.
 - b. In Conjunction with Principal Use.
4. Unless otherwise expressly allowed in this Chapter, accessory structures are permitted only in conjunction with a principal use and a principal building or structure on the same lot.
5. Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory and structures may only be maintained in conjunction with a principal building or structure on the same lot. If the principal building or structure is destroyed, demolished or removed, the accessory structure shall also be demolished or removed.
6. **Public Right-of-Way or Easement.** In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.
7. **Architectural Compatibility.** Any accessory structure that is one hundred twenty (120) square feet or larger shall be similar in architecture to the main building in its form and slope of roof. Exterior finish materials shall be those materials customarily used for residential construction and shall be similar in placement and orientation to the main building. No accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.
8. **Carport.** A carport shall comply with all yard area requirements applicable either to an attached or detached accessory structure.
9. **Attached Structures.** An accessory structure which is structurally attached to a main building shall be subject to all setback regulations applicable to main buildings. In addition, attached garages are permitted only in the R-1 and MU-UV Districts.

1250.03 Zoning Map

10. **Zoning Groups.** The Zoning Map depicts eight (8) Zoning Districts: R-1 Single Family Residential, R-1H Historic Residential, R-UV Residential Urban Village; M-UV Mixed-Use Urban Village; TOD- Transit Oriented Development, CBD - Central Business District, IRD - Industrial-Research-Development and C- Civic
11. **Boundaries.** The boundaries of these classifications are hereby established as shown on a map entitled "The Zoning Map of the City of Highland Park, Michigan," which is incorporated into and made a part of this Chapter and which is maintained by the Community Development Department.
12. **Interpretation of Boundaries.** Where uncertainty exists regarding the boundaries of a Zoning district as shown on the official Zoning Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines; and
 - c. Boundaries indicated as approximately following City limits shall be construed as following City limits.
13. In circumstances not covered by Subsections 3.a. through 3.c. above, the Zoning Administrator shall interpret a Zone District boundary after review of the following:

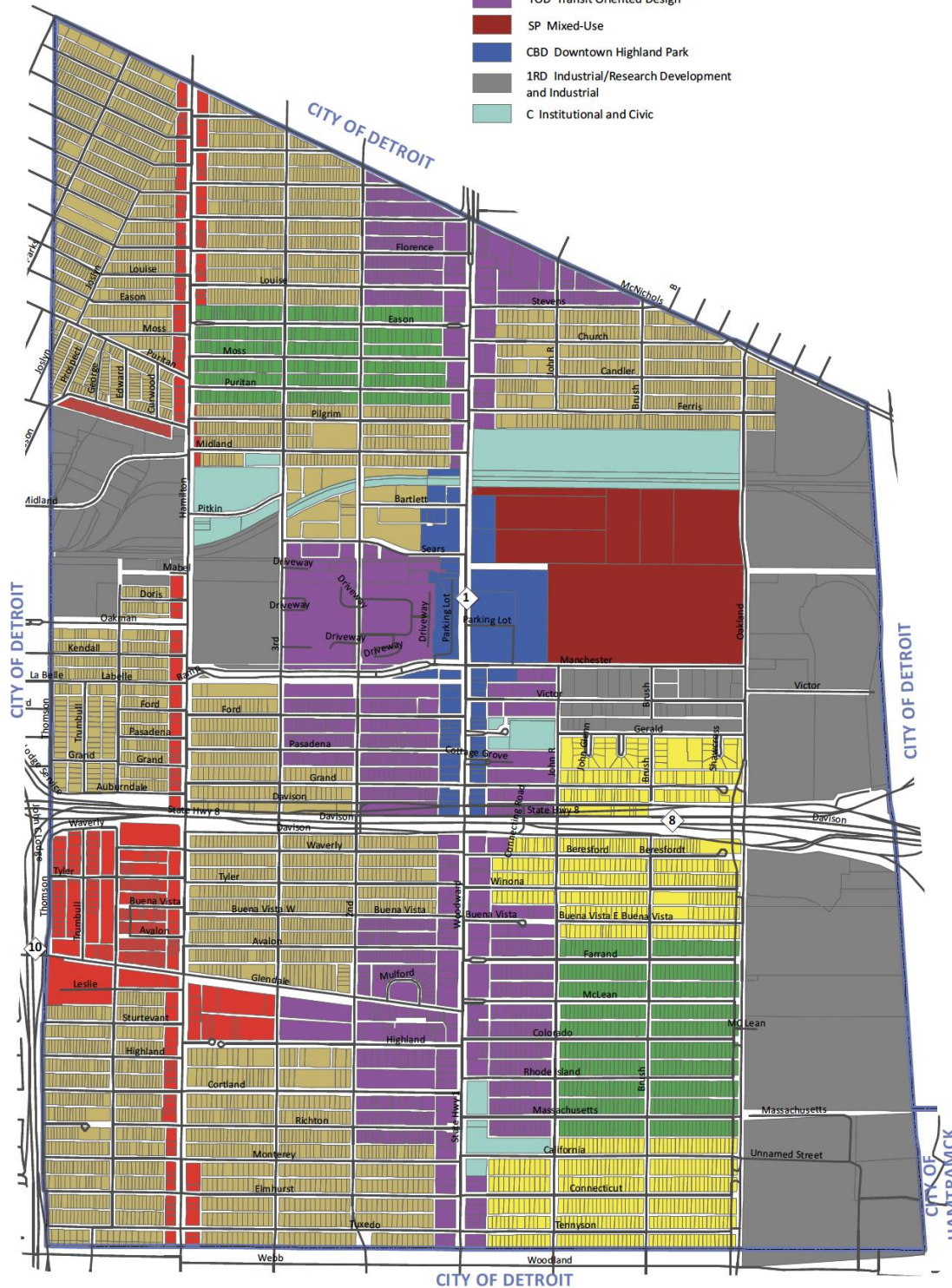
- a. Lot line and Zone District placement;
 - b. Existing land uses;
 - c. Staff memos, minutes and other information when the designation was made; and
 - d. Historical context in the understanding and treatment of district lines.
14. Where changes are made in a Zoning District boundary or any other matter portrayed on the official Zoning Map, those changes shall be entered on the official Zoning Map promptly after the amendment to this Chapter has been approved by the City Council.
15. In any case where a property has not been specifically included within a Zoning District, it is hereby declared to be in the R-1 Single Family Residential District. Provided, however, that where property annexed to the City has been restricted by previous zoning regulations of the former municipality, those provisions shall apply pending the adoption of City zoning regulations for the property.



Zoning Districts:

- R-1 Single-Family Residential
- R-UV Urban Village Residential
- R-1H Historic Residential
- M-UV Urban Village Mixed Use
- TOD Transit Oriented Design
- SP Mixed-Use
- CBD Downtown Highland Park
- 1RD Industrial/Research Development and Industrial
- C Institutional and Civic

- Streets
- Parcel Lines
- City Limits



1250.04 Permitted and Special Uses

| | Residential | | | Mixed Use | | Commercial | Industrial | Civic |
|---|-------------|------|-----|-----------|-----|------------|------------|-------|
| Residential Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Mixed Use Building (residential with non-residential) | | | P | P | P | P | | |
| Boarding or Lodging House | SLU | | SLU | SLU | | P | | |
| Multiple Family Flat (3-4 units) | | | P | P | P | P | | |
| Multiple Family Apartment Building (4+ units) | | | P | P | P | P | | |
| Single Family Detached House | P | P | P | P | | P | | |
| Single Family Attached House (townhouse) | | | P | P | P | P | | |
| State Licensed Residential Facility (<6 residents) | P | P | P | P | P | P | | |
| State Licensed Residential Facility (7 or more residents) | SLU | SLU | SLU | SLU | SLU | P | | |
| Two Family Dwelling Unit (Duplex) | | | P | P | P | P | | |
| Three Family Dwelling Unit (Threeplex) | | | P | P | P | P | | |
| Commercial, Office and Service Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Automobile Service (Commercial) | | | | P | | P | • | |
| Bakery or Confectionary | | | | P | P | P | | |
| Bank or Financial Institution | | | | P | P | P | | |
| Bar/Pub/Tavern or Establishment Serving Alcohol | | | | | P | P | | |
| Business Service Establishment | | | | P | P | P | | |
| Child Care Center or Day Care Facility | SLU | SLU | SLU | P | P | P | | |
| Educational Institution or Learning Center | | | | P | P | P | | |
| Funeral Home or Mortuary | | | | P | | P | P | |
| Gallery or Studio | | | P | P | P | P | P | |
| Lodging | | | | | P | | | |
| Bed and Breakfast or Inn | SLU | SLU | SLU | | | | | |
| Hotel/Motel | | | | | SLU | SLU | | |
| Medical Clinic | | | | SLU | P | P | | |
| Office | | | | P | P | P | | |
| Pawn Shop | | | | SLU | | SLU | | |
| Personal Service Establishment | | | SLU | P | P | P | | |
| Pet Boarding or Day Care Establishment | | | SLU | SLU | SLU | SLU | | |
| Place of Assembly <50 people | | | | SLU | SLU | SLU | | |
| Place of Assembly 51 or more people | | | | SLU | SLU | SLU | | |
| Restaurant | | | | P | P | P | | |

P = Permitted Use SLU = Special Land Use Blank = Not Permitted

| Commercial, Office and Service Use (cont.) | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
|---|------------|-------------|------------|------------|------------|------------|-----------|------------|
| Retail Sales | | | | P | P | P | | |
| Small Indoor (less than 7,500 square feet floor area) | | | | P | P | P | | |
| Medium Indoor (7,501-15,000 sq. ft. floor area) | | | | P | P | P | | |
| Large Indoor (Greater than 15,000 sq. ft. floor area) | | | | | P | P | | |
| Indoor/Outdoor (greater than 5,000 sq. ft. both indoor and outdoor space) | | | | P | | P | | |
| Outdoor (no size requirement) | | | | SLU | | P | | |
| Retail Sales - Package Alcohol | | | | SLU | SLU | P | | |
| Sexually Oriented Business | | | | | | SLU | SLU | |
| Workshop/Showroom | | | SLU | P | P | P | P | |
| Industrial Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Automobile Service (Industrial) | | | | | | | P | |
| Concrete Processing/Batch Processing Plan | | | | | | | P | |
| Manufacturing, Processing or Fabrication | | | | | | | P | |
| Warehouse | | | | | | | P | |
| Film or Television Production | | | | SLU | | | P | |
| Outdoor Storage | | | | | | | P | |
| Recycling Center | | | | | | | P | |
| Recycling Plant or Scrap Processing Plant | | | | | | | SLU | |
| Salvage/Resource Recovery/Junk Yards | | | | | | | SLU | |
| Service and Repair (Industrial) | | | | | | | P | |
| Terminal (public transportation) | | | | | P | P | P | |
| Terminal (Freight) | | | | | | | P | |
| Wholesale Storage or Distribution | | | | | | | P | |
| Nontoxic materials | | | | | | | P | |
| Toxic or hazardous materials | | | | | | | SLU | |
| Civic, Institutional and Educational Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Assisted Living Facility or Nursing Home | | | P | P | P | | | |
| Cemetery or Crematorium | | | | | | | SLU | SLU |
| Community Center | | | P | P | | | | P |
| Community Service Facility | | | P | P | P | | | P |
| Cultural or Municipal Building | | | SLU | P | P | | | P |
| Hospital | | | | P | P | P | P | |
| Private Club, Lodge or Fraternal Organization | | | SLU | SLU | | SLU | | |
| Public Parking lot or structure | | | | SLU | | P | P | |
| Religious Institution | SLU | | SLU | SLU | | | | |
| School, College, University or Trade School | | | SLU | P | P | P | P | |
| School – Primary or secondary | P | P | P | P | P | | | |
| Utility | | | | P | P | | P | |

P = Permitted Use SLU = Special Land Use Blank = Not Permitted

| Recreational Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
|---|------------|-------------|------------|------------|------------|------------|-----------|------------|
| Private Indoor Recreation | | | | | | P | P | |
| Private Outdoor Recreation | | | P | P | | | | |
| Park or Recreation Facility | P | P | P | P | P | P | P | P |
| Animal and Urban Gardening Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Bee Keeping | P | P | P | P | P | P | P | P |
| Community Gardens | P | P | P | P | P | P | | P |
| Greenhouse or Nursery | P | P | P | P | P | P | P | P |
| Kennels | | | P | P | | P | | P |
| Veterinary Clinic | | | | P | P | P | | P |
| Accessory, Temporary and Other Uses | R-1 | R-1H | R-2 | MUV | TOD | CBD | RD | C-1 |
| Accessory Building | P | P | P | SLU | SLU | | | |
| Boarders or Roomers | | | SLU | SLU | | | | |
| Drive-Through Facility (accessory to primary use) | | | | SLU | SLU | P | | |
| Home Occupation | P | P | P | P | P | | | |
| Outdoor Retail Sales (accessory to primary use) | | | | P | P | P | | |
| Outdoor Retail Sales (seasonal) | | | | P | P | P | | |
| Outdoor Dining | | | | P | P | P | | |
| Outdoor Storage (accessory to primary use) | | | | | | SLU | P | |
| Sustainable Energy Generation | | | | | | | | |
| Personal or Local Wind Energy System | P | P | P | P | P | P | | SLU |
| Utility of Community Wind Energy System | | | | | | | P | SLU |
| Personal or Local Solar Energy System | P | P | P | P | P | P | | SLU |
| Utility or Community Solar Energy System | | | | | | | | SLU |
| Personal Biomass Energy System | SLU | SLU | SLU | SLU | | | | |
| Utility or Community | | | | | | | SLU | |
| Temporary or Special Events | | | SLU | P | P | P | | SLU |
| Temporary Construction Facilities | | | | SLU | | | P | |
| Wireless Telecommunication Facilities | | | | SLU | SLU | SLU | P | SLU |

