



City of Plymouth Planning Commission Sub-Committee Meeting Agenda

Monday, September 22, 2025 – 7:00 p.m.
City Hall Conference Room

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234

1. CALL TO ORDER
 - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
 - a. Approval of the August 28, 2025 meeting minutes
4. ZONING AUDIT DISCUSSION
5. ADJOURNMENT

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

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

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

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

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

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

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

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

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

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

2025 Planning Commission Goals

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

Quick Zoning Ordinance Update

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

The items highlighted in yellow were addressed at the June 23, 2025 meeting.

The items highlighted in blue were addressed at the July 28, 2025 meeting.

The items highlighted in green were addressed at the August 28, 2025 meeting.

Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum setback for the B-2 District. *Page 3.*

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

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing. *Page 6.*
2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font. *Page 6.*
3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper. *Page 6.*
4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts. *Page 16-17.*
5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act. *Page 17.*

Change outdated references:

6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan. *Page 7.*
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
8. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”; and “Community Development Director” instead of “Building Official”, in most instances. *Page 19.*
9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere. *Page 20.*

Allow for modern uses:

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

Eliminate suburban standards:

11. Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions. *Page 10-11.*

Streamline and clarify processes:

12. Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application. *Page 17.*
13. List those special uses which require site plan review in Article XX. *Page 17.*
14. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 17.*
15. Pivot section 78-385 to a description of planning commission powers, duties and responsibilities, as enabled by state law. This section should include: the number of and process for appointing Planning Commission members, officers, bylaws, meetings, annual report, compliance with the Open Meetings Act, and preparation of a Master Plan. *Page 18.*
16. Include the Planning Commission's ability to investigate, require information, place conditions and the time limitation of their approval into regulations for site plan, special land use and nonconformance approvals. *Page 18.*

Update definitions:

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

Improve organization and navigability:

23. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City's Fence Ordinance. *Page 20.*
24. Consolidate the "Vested Right" sections in Article I and Article XXVII. *Page 20.*
- ~~25. Examine and update setbacks for generator location requirements in Section 78-217 — Projections into setbacks, based on recent variance requests.~~
26. Update the Intent of the B-2 Zoning District to reflect the description of the Central Business District Future Land Use Category in the Master Plan. *Page 8.*



**Plymouth Planning Commission
Sub-Committee Meeting Minutes
Monday, July 28, 2025 – 7:00 p.m.
Plymouth City Hall 201 S. Main**

City of Plymouth
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
734-453-1234

1. CALL TO ORDER

Vice-Chair Medaugh called the meeting to order at 7:16 p.m.

Present: Vice-Chair Medaugh, Commissioners Trish Horstman, Marni Schroeder, and Katie Rossie

Also present: Planning and Community Development Director Greta Bolhuis

2. CITIZENS COMMENTS

There were no citizen comments

3. APPROVAL OF THE MINUTES

a. Horstman made a motion, seconded by Medaugh, to approve the July 28, 2025 meeting minutes.

There was a voice vote

MOTION PASSED UNANIMOUSLY

4. ZONING AUDIT DISCUSSION

The sub-committee discussed the following matters:

- The definitions of “private non-commercial” “non-profit” “personal use” and “assisted living”
- Setback requirements for private recreational areas
- Removing requirements better suited to follow the schedule of regulation requirements
- Cleaning up roadway classifications to match MDOT
- Benchmarking the 800 sf outdoor space requirements
- Defer to State Law for the development of nursing homes and minimum healthcare standards
- Setback requirements for religious institutions
- The next step is to present all the changes together in one document for the sub-committee to review before presenting it to the Planning Commission.

5. ADJOURNMENT

Schroeder offered a motion, seconded by Horstman, to adjourn the meeting at 9:42 p.m.

There was a voice vote

MOTION PASSED UNANIMOUSLY



Administrative Memorandum

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

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

To: Zoning Audit Sub-Committee
From: Greta Bolhuis, AICP, Planning and Community Development Director
Date: September 17, 2025
Re: Zoning Audit Implementation

Background

The attached document is the entire zoning ordinance with the “quick” zoning ordinance amendments tracked for your review. I have included a list of the tasks you have reviewed below. As of this writing, there are still 11 outstanding items to complete.

Please review these items carefully and let me know if anything is missing or has not been captured accurately.

As always, if you need anything from me, please don’t hesitate to reach out.

Task List

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

- a. Change the notice requirements for special land use to not less than 15 days before the date of the hearing.
- b. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font.
- c. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper.