P = Permitted Use SLU = Special Land Use Blank = Not Permitted

1250.05 R-1, Single Family Residential District

- Intent.** The intent of the R-1, Single Family Residential District is to establish guidelines that establish a standard for traditional single family residential neighborhood development that is based on the historic development pattern and style of Highland Park. This district is intended to provide greater flexibility in site layout and architectural design than the two historic districts within the City.
- Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

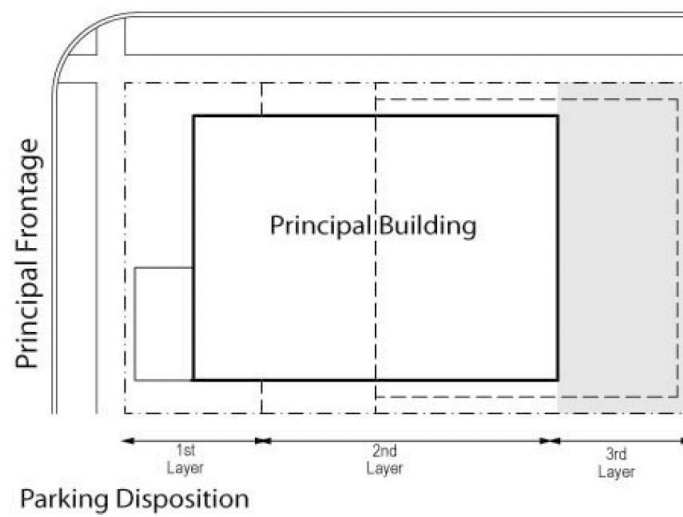
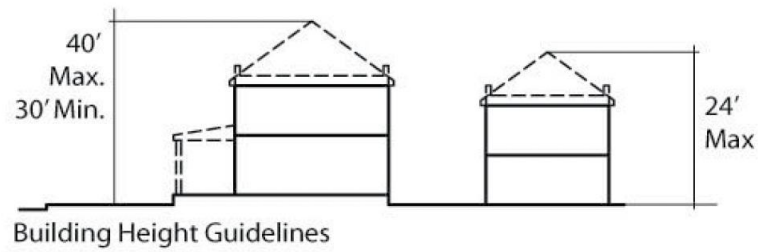
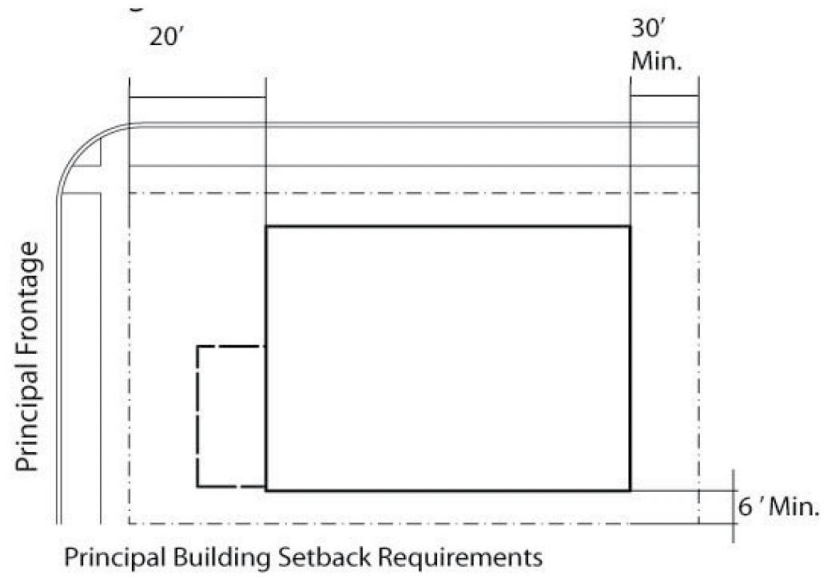
| | | |
|--------------------------------------|-----------------------------------|--|
| Building Function | Residential | Permitted |
| | Lodging | Special Use |
| | Office | Prohibited |
| | Retail | prohibited |
| Building Type | Single Family Detached | Permitted |
| | Single Family attached (Townhome) | Permitted |
| | Duplex | Permitted |
| | Multifamily (three or four units) | Permitted |
| | Apartment (more than four units) | Prohibited |
| | Mixed-Use Building | Special Use |
| Building Height | Principal Building | 40 ft. max. / 2 story minimum |
| | Outbuilding | 24 ft. max. |
| Lot Occupation | Lot Width | 30 ft. min or the average of all lots within 200 ft. of property, whichever is less |
| | Lot Coverage | 35% max |
| | Min. Lot Area | 3,000 sq. ft. or the average of all lots within 200 ft. of the property, whichever is less |
| Building Disposition | Edgeward | Permitted |
| | Sideyard | Permitted |
| | Rearyard | Permitted |
| Setbacks - Principal Building | Front Setback Principal | 20 ft. min to front facade, or the average of all lots within 200 ft. of property, whichever is less |
| | Side Setback | 6 ft min. |
| | Rear Setback | 30 ft min. |
| Setbacks - Outbuilding | Front Setback | Must be behind the primary building ¹ |
| | Side Setback | 6 ft. min. |
| | Rear Setback | 10 ft. ² |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Permitted |
| | Stoop | Not permitted |
| | Shopfront & Awning | Not permitted |
| Base Density | 10.89 dwelling units per acre | |

NOTES

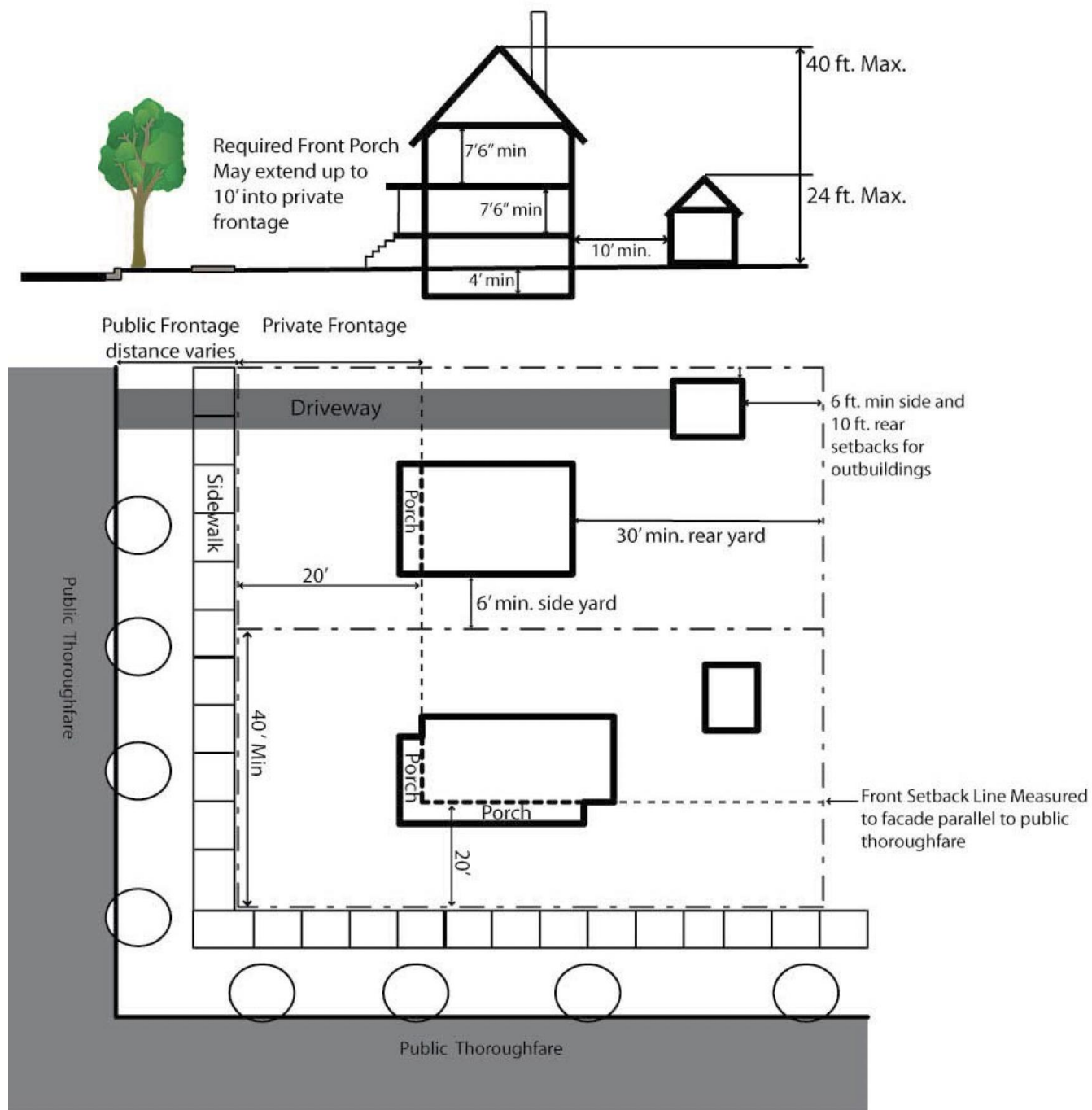
1 Attached garages are not permitted in the R-1H District

2 Rear setback is 5 ft. min if rear setback line abuts an alley

Building Standards: R-1 District



Building Standards: R-1 District



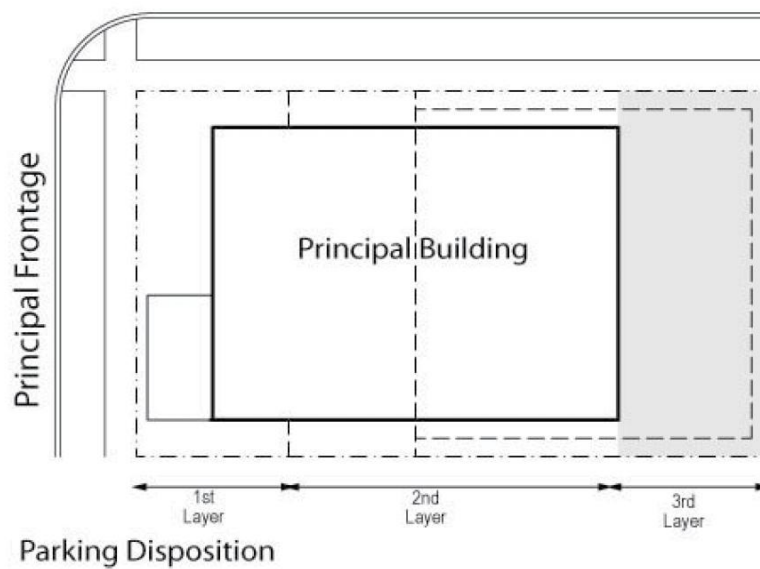
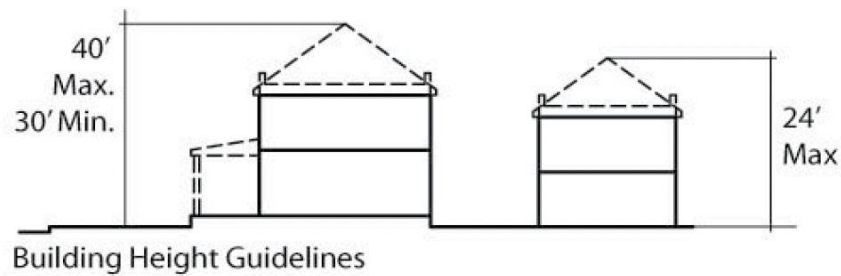
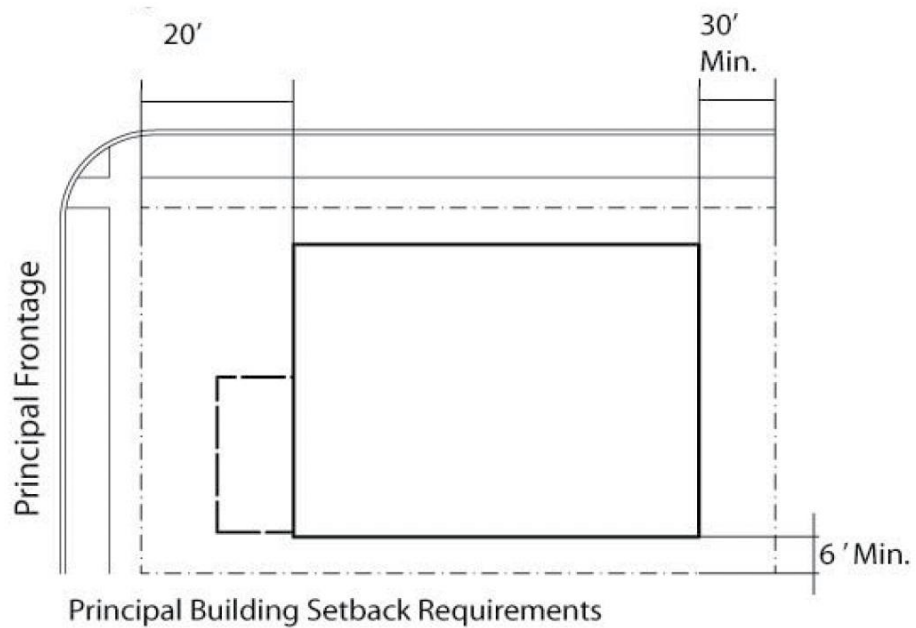
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1250.06 R-1H, Historical Residential District