Change outdated references:

- d. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan.
- e. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department.
- f. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead

of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”.

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

Allow for modern uses:

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

Eliminate suburban standards:

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

Streamline and clarify processes:

- j. Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application.
- k. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings.

Update definitions:

- l. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated.
- m. Remove regulatory language from definitions where possible, such as removing the reference to “one-story” in the convenience grocery store definition and “separated from each other by a “firewall” from the townhome/rowhouse definition.
- n. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended).

Improve organization and navigability:

- o. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City’s Fence Ordinance.
- p. Consolidate the “Vested Right” sections in Article I and Article XXVII.

Chapter 78 ZONING¹

ARTICLE I. IN GENERAL

Sec. 78-1. Title.

This chapter shall be known and cited as the City of Plymouth Zoning Ordinance.

(Ord. of 10-6-03)

Sec. 78-2. Purpose.

The purpose of this chapter is to promote, protect, regulate, restrict and provide for the use of land and buildings within the City of Plymouth; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The city is divided for those purposes into districts of various number and shape, and are considered best suited to carry out this section. For each of those districts, regulations are imposed designating the uses for which buildings, structures, and land shall follow, and designating the trades, industries, and the land uses or activities that shall be permitted or excluded or subjected to special regulations.

It is also the purpose of this chapter to provide for the establishment of a zoning board of appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

(Ord. of 10-6-03)

¹Editor's note(s)—An Ordinance adopted on Oct. 6, 2003 repealed former ch. 78, arts. I—XXVI, in its entirety and enacted new provisions as herein set out. Former ch. 78 derived from an Ord. of Feb. 13, 1992 as amended. See the Code Comparative Table at the end of this volume for a listing of ordinances amending former ch. 78.

Cross reference(s)—Administration ch. 2; buildings and building regulations, ch. 18; businesses, ch. 22; community development, ch. 30; environment, ch. 34; fire prevention and protection and emergency services, ch. 38; streets, sidewalks and other public places, ch. 62; subdivisions, ch. 66; utilities, ch. 74.

State law reference(s)—Authority to regulate land use, Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended, MCL 125.3101.

Sec. 78-3. Scope and construction of regulations.

- (a) This chapter shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this chapter, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (b) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this chapter.
- (c) Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. of 10-6-03)

Sec. 78-4. Validity and severability clause.

If a court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.

If a court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

(Ord. of 10-6-03)

Sec. 78-5. Conflict with other laws, regulations, and agreements.

Where a condition imposed by a provision of this chapter upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this chapter, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

This chapter is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this chapter shall govern.

(Ord. of 10-6-03)

Sec. 78-6. Vested right.

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

(Ord. of 10-6-03)

Sec. 78-7. Enabling authority.

The ordinance from which this chapter is derived is adopted pursuant to the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.

(Ord. No. 2012-04, § 3, 11-5-12)

Secs. 78-8—78-19. Reserved.

ARTICLE II. DEFINITIONS

Sec. 78-20. Construction of language.

The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. of 10-6-03)

Sec. 78-21. Definitions.

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

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

- (1) Garages, storage sheds, radio/television antennae.
- (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.

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

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

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

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

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

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

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

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

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

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

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

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

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

Attic, finished means the area between the roof framing and the ceiling of the rooms below which has been made occupiable through the use of permanent stairs. No finished attics may exceed $\frac{1}{2}$ of the floor area of the story below.

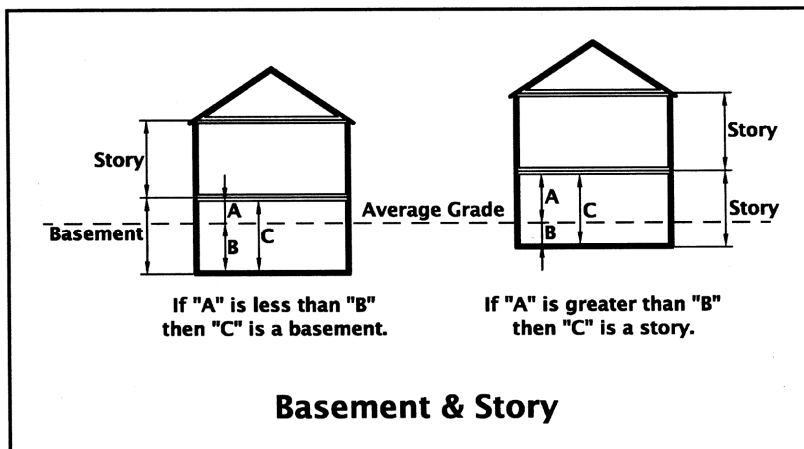
Automobile convenience mart. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to public on the premises or in combination with the retailing of items typically found in a convenience market, carry out restaurant or supermarket.