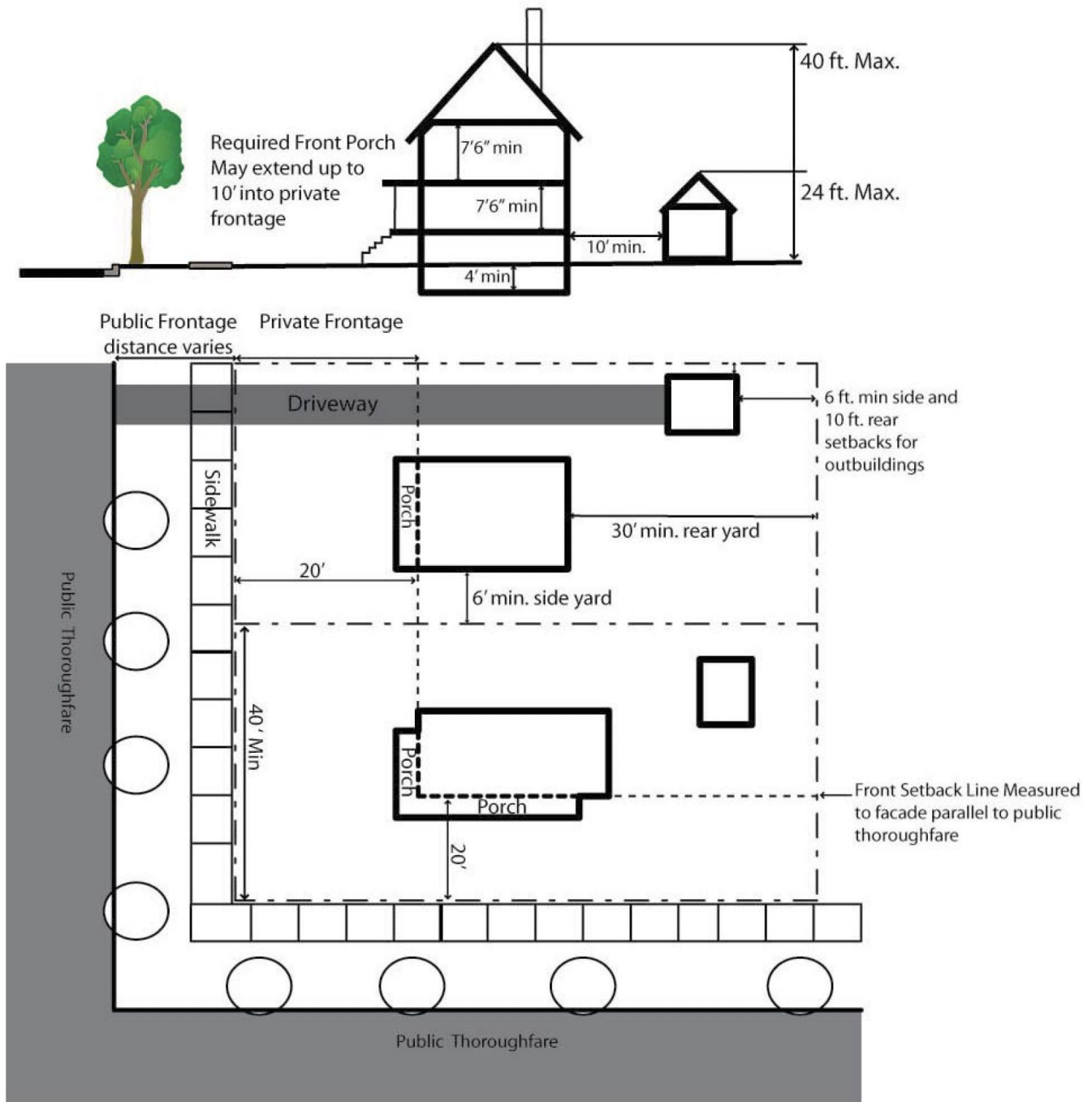
- Intent.** The intent of the R-1H historical residential district is to establish guidelines that codify the historic elements of the Medbury-Groveland and Highland Heights Historic District. Each of these neighborhoods is a neighborhood consisting of single family detached homes of particular architectural style. The Medbury-Groveland District is defined by bungalow style architecture and in the Highland Heights District is distinguished by the Colonial and Cottage architectural styles found throughout that neighborhood. New development in the R-1H District shall conform to the historic standards found in each of the two historic districts.
- Area, height, bulk and placement requirements.** (Refer to adjacent table and illustrations)

| | | |
|--------------------------------------|-----------------------------------|--|
| Building Function | Residential | Permitted |
| | Lodging | Restricted Use |
| | Office | Prohibited |
| | Retail | Prohibited |
| Building Type | Single Family Detached | Permitted |
| | Single Family attached (Townhome) | Prohibited |
| | Duplex | Prohibited |
| | Multifamily (three or four units) | Prohibited |
| | Apartment (more than four units) | Prohibited |
| | Mixed-Use Building | Prohibited |
| Architectural Style | Medbury-Groveland | Bungalow Style |
| | Highland Heights | Colonial or Cottage Style. |
| Building Height | Lot Width | 40 ft. min or the average of all lots within 200 ft. of property, whichever is less |
| | Lot Coverage | 35% max |
| Lot Occupation | Lot Width | 40 ft. min or the average of all lots within 200 ft. of property, whichever is less |
| | Lot Coverage | 35% max |
| | Min. Lot Area | 4,000 sq. ft. or the average of all lots within 200 ft. of the property, whichever is less |
| Building Disposition | Edgeyard | Permitted |
| | Sideyard | Not Permitted |
| | Rearyard | Not Permitted |
| Setbacks - Principal Building | Front Setback Principal | 20 ft. min to front facade |
| | Side Setback | 6 ft min. |
| | Rear Setback | 30 ft min. |
| Setbacks - Outbuilding | Front Setback | Must be behind the primary building |
| | Side Setback | 6 ft. min. |
| | Rear Setback | 10 ft. ² |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Permitted |
| | Stoop | Not Permitted |
| | Shopfront & Awning | Not Permitted |
| Base Density | 10.89 dwelling units per acre | |
| Parking Provisions | 2 Spaces per dwelling unit | |

Building Standards: R-1H District



Building Standards: R-1H District



Drawing is not to scale

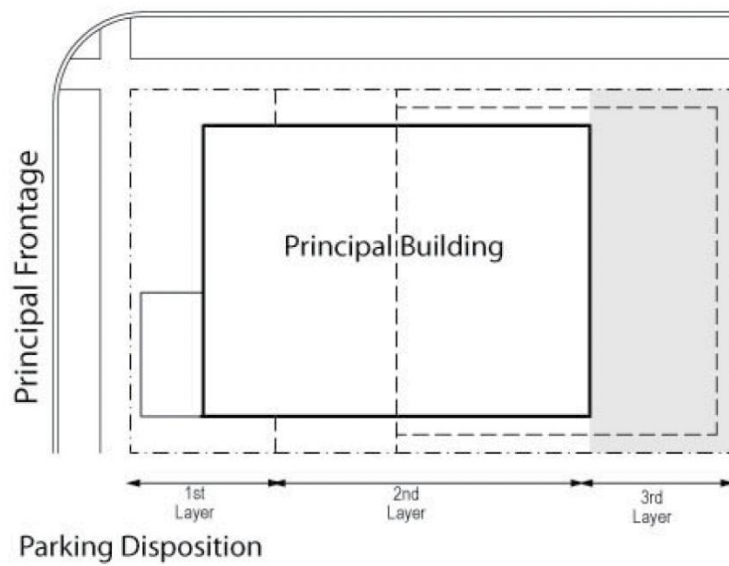
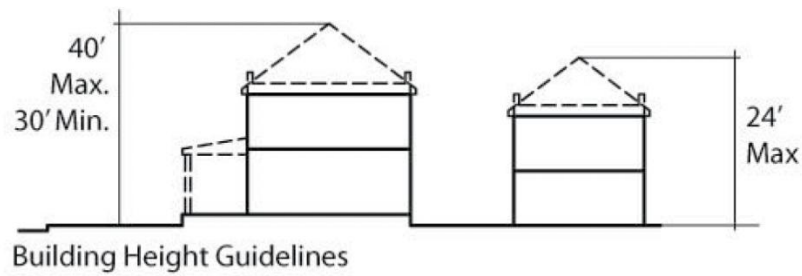
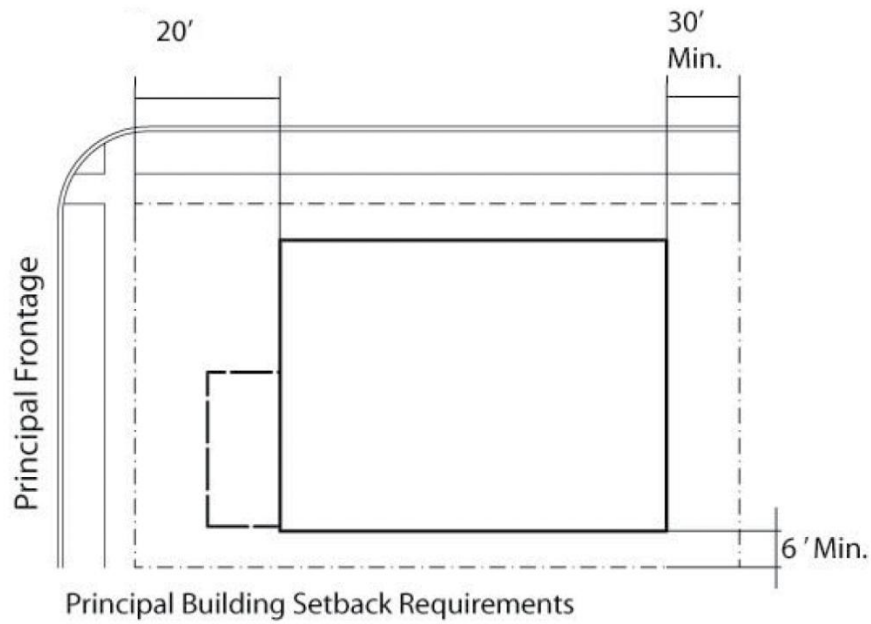
1250.07 R-UV, Residential Urban Village District

- Intent** The intent of the R-UV, Residential Urban Village District is to allow for a range of single and multiple family residential options and ensure that development of these buildings works to strengthen the fabric of existing neighborhoods. Within the R-UV District, a range of building types is permitted to encourage the development of infill housing alternatives that responds to market forces while maintaining the central characteristics of Highland Park's traditional neighborhoods. This District also is intended to encourage urban gardening, public art and other forms of alternative and home occupational uses to utilize and maintain vacant and underutilized land.
- Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

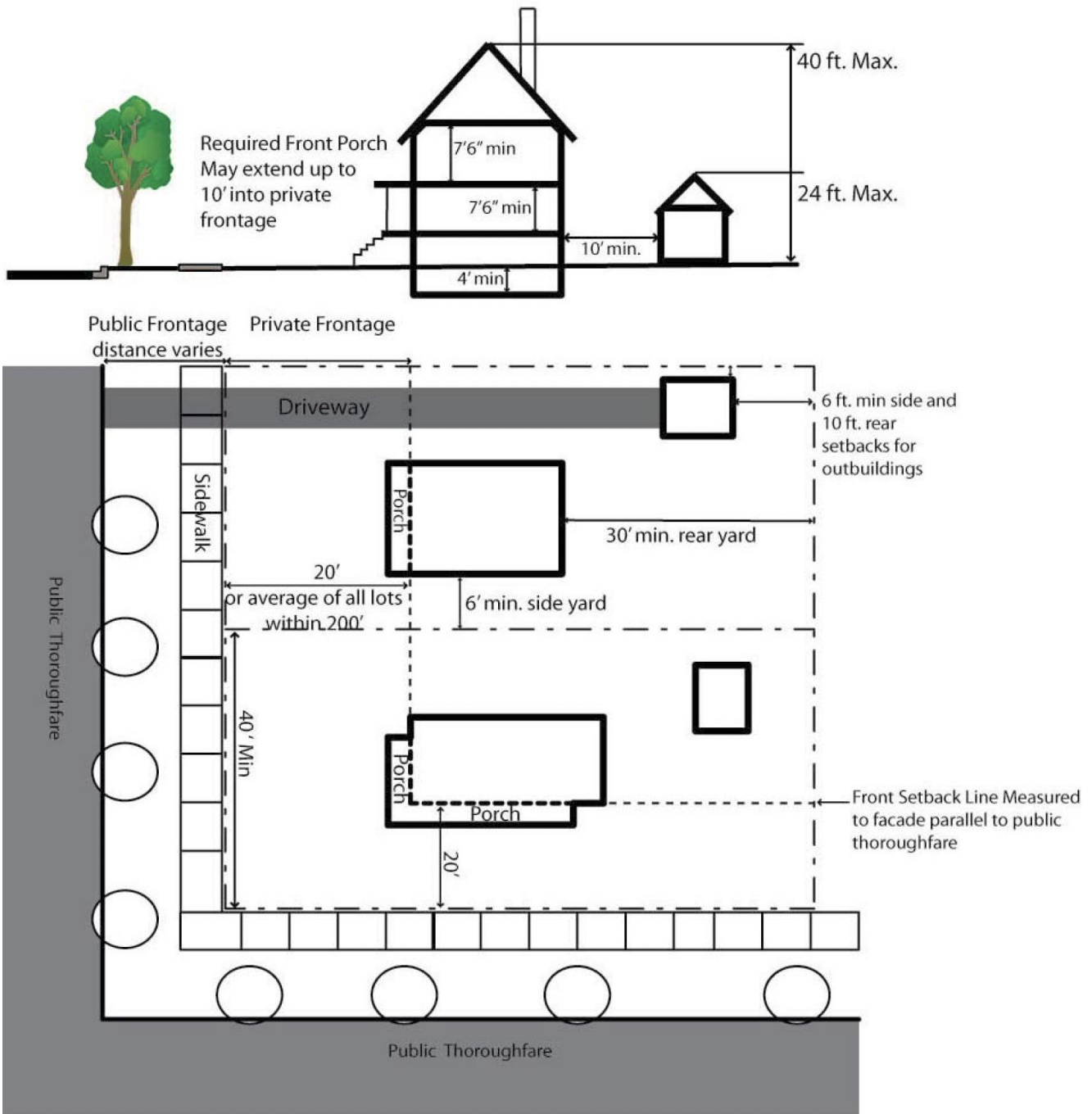
| | | |
|--------------------------------------|-----------------------------------|--|
| Building Function | Residential | Permitted |
| | Lodging | Special Use |
| | Office | Prohibited |
| | Retail | Prohibited |
| Building Type | Single Family Detached | Permitted |
| | Single Family attached (Townhome) | Permitted |
| | Duplex | Permitted |
| | Multifamily (three or four units) | Permitted |
| | Apartment (more than four units) | Prohibited |
| | Mixed-Use Building | Special Use |
| Building Height | Principal Building | 40 ft. max / 2 story minimum |
| | Outbuilding | 24 ft. max |
| Lot Occupation | Lot Width | 30 ft. min or the average of all lots within 200 ft. of property, whichever is less |
| | Lot Coverage | 35% max |
| | Min. Lot Area | 3,000 sq. ft. or the average of all lots within 200 ft. of the property, whichever is less |
| Building Disposition | Edgeyard | Permitted |
| | Sideyard | Permitted |
| | Rearyard | Permitted |
| Setbacks - Principal Building | Front Setback Principal | 20 ft. min to front façade, or the average of all lots within 200 ft. of property, whichever is less |
| | Side Setback | 6 ft min. |
| | Rear Setback | 30 ft min. |
| Setbacks - Outbuilding | Front Setback | Must be behind the primary building ¹ |
| | Side Setback | 6 ft. min. |
| | Rear Setback | 10 ft. ² |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Permitted |
| | Stoop | Not Permitted |
| | Shopfront & Awning | Not Permitted |
| Base Density | 14.52 dwelling units per acre | |
| Parking Provisions | 2 Spaces per dwelling unit | |

- Attached garages are not permitted in the R-1H District
- Rear setback is 5ft. min. if rear setback line abuts an alley

Building Standards: R-UV District



Building Standards: R-UV District



Drawing is not to scale

1250.08 M-UV Mixed-Use Urban Village District

- Intent.** The M-UV, Mixed-Use Urban Village District is intended to provide flexibility allowing for commercial and residential uses within the District. Most importantly, this district allows for mixed-use buildings that include both commercial and residential by right. This District is intended to provide greater flexibility than in the Central Business District and is not intended to be a solely commercial district that might compete with Downtown Highland Park.
- Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

| | | | |
|--------------------------------------|--|-------------------------|--|
| Building Function | Residential | | Permitted |
| | Lodging | | Special Use |
| | Office | | Permitted |
| | Retail | | Permitted |
| Building Type | Single Family Detached | | Special Use |
| | Single Family attached (Townhome) | | Permitted |
| | Duplex | | Permitted |
| | Multifamily (three or four units) | | Permitted |
| | Apartment (more than four units) | | Permitted |
| | Mixed-Use Building | | Permitted |
| | Commercial | | Permitted |
| Building Height | Principal Building | | 40 ft. max. / 30 ft. min |
| | Outbuilding | | 24 ft. max. |
| Lot Occupation | Lot Width | Single Family Detached | 30 ft. min |
| | | Townhomes | 30 ft. min |
| | | Multi-Family | 50 ft. min. |
| | | Commercial or Mixed-Use | No minimum |
| | Lot Coverage | Single Family Detached | 35% |
| | | Townhomes | 45% |
| | | Multi-family | 50% |
| | | Commercial or Mixed-Use | 85% |
| | Min. Lot Area | Single Family Detached | 4,000 sq. ft. |
| | | Townhomes | 4,000 sq. ft. |
| | | Multi-Family | 10,000 sq. ft. |
| | | Commercial or Mixed Use | No minimum |
| Building Disposition | Edgeyard | | Permitted |
| | Sideyard | | Permitted |
| | Courtyard | | Permitted |
| | Rearyard | | Permitted |
| Setbacks - Principal Building | Single Family Detached and Attached | | |
| | Front Setback Principal | | 20 ft. min to front facade, or the average of all lots within 200 ft. of property, whichever is less |
| | Side Setback | | 6 ft min. |
| | Rear Setback | | 30 ft min. |
| Setbacks - Outbuilding | Front Setback Outbuilding | | Must be behind the primary building |
| | Side Setback | | 6 ft. min. |
| | Rear Setback | | 10 ft.² |

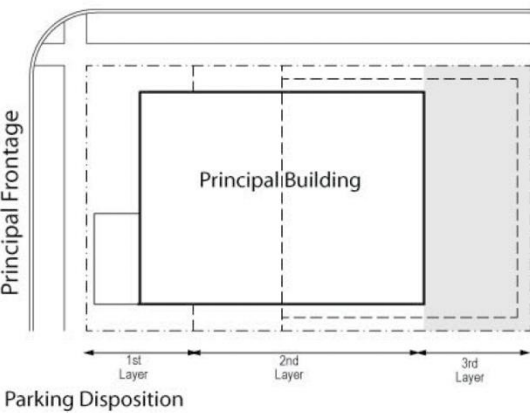
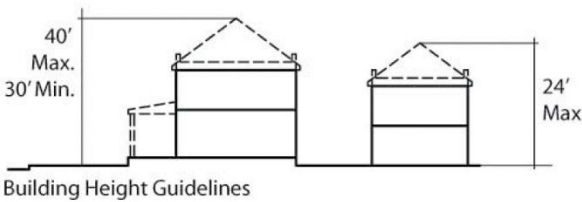
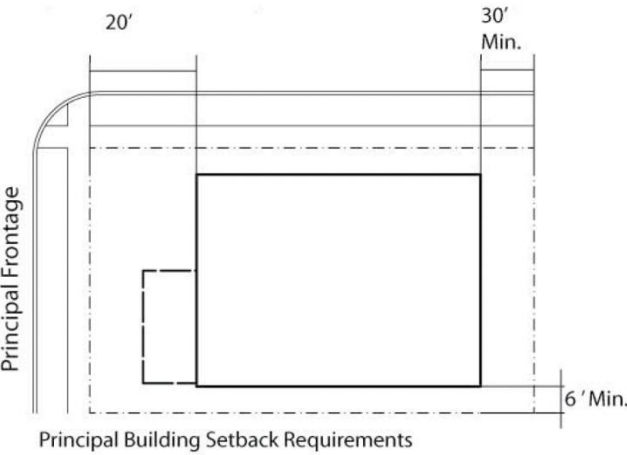
| | | |
|--|--|--|
| Setbacks - Principal Building | Multi-Family | |
| | Front Setback Principal | 20 ft. min to front facade, or the average of all lots within 200 ft. of property, whichever is less |
| | Side Setback | 6 ft min. |
| | Rear Setback | 30 ft min. |
| Setbacks - Outbuilding | Outbuildings prohibited in Mixed-Use Urban Village | |
| | Carport/garage/parking lot | Special Use |
| Setbacks - Principal Building | Commercial or Mixed Use | |
| | Front Setback Principal | No minimum. Max 5' |
| | Side Setback | 0 ft. |
| | Rear Setback | 10 ft. min. 30 ft. when rear lot line is adjacent to single family residential use |
| Setbacks - Outbuildings | Outbuildings prohibited in Mixed-Use Urban Village | |
| | Carport/garage/parking lot | Special Use |
| Private Frontages | Common Lawn | Special Use |
| | Porch & Fence | Special Use |
| | Stoop | Permitted |
| | Forecourt | Special Use |
| | Shopfront & Awning | Permitted |
| Base Density | 10.89 dwelling units per acre. | |
| Parking Provisions | 2 spaces per dwelling unit | |

NOTES

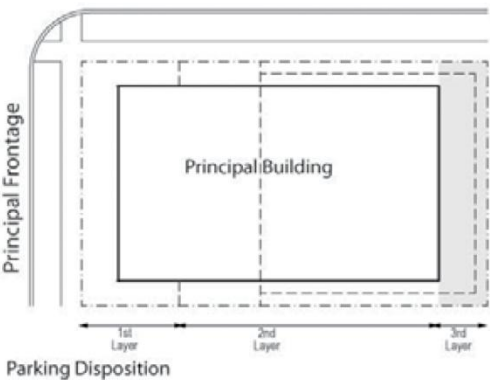
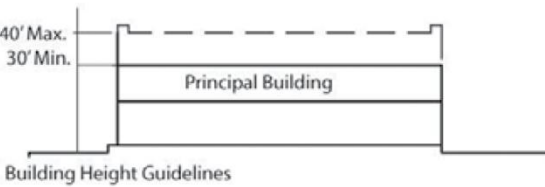
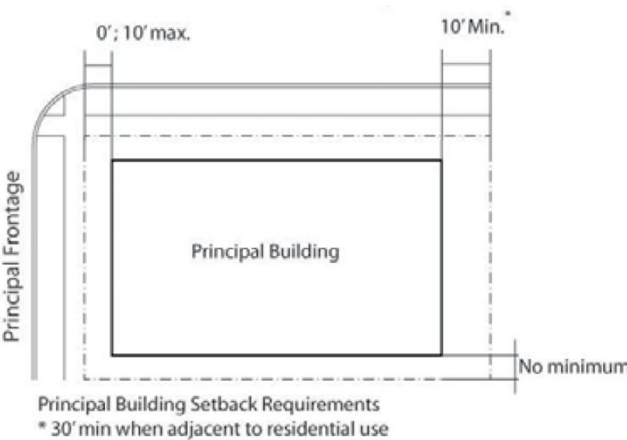
Attached garages require Special Use review in M-UV

Rear setback is 5 ft. min if rear setback line abuts an alley

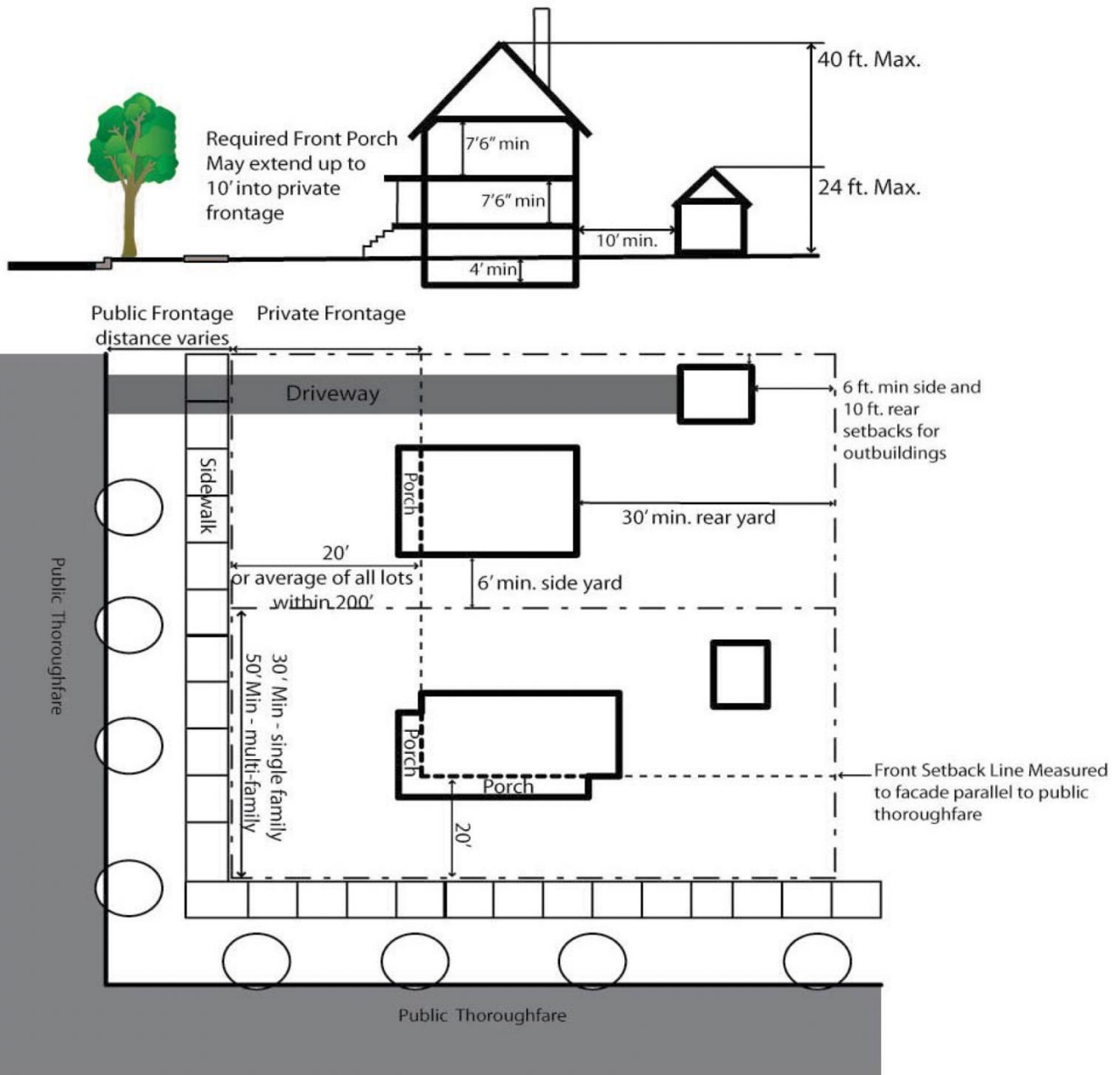
Building Standards: M-UV District Single or Multi-Family Residential Buildings