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

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

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

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



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

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

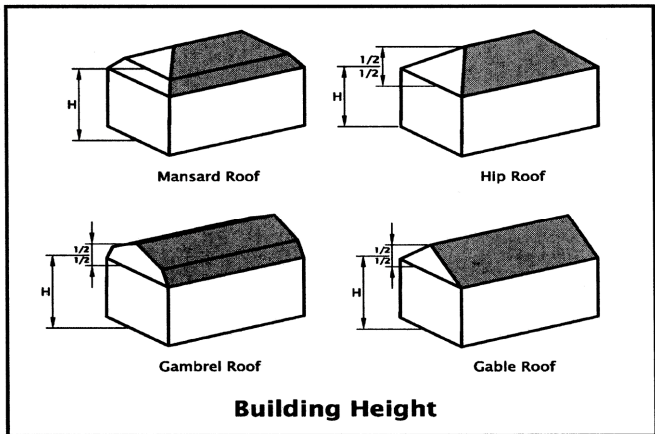
Billboard shall mean:

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

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

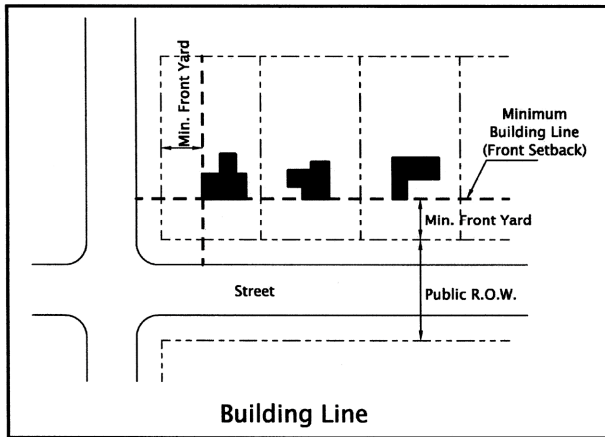
Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding play structures.

Building height



Building Height

Building line



Building Line

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

CBD means the central business district of the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

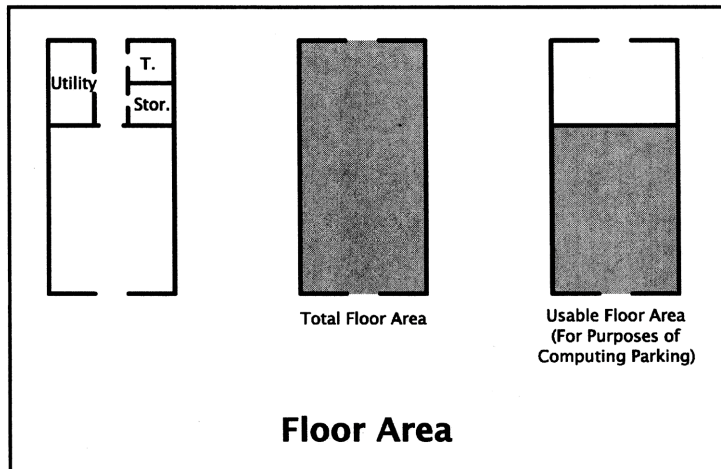
Floor area ratio (FAR) means the ratio of the floor area of a building to its lot area. For example: when a floor area ratio of 0.4 is specified, the floor area of the building constructed on a lot of 6,000 square feet in area is limited to a maximum of 2,400 square feet (or 6,000 x 0.4 or 2,400). The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

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

Examples of Architectural Elements Included/Excluded from FAR Calculation

	Architectural Feature	Conditions
	First Story	
Include in FAR:	Upper Story	- Connected by a fixed stairway to the first story, and - With headroom of five (5) feet or more (between top of floor and bottom of rafter), or - Which may be made usable for human habitation
	Attached Garages	
	Enclosed Porches	
	Accessory Structures (except Detached Garages)	
	Car Ports	
	Porte Cochere	
	Architectural Projections with Floor Area (See Sec. 78-217(2))	
Exclude from FAR:	Basements	
	Unfinished Attics	- With headroom of less than five (5) feet (between top of floor and bottom of rafter), and - Which may NOT be made usable for human habitation
	Unenclosed Breezeways	
	Unenclosed Porches	
	Detached Garages	