Building Standards: M-UV District Commercial or Mixed-Use Buildings



Building Standards: M-UV District Single and Multi-Family Buildings

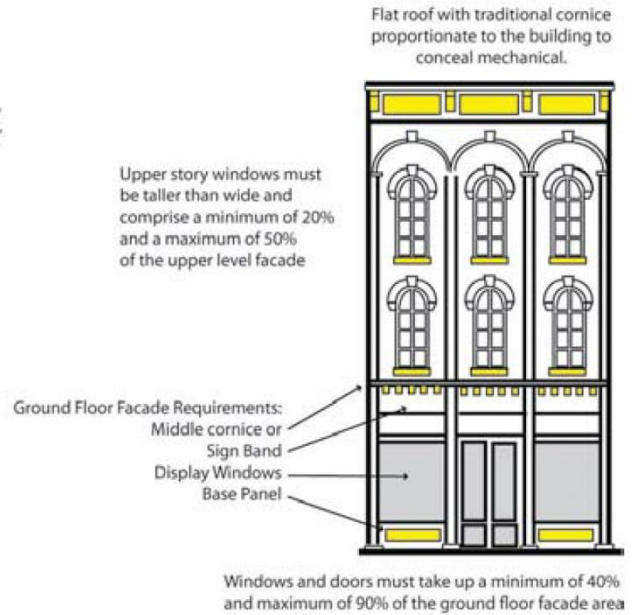
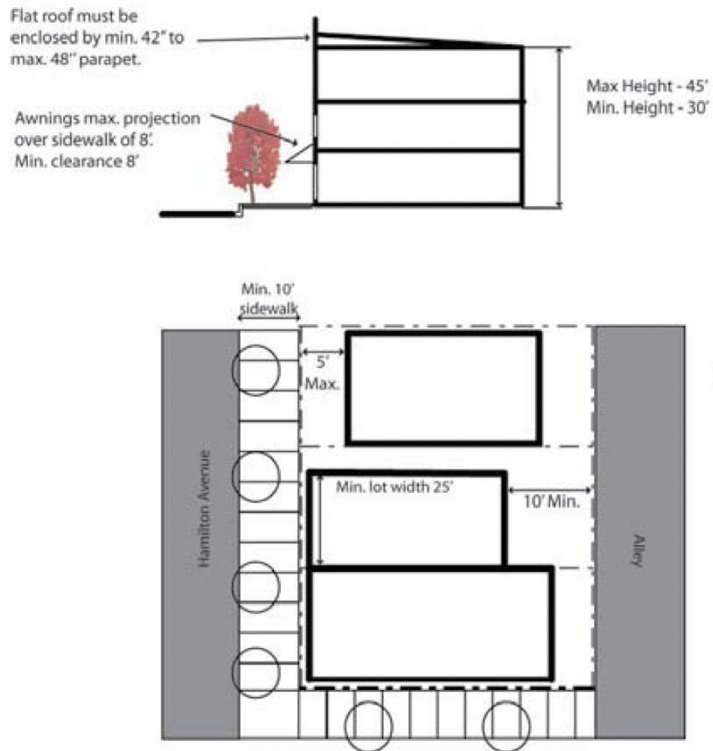


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Building Standards: M-UV District Commercial or Mixed-Use Building

Drawings not to scale

Commercial or Mixed-Use Building

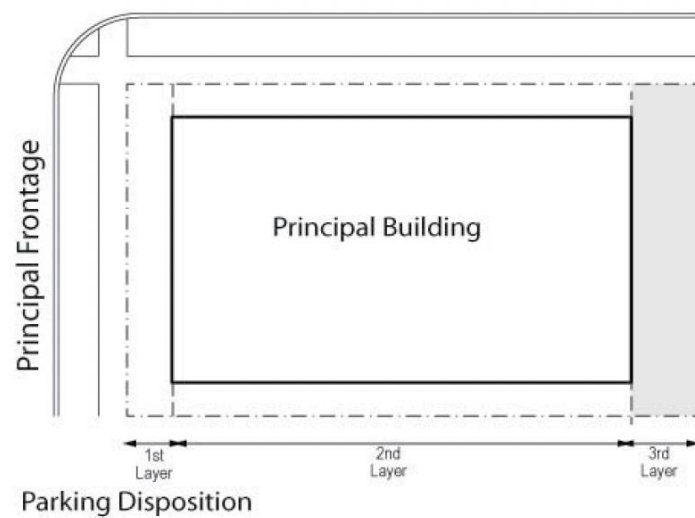
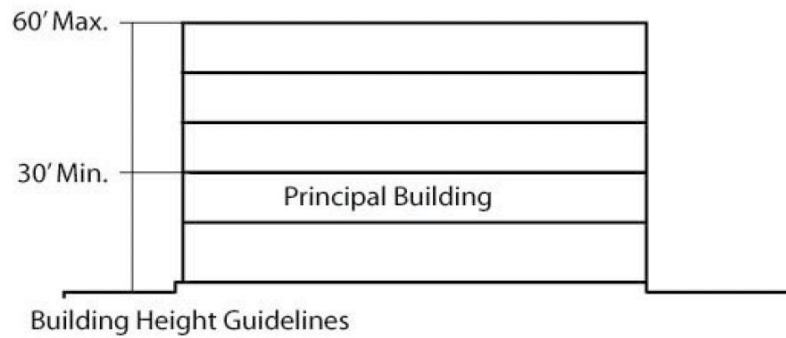
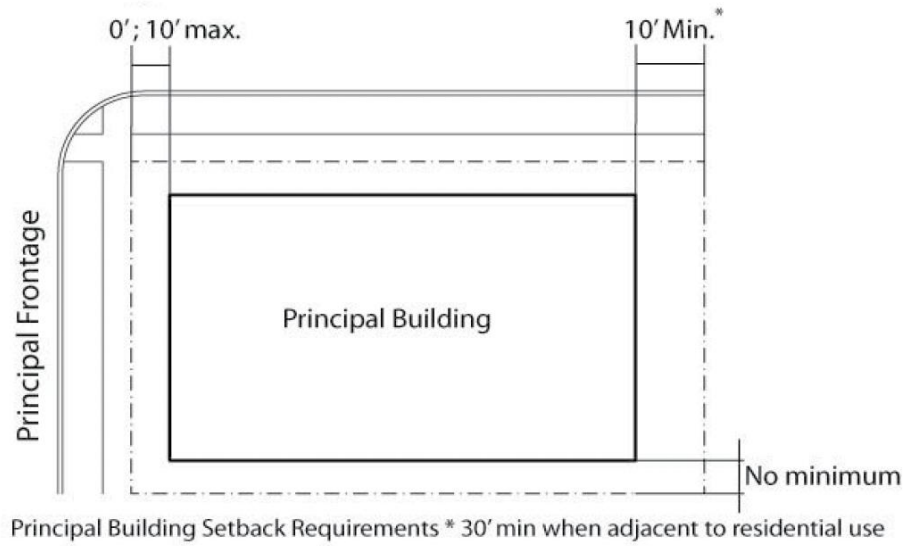


1250.09 TOD, Transit Oriented Development District

1. **Intent.** The TOD, Transit Oriented Development District is intended to provide greater density in areas within ¼ mile of light rail and/or Bus Rapid Transit stops within Highland Park while allowing for a mix of commercial, retail, restaurant, entertainment, office, residential and transit uses within this district. The intended mix of these uses helps to provide self-sufficient neighborhoods built around the light rail stops.
2. **Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

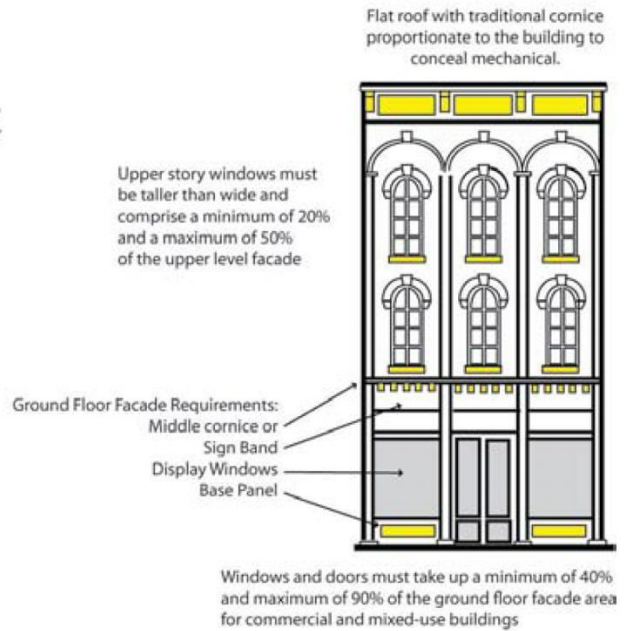
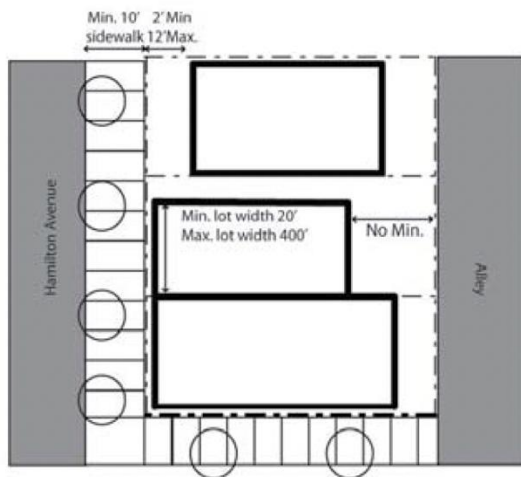
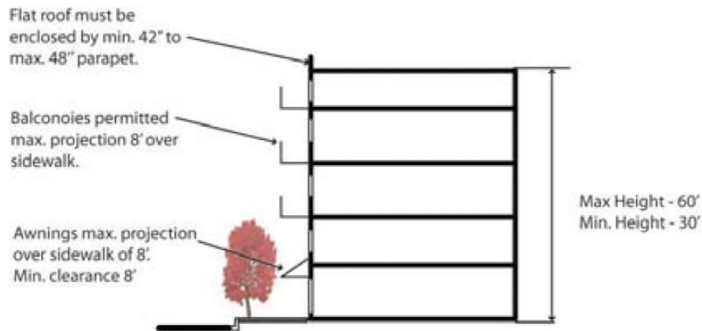
| | | |
|--------------------------------------|--|---|
| Building Function | Residential | Permitted |
| | Lodging | Permitted |
| | Office | Permitted |
| | Retail | Permitted |
| Building Type | Single Family Detached | Prohibited |
| | Single Family attached (Townhome) | Special Use |
| | Duplex | Prohibited |
| | Multifamily (three or four units) | Special Use |
| | Apartment (more than four units) | Permitted |
| | Mixed-Use Building | Permitted |
| Building Height | Principal Building | 60 ft. max. (5 stories); 30 ft. Min (2 stories) |
| | Outbuilding | Not applicable |
| Lot Occupation | Lot Width | 20 ft. min; 400' max. |
| | Lot Coverage | 90% max |
| | Min. Lot Area | 2,000 sq. ft. |
| Building Disposition | Edgeyard | Not permitted |
| | Sideyard | Not permitted |
| | Courtyard | Permitted |
| | Rearyard | Permitted |
| Setbacks - Principal Building | Front Setback Principal | 2 ft. min; 12 ft. max |
| | Side Setback | 0 ft. min; 24 ft. max |
| | Rear Setback | 0 ft. min. |
| Setbacks - Outbuilding | Front Setback | n/a |
| | Side Setback | n/a |
| | Rear Setback | n/a |
| Private Frontages | Common Lawn | Not permitted |
| | Porch & Fence | Not permitted |
| | Stoop | Permitted |
| | Forecourt | Special Use |
| | Shopfront & Awning | Permitted |
| Base Density | No base density. Minimum building height of 2 stories. | |
| Parking Provisions | See Chapter 1253 Off-Street Parking | |

Building Standards: TOD District



Building Standards: TOD District

Drawings not to scale



3. Design Guidelines

- a. All buildings must be brick or stone masonry on the ground floor. Exterior insulation systems such as EIFS or Dry-vit are permitted only above the second story.
- b. All buildings must have distinguishing architectural features such as a cornice or sign band (as illustrated in the graphic above) to distinguish the bottom, middle and top of the building.
- c. Window and door glass must be transparent and must not be obscured by advertising or other interior displays.
- d. Upper story windows must be taller than wide and comprise a minimum of 20% and a maximum of 50% of the upper level facade.
- e. Entry doors are required every 50 ft. Buildings more than 50' wide must provide an entry door every 50' feet.
- f. Security fencing is not permitted on the exterior of the ground floor. Roll down fencing must be enclosed inside the building.
- g. All signage subject to regulations of Chapter 1255 Signs.
- h. All exterior lighting subject to regulations of Chapter 1254 Exterior Lighting.
- i. Parking is prohibited between the building facade and principal frontage.
- j. All mechanical elements, air conditioners condensers, etc. must be predominately screened from view by parapet roof.