Floor area, usable,



Floor Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

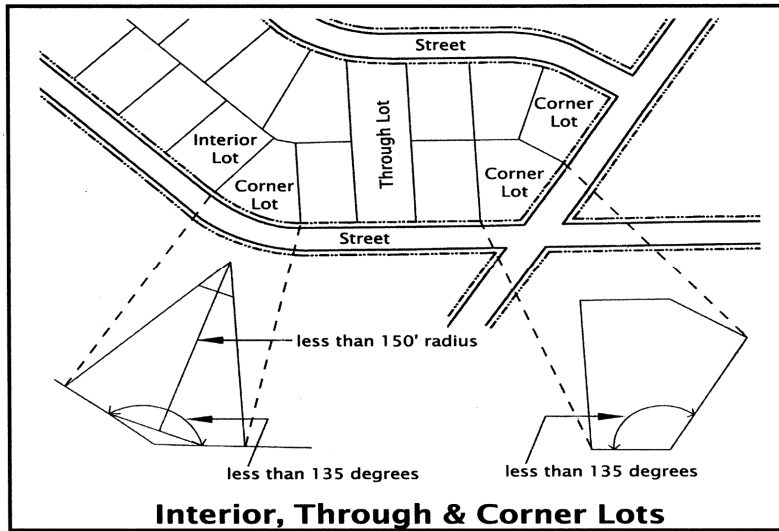
Landscape area means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch provided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

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

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

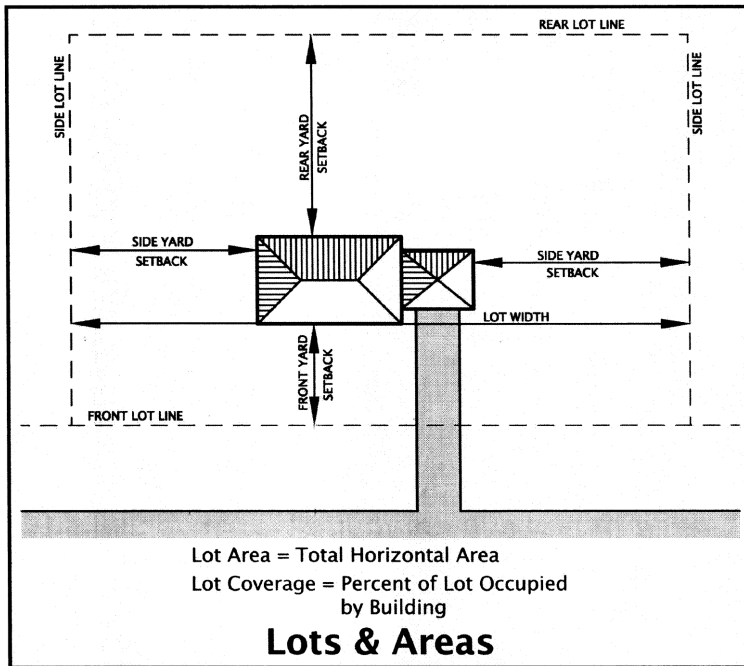
Loft means the space between the roof and the floor of the uppermost story. The floor area of a loft is not more than $\frac{1}{2}$ of the floor area of the story below.

Lot



Interior, Through and Corner Lots

Lot area



Lots and Areas

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

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

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

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

Lot lines means the lines bounding a lot as follows:

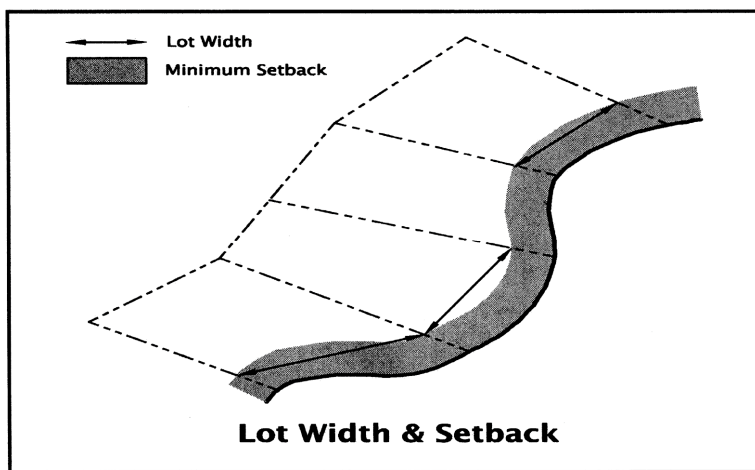
- (1) *Front lot line,* in the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating such lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear,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