1250.10 CBD, Central Business District

- Intent.** The CBD, Central Business District is indented to be the primary commercial center for the City of Highland Park and surrounding areas of Detroit. This is a major regional shopping destination which can be accessed by car, by foot or by mass transit. The intent of this Section is to outline regulations designed to make large, auto-oriented regional shopping centers and strip retail areas more compatible with a pedestrian-friendly downtown district.
- Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

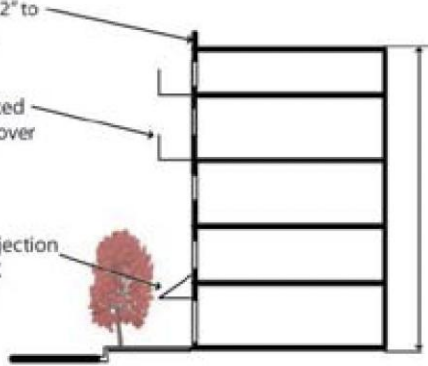
| | | | |
|---|---|------------|---|
| Building Function | Residential | | Permitted |
| | Lodging | | Not permitted |
| | Office | | Permitted |
| | Retail | | Permitted |
| Building Type | Single Family Detached | | Not permitted |
| | Single Family attached (Townhome) | | Not permitted |
| | Duplex | | Not permitted |
| | Multifamily (three or four units) | | Not permitted |
| | Apartment (more than four units) | | Not permitted |
| | Mixed-Use Building | | Permitted |
| | Commercial | | Permitted |
| Building Height | Principal Building | | 40 ft. max. |
| | Outbuilding | | Not permitted |
| Lot Occupation | Lot Width | Commercial | 30 ft. min |
| | | Mixed Use | |
| | Lot Coverage | Commercial | 50% |
| | | Mixed Use | 75% |
| | Min. Lot Area | Commercial | 10,000 sq. ft. |
| | | Mixed Use | |
| Building Disposition | Edgeyard | | Permitted |
| | Sideyard | | Permitted |
| | Courtyard | | Permitted |
| | Rearyard | | Permitted |
| Setbacks - Principal Building Commercial | Front Setback Principal | | 25 ft min. |
| | Side Setback | | 20 ft min |
| | Rear Setback | | 30 ft min./ 50 ft min. if adjacent to residential use |
| Setbacks - Outbuilding | Outbuildings prohibited in CBD | | |
| | Carport/garage/parking lot or structure | | Special Use |
| Private Frontages | Common Lawn | | Special Use |
| | Porch & Fence | | Not permitted |
| | Stoop | | Not permitted |
| | Forecourt | | Permitted |
| | Shopfront & Awning | | Permitted |
| Base Density | No base density. | | |
| Parking Provisions | See Chapter 1253 | | |

Building Standards: CDB District

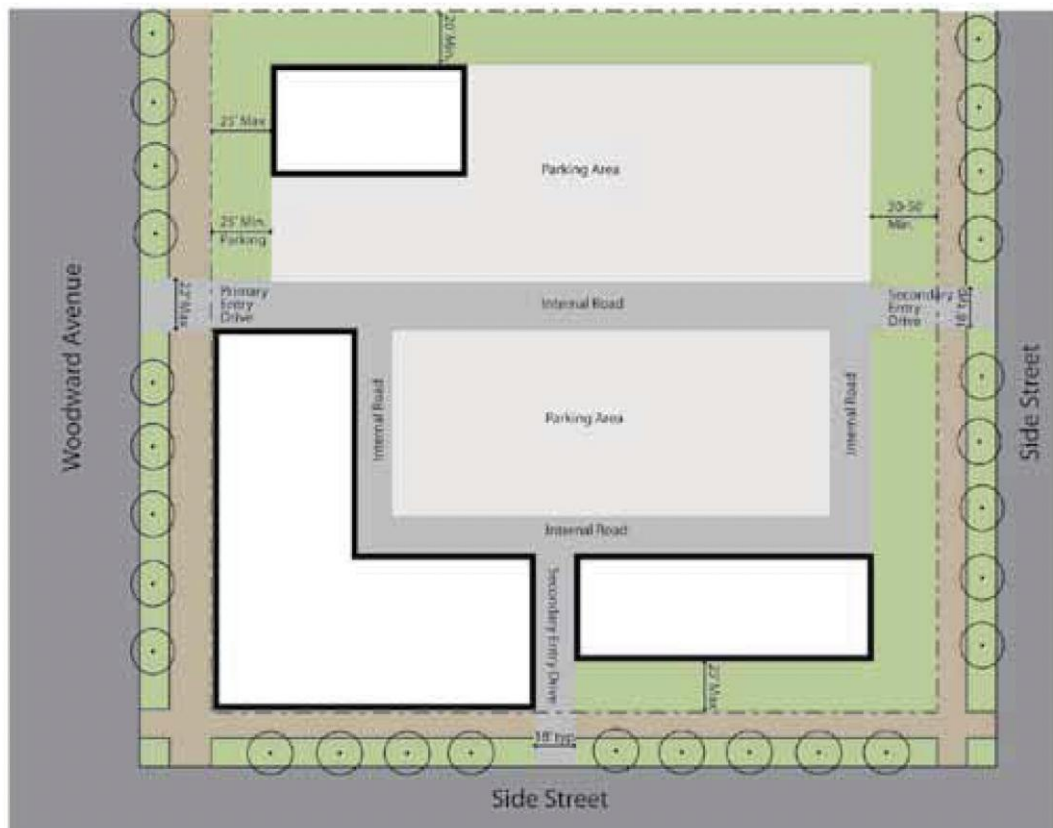
Flat roof must be enclosed by min. 42" to max. 48" parapet.

Balconies permitted max. projection 8' over sidewalk.

Awnings max. projection over sidewalk of 8'.
Min. clearance 8'



Drawings not to scale



3. Design Guidelines

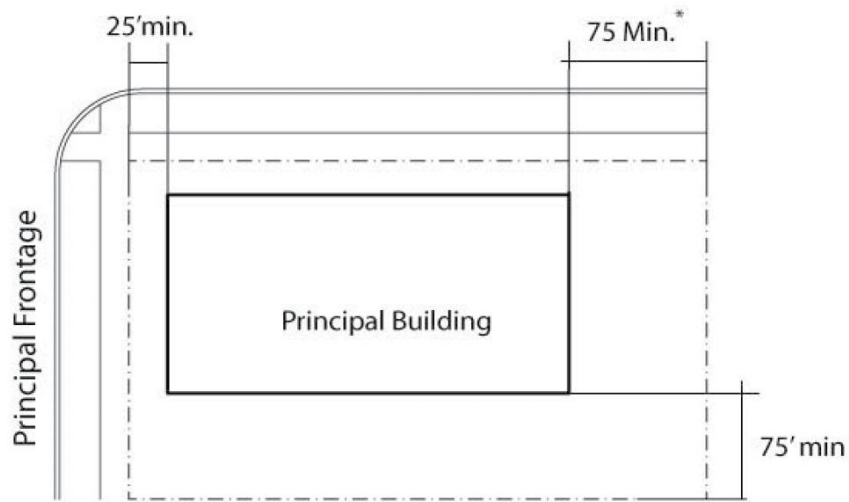
- a. All buildings must be brick or stone masonry on the ground floor. Exterior insulation systems such as EIFS or Dry-vit are permitted only above the second story.
- b. All buildings must have distinguishing architectural features such as a cornice or sign band (as illustrated in the graphic above) to distinguish the bottom, middle and top of the building.
- c. Window and door glass must be transparent and must not be obscured by advertising or other interior displays.
- d. Upper story windows must be taller than wide and comprise a minimum of 20% and a maximum of 50% of the upper level facade.
- e. Entry doors are required every 50 ft. Buildings more than 50' wide must provide an entry door every 50' feet.
- f. Security fencing is not permitted on the exterior of the ground floor. Roll down fencing must be enclosed inside the building.
- g. All signage subject to regulations of Chapter 1255 Signs.
- h. All exterior lighting subject to regulations of Chapter 1254 Exterior Lighting.
- i. Parking is prohibited between the building facade and principal frontage.
- j. All mechanical elements, air conditioners condensers, etc. must be predominately screened from view by parapet roof.

1250.11 IRD, Industrial, Research and Development District

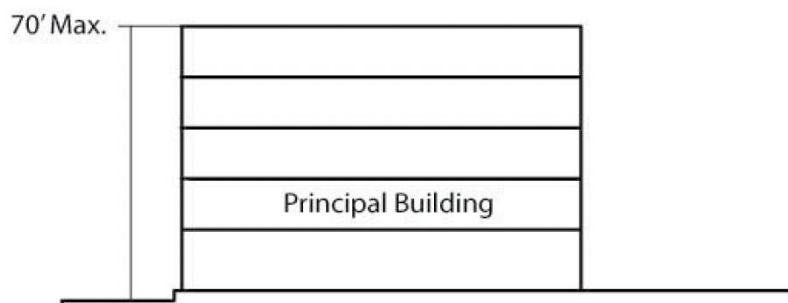
- Intent.** The IRD, Industrial, Research & Development District is designed to allow for medium to large-scale production, warehousing, manufacturing, research laboratory, product development or other similar uses that require significant volumes of truck or rail freight traffic, generate considerable noise or are otherwise uses that are best segregated from commercial and residential uses.
- Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table and illustrations.)

| | | |
|--------------------------------------|-----------------------------------|---|
| Building Function | Residential | Permitted |
| | Lodging | Not Permitted |
| | Office | Permitted |
| | Retail | Permitted |
| Building Type | Single Family Detached | Not Permitted |
| | Single Family attached (Townhome) | Not Permitted |
| | Duplex | Not Permitted |
| | Multifamily (three or four units) | Not Permitted |
| | Apartment (more than four units) | Not Permitted |
| | Mixed-Use Building | Not Permitted |
| | Commercial | Permitted |
| | Industrial/Warehouse/Factory | Permitted |
| Building Height | Principal Building | 70 ft. max. |
| | Outbuilding | 70 ft. max. |
| Lot Occupation | Lot Width | 200 ft. min |
| | Lot Coverage | 40% |
| | Min. Lot Area - Commercial | 5 acres |
| Building Disposition | Edgeward | Permitted |
| | Sideyard | Not Permitted |
| | Courtyard | Not Permitted |
| | Rearyard | Not Permitted |
| Setbacks - Principal Building | Front Setback Principal | 25 ft min. |
| | Side Setback | 75 ft min./250 ft min. if adjacent to residential use |
| | Rear Setback | 75 ft min./250 ft min. if adjacent to residential use |
| Setbacks - Outbuilding | Front Setback Outbuilding | Must be behind Principal Building |
| | Side Setback | 75 ft min./250 ft min. if adjacent to residential use |
| | Rear Setback | 75 ft min./250 ft min. if adjacent to residential use |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Not Permitted |
| | Stoop | Not Permitted |
| | Forecourt | Not Permitted |
| | Shopfront & Awning | Not Permitted |
| Base Density | No base density. | |
| Parking Provisions | See Chapter 1253 | |

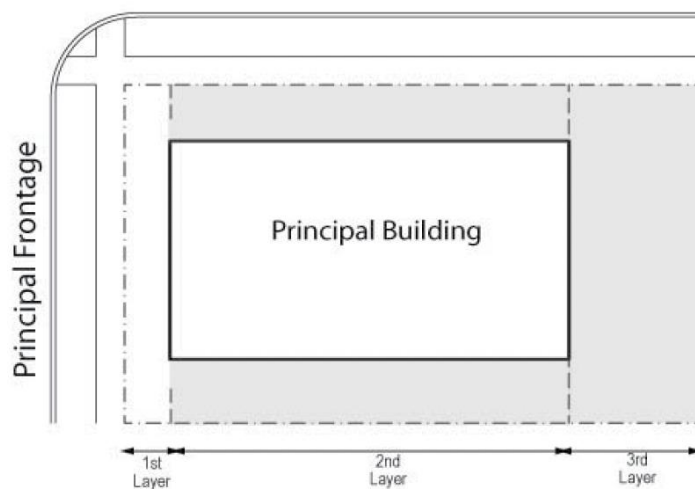
Building Standards: IRD District



Principal Building Setback Requirements * 250' min when adjacent to residential use

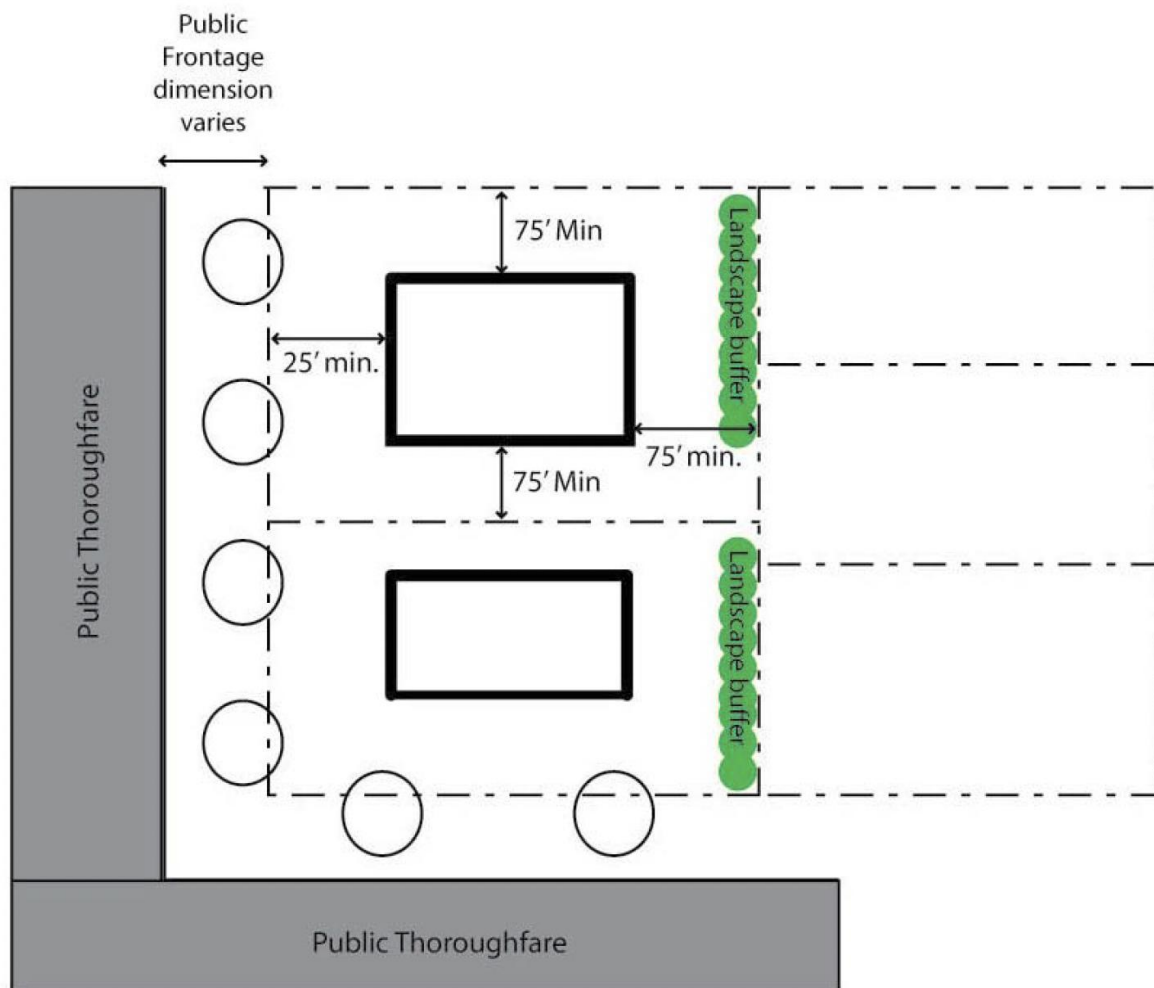
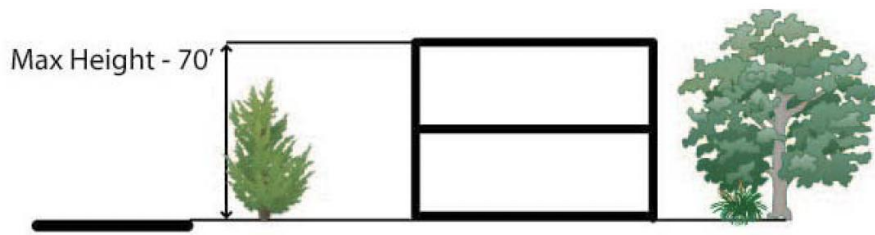


Building Height Guidelines



Parking Disposition

Building Standards: IRD District



Drawings not to scale

1250.12 C, Civic District

1. **Intent.** The C, Civic District is intended to provide for the limited need for governmental buildings and facilities, open space areas, parks, conservation areas, public schools, and preservation of historic places.
2. **Area, Height, Bulk and Placement Requirements.** (Refer to adjacent table.)

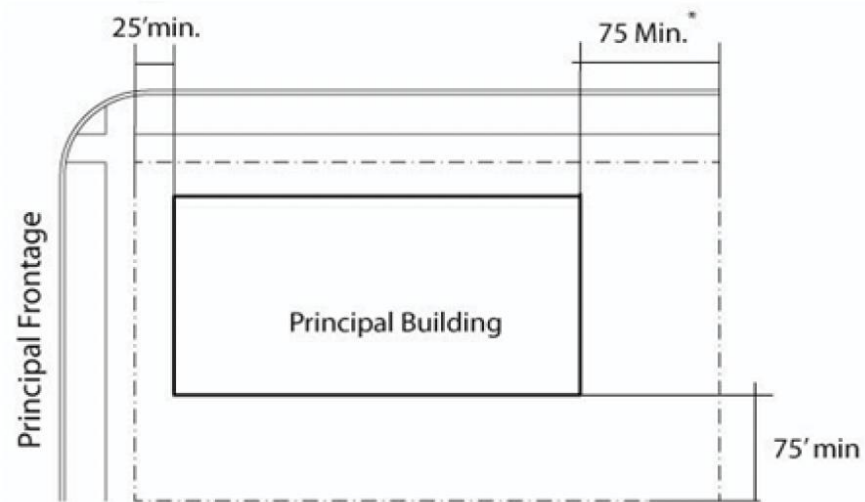
| | | |
|--------------------------------------|-----------------------------------|--|
| Building Function | Residential | Permitted |
| | Lodging | Not Permitted |
| | Office | Permitted |
| | Retail | Permitted |
| | Civic/Institutional | Permitted |
| Building Type | Single Family Detached | Not Permitted |
| | Single Family attached (Townhome) | Not Permitted |
| | Duplex | Not Permitted |
| | Multifamily (three or four units) | Not Permitted |
| | Apartment (more than four units) | Not Permitted |
| | Mixed-Use Building | Not Permitted |
| | Commercial | Special Use |
| | Government/Quasi-Government | Permitted |
| | Industrial/Warehouse/Factory | Not Permitted |
| Building Height | Principal Building | Equal to the highest allowable building in a physically adjacent Zoning District |
| | Outbuilding | Not Permitted |
| Lot Occupation | Lot Width | No Minimum |
| | Lot Coverage | 40% max. |
| | Min. Lot Area | 7,500 sq. ft. |
| Building Disposition | Edgeyard | Permitted |
| | Sideyard | Permitted |
| | Courtyard | Permitted |
| | Rearyard | Permitted |
| Setbacks – Principal Building | Front Setback Principal | 10 ft or the average of all properties within 200 ft, whichever is greater |
| | Side Setback | |
| | Rear Setback | 20 ft or the average of all properties within 200 ft, whichever is greater |
| Setbacks - Outbuilding | Front Setback Outbuilding | n/a |
| | Side Setback | n/a |
| | Rear Setback | n/a |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Not Permitted |
| | Stoop | Permitted |
| | Forecourt | Permitted |
| | Shopfront & Awning | Permitted |
| Base Density | No base density. | |
| Parking Provisions | See Chapter 1253 | |

1250.13 SP, Special Project District

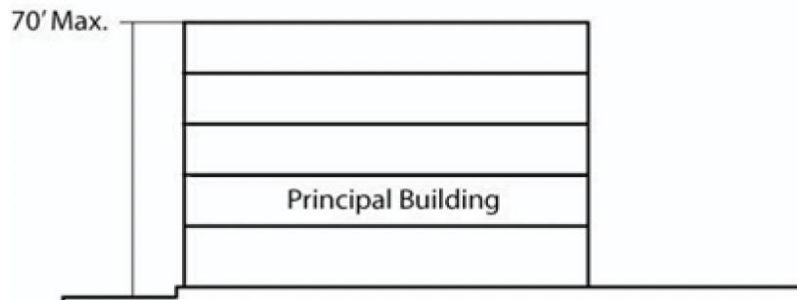
1. Area, Height, Bulk and Placement Requirements. (Refer to adjacent table and illustrations.)

| | | |
|--------------------------------------|-----------------------------------|---|
| Building Function | Residential | Not Permitted |
| | Lodging | Not Permitted |
| | Office | Permitted |
| | Retail | Permitted |
| Building Type | Single Family Detached | Not Permitted |
| | Single Family attached (Townhome) | Not Permitted |
| | Duplex | Not Permitted |
| | Multifamily (three or four units) | Not Permitted |
| | Apartment (more than four units) | Not Permitted |
| | Mixed-Use Building | Permitted (residential use requires special permit) |
| | Commercial | Permitted |
| | Industrial/Warehouse/Factory | Permitted |
| Building Height | Principal Building | 70 ft. max. |
| | Outbuilding | 70 ft. max. |
| Lot Occupation | Lot Width | 200 ft. min |
| | Lot Coverage | 40% |
| | Min. Lot Area - Commercial | 5 acres |
| Building Disposition | Edgeyard | Permitted |
| | Sideyard | Not Permitted |
| | Courtyard | Not Permitted |
| | Rearyard | Not Permitted |
| Setbacks - Principal Building | Front Setback Principal | 25 ft min. |
| | Side Setback | 75 ft min./250 ft min. if adjacent to residential use |
| | Rear Setback | 75 ft min./250 ft min. if adjacent to residential use |
| Setbacks - Outbuilding | Front Setback Outbuilding | Must be behind Principal Building |
| | Side Setback | 75 ft min./250 ft min. if adjacent to residential use |
| | Rear Setback | 75 ft min./250 ft min. if adjacent to residential use |
| Private Frontages | Common Lawn | Permitted |
| | Porch & Fence | Not Permitted |
| | Stoop | Not Permitted |
| | Forecourt | Permitted |
| | Shopfront & Awning | Permitted |
| Base Density | No base density. | |
| Parking Provisions | See Chapter 1253 | |

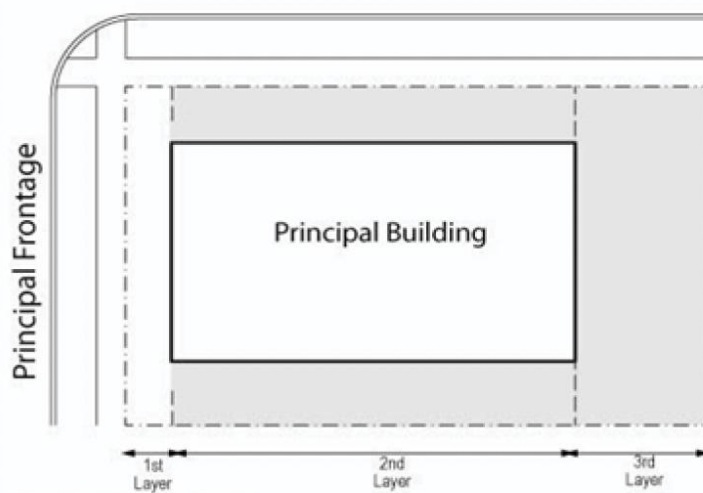
Building Standards: SP District



Principal Building Setback Requirements * 250' min when adjacent to residential use

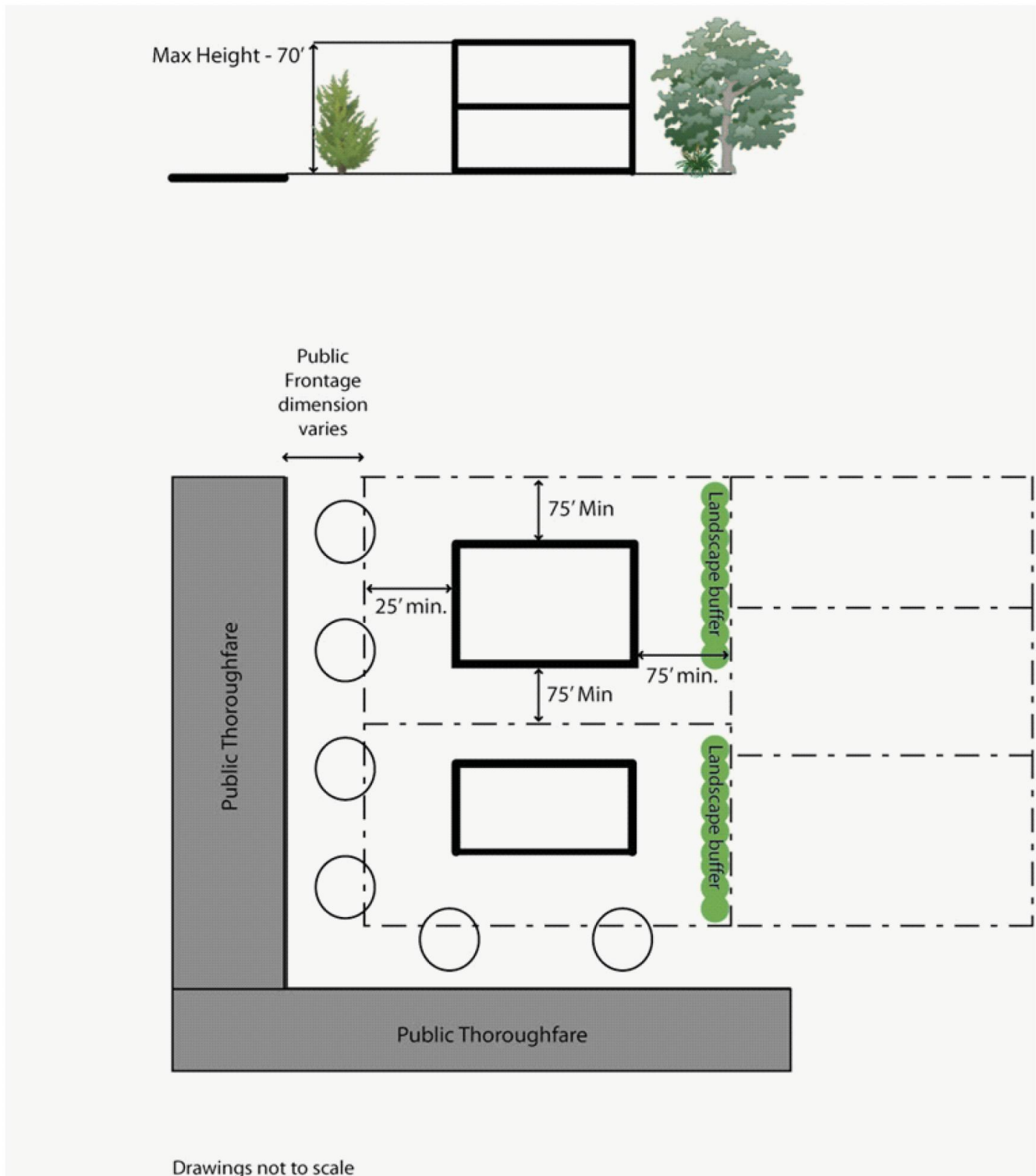


Building Height Guidelines



Parking Disposition

Building Standards: SP District



1250.14 PRP –Planned Redevelopment Projects

1. **Purpose.** The PRP is intended to allow for greater flexibility and creativity in developing a redevelopment plan for the Former Ford Factory site. The PRP process is a review procedure that is intended to encourage innovative land planning and design by:
 - a. Recognizing greater flexibility in zoning standards for larger and multi-lot sites;
 - b. Encouraging a mix of land uses;
 - c. Encouraging a sensitive design that respects the neighborhood character as well as natural or man-made features of the site and surrounding area; and
 - d. Promoting quality design and environmentally sensitive development.
2. **Applicability.**
 - a. Existing PUDs. Notwithstanding the requirements of this Chapter, existing conditions of approval for Planned Unit Developments (PUDs) shall remain in full effect as approved prior to the effective date of this Chapter. However, any amendments to these developments shall comply with this Chapter.
 - b. Terminology. The term PUD shall be used interchangeably with PRP in this Section due to the combination of the two districts into one district, the PRD, upon the effective date of this Chapter.
3. **Application Procedures.**
 - a. A property owner or group of property owners shall file an application for a zone change to a PRD.
 - b. Applications shall be submitted on a form provided by the Community & Economic Development (CED) Department, completed in full and signed by the applicant(s), and shall include a detailed description of the proposed project or amendment and certify the accuracy of the information.
 - c. The application shall identify if conceptual or final approval is requested.
 - i. Conceptual approval is intended for preliminary approval of a conceptual plan. Upon approval, subsequent submittals shall be subject to Site Plan Review and shall reasonably comply with the conceptual plan. Planning Commission approval is required for each phase of development.
 - ii. Final approval is intended for an area that is about to undergo construction; where detailed construction drawings are in the process of being prepared for permit submission.
 - d. The applicable fee established by resolution of the City Council shall be submitted;
 - e. In addition to the Site Plan Submittal Requirements of 1214.06 Site Plan Review., the following shall be provided as part of the Development Plan:
 - i. A plan illustrating all existing and proposed structures, existing and proposed streets, urban open space and other unique features of the site, including but not limited to topography, utility service, land usage or ownership.
 - ii. A list of all proposed uses, total acreage and/or square footage devoted to each use and a plan that identifies the location of each.
 - iii. Total number of dwelling units, number of rooms per unit and proposed density.
 - iv. The location and size of parks, open recreation areas, other open space and all public and community uses.
 - v. Any additional graphics or written materials requested by the Zoning Administrator, Planning Commission or City Council to assist in the visualization and understanding of the project proposal.
 - f. For phased developments, documentation that each phase shall be planned such that if later phases are not implemented, the initial phase(s) shall be consistent with the provisions of this Chapter and shall not detract from the feasibility of developing the remaining portion of the PRD in an appropriate and desirable manner.
 - g. If one (1) or more Special Land Uses are proposed, the application shall include all of the information required under Chapter 1215: Special Land Uses.

4. Review Procedures.

- a. Application Completeness. Upon acceptance of the application for form and completeness, the Zoning Administrator shall assign the application a public hearing date and time.
- b. Planning Commission Review. The Planning Commission shall undertake a complete study of the proposed amendment. Any amendment to the Zoning Ordinance shall first be reviewed by the Planning Commission.
- c. Public Hearing. The Planning Commission shall provide public notice and hold a public hearing in accordance with the requirements of the Zoning Act, and the Planning Commission Rules of Procedure for consideration of any Zone District amendment.
- d. If one (1) or more Special Land Uses are proposed, the application for the use(s) shall be re-viewed by the Planning Commission in accordance with the procedures of Section 1215. A separate public hearing shall be required, but may be conducted at the same time as the PRP hearing. The Special Use shall not be valid unless the City Council approves the PRP and the property is re-zoned.
- e. Conceptual or final approval of a PRP may be obtained upon the recommendation of the Planning Commission and adoption by the City Council.

5. Review Standards. For a zone change to a PRP, the Planning Commission shall consider, and the City Council may consider, whether the proposed PRP meets the following standards:

a. Master Plan/Zoning Ordinance.

- i. The mix of uses, density of development, and design of the proposed PRP are consistent with the Master Plan.
- ii. The proposed PRP is consistent with the purpose and intent of the Zoning Ordinance.
- iii. The proposed PRP will ensure efficient development on the property and will result in a logical and orderly development pattern in the neighborhood

b. Neighborhood.

- i. The proposed development will be compatible, harmonious and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties, and the natural environment.
- ii. Potentially adverse effects arising from the proposed development on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.
- iii. The proposed development will not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, visual clutter, and electrical or electromagnetic interference.
- iv. Connections among buildings, uses and amenities within the property will be provided, as well as connections to and from the surrounding properties.

c. Environment.

- i. The proposed development will retain as many natural features of the landscape as practicable, particularly where the natural features assist in preserving the general character of the neighborhood.
- ii. The physical, geological, hydrological and other environmental features of the property to be re-zoned are compatible with the full range of uses in the PRP.
- iii. All stormwater will be retained on-site

d. Public Facilities.

- i. Adequate public or private infrastructure and services already exist or will be provided at no additional public cost, and will safeguard the health, safety, morals and general welfare of the public.
- ii. The proposed development will not be detrimental to the financial stability and economic welfare of the City.

- iii. Wherever practicable, the proposed development will provide amenities, including but not limited to, park and recreational facilities, urban open space, and non-vehicular connections that serve a public purpose.
- iv. Other. Where applicable, the Planning Commission shall find that the Review Standards of Section 1215 for any proposed Special Land Use will also be satisfied.

e. Conditions of Approval.

- i. In acting upon a PRP application, the Planning Commission may recommend, and the City Council may impose, additional conditions relating both to the physical and operational aspects of the PRP that are reasonably necessary to protect the public interest and shall assure:
 - 1) Protection of natural resource, the health, safety, morals and welfare and social and economic well-being of those who use the PRP project and owners and occupants of surrounding property.
 - 2) Compliance with Section 1250.13.1 Purpose and Description of the PRP.
- ii. All setbacks, lot sizes, and other applicable yard and lot requirements shall be recommended by the Planning Commission and set by the City Council for each PRP application, as determined by the submitted Development Plan.
- iii. The Planning Commission shall recommend, and the City Council shall consider appropriate transitions in landscaping, use, building height and massing, and density at the perimeter of any Planned Redevelopment Project.
- f. The Planning Commission may recommend, and the City Council may impose a performance guarantee or surety acceptable to the City in an amount equivalent to the estimated cost of improvements associated with the PRP for infrastructure and service improvements as needed for project approval.

6. Recommendation to City Council.

- a. At a minimum, the Planning Commission shall use the Site Plan Review Standards identified in [1214.06 Site Plan Review](#), and if applicable, the Special Land Use Review Standards in [Chapter 1215: Special Land Uses](#) in making its recommendation to the City Council.
- b. The Planning Commission shall recommend approval, approval with conditions, or denial of the application to the City Council. The recommendation shall state the reasons for the recommendation and the review standards used in making its determination. The Planning Commission may also table an application.
- c. The Planning Commission may recommend, and the City Council may impose, additional conditions and safeguards deemed necessary, as described in [1250.13 SP, Special Project District](#). City Council Decision.
- d. The City Council shall review the recommendation of the Planning Commission and approve, approve with conditions, or deny the application, as appropriate. If approved, the PRP Development Plan shall be considered an integral part of the zone change.
- e. General rezoning standards as defined in [Chapter 1216: Zoning Ordinance and Map Amendments](#) shall apply to all PRP approvals and major amendments to the PRD. The Zoning Map shall be changed to reflect the location of the PRD after the effective date of the zone change.

7. Effective Date.

- a. Upon adoption of a PRP ordinance amendment, notice of adoption shall be published in accordance with the requirements of the Zoning Act (P.A. 110 of 2006, as amended).
- b. The PRP ordinance amendment shall commence and be in full force thirty one (31) calendar days after the date the City Council adopted the amendment, unless otherwise provided by the City Council.

8. Duration of Approval.

- a. Construction of the approved PRP Development Plan shall be initiated and substantial progress achieved within two (2) years of the effective date of the zone change. Upon written request prior to the expiration of the approval, one (1) extension of up to one (1) year may be granted if the Planning Commission finds that the extension is warranted due to circumstances beyond the control of the applicant.
- b. With a multiple-phase PRP where the total Development Plan may be a number of years from completion, substantial progress on a phase shall preserve the approval, provided that consecutive phases shall be started within two (2) years of completion of the previous phase.
- c. If substantial progress has not occurred within these time limits, the Planning Commission may commence rezoning proceedings to an appropriate Zone District. The Zoning Administrator shall make a recommendation to the Planning Commission on an appropriate Zone District.

9. Amendments to Approved PRPs. Following the City Council approval of the PRP Development Plan and the effective date of the Zone Change, a proposed change to the PRP shall be classified in one of the following categories.

- a. **Minor Change - Administrative Approval.** The Zoning Administrator is authorized to grant the following proposed Minor Changes under Director Review procedures. The Zoning Administrator may refer any proposed Minor Changes to the Planning Commission.
 - i. Alterations that lessen the intensity of the use without compromising the approved plan.
 - ii. Changes in the building size, up to five (5) percent in Gross Floor Area.
 - iii. Movement of buildings or other structures by not more than five (5) feet.
 - iv. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - v. Changes in building materials to a comparable or higher quality.
 - vi. Changes in floor plans that do not alter the character of the use.
 - vii. Changes required by outside agencies such as county, State, or federal departments provided the integrity of the project is not compromised, and the Planning Commission is informed of the change.
- b. **Minor Deviation - Planning Commission Approval.** The Planning Commission shall review the following proposed Minor Deviations under Site Plan Review procedures. The Planning Commission may hold a public hearing on any deviation from the adopted PRP.
 - i. Change in the building size, up to fifteen (15) percent in Gross Floor Area.
 - ii. Movement of buildings or other structures by not more than fifteen (15) feet.
 - iii. Replacement of plant material specified in the landscape plan with materials of lesser quality or smaller than the approved size.
 - iv. Changes in building materials to a lesser quality than approved.
 - v. Changes required by outside agencies such as county, State, or federal departments where the integrity of the project is compromised.
 - vi. Deviation from an approved Planned Sign Program.
- c. **Major Amendment (Zone Change) - Planning Commission Public Hearing.** The Planning Commission shall review the following proposed Major Amendments under this Section. The Planning Commission shall hold a public hearing for any Major Amendment to an adopted PRP. The rezoning of the PRP shall not be affected.
 - i. Change in the use or character of the development or any increase in residential density.
 - ii. Increase of fifteen (15) percent or more in Gross Floor Area.
 - iii. Increase in traffic or circulation issues.
 - iv. Reduction in greenspace by more than five (5) percent.
 - v. Any proposed change that the Zoning Administrator or Planning Commission determines is a Major Amendment.