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

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

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

Lot width



Lot width and Setback

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

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

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

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

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

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

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

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

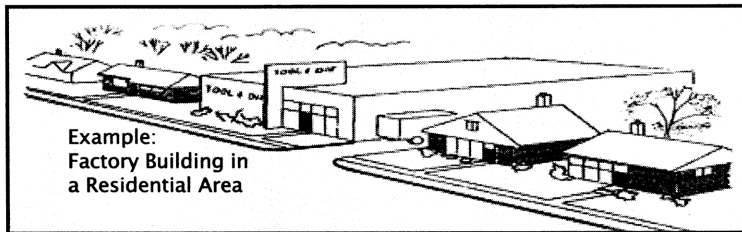
~~Mobile home/manufactured home means any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning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

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

Motel, see *hotel, motel*.

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

Nonconforming use



Nonconforming Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreation/utility vehicle: shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

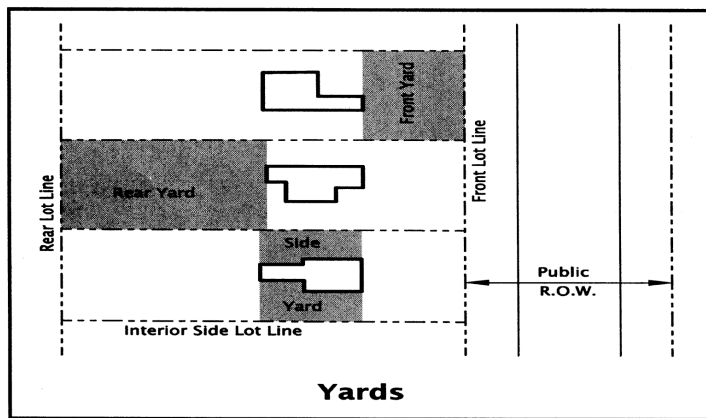
- (1) *Private WECS* shall mean any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS* shall mean any WECS that is designed and built to provide electricity primarily to the electric utility's power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

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

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

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

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



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

Secs. 78-22—78-29. Reserved.

ARTICLE III. ZONING DISTRICTS

Sec. 78-30. Enumerated.

For the purpose of this chapter, the city is hereby divided into the following zoning districts:

- (1) Districts:

R-1	Single-Family Residential District
RT-1	Two-Family Residential District
RM-1	Multiple-Family Residential District
RM-2	Multiple-Family Residential District
O-1	Office Service District

O-2	Office-Research District
B-1	Local Business District
B-2	Central Business District
B-3	General Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P-1	Vehicular Parking District
ARC	Ann Arbor Road Corridor District
MU	Mixed Use Zoning District
PUD	Planned Unit Development

(Ord. of 10-6-03)

Sec. 78-31. Zoning maps.

Each area shall be set forth on a map containing such information as may be acceptable to the city commission and showing by appropriate means the various districts into which the area is divided. These maps shall be entitled Zoning Maps of the City of Plymouth, and shall bear the date adopted or amended and it shall be the duty of the mayor and the clerk to authenticate such records by placing their official signatures thereon. All such maps with all explanatory matter thereon, are hereby made a part of this chapter and shall be as much a part of this chapter as if the matters and information set forth thereon were all fully described herein.

(Ord. of 10-6-03)

Sec. 78-32. District boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the zoning map, the following rules shall be applied:

- (1) Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on such zoning map.
- (3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (4) Where the boundary of a district follows a stream, lake or other body of water, such boundary line shall be deemed to be located midway between opposite shores.
- (5) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be such district boundary line.
- (6) Where un-zoned property may exist, or where, due to the scale, lack of detail or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact

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location of district boundary lines shall be determined, upon written application, or upon its own motion, by the zoning board of appeals.

(Ord. of 10-6-03)

Sec. 78-33. Zoning of vacated areas.

Whenever any street, alley or other public way, within the city shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zone district as the property to which it attaches.

(Ord. of 10-6-03)

Sec. 78-34. Zoning of annexed areas.

Whenever any area is annexed to the city, the following condition will apply: territory which may hereinafter be annexed to the city shall remain as zoned previous to annexation until the required amendments to this chapter have been adopted.

(Ord. of 10-6-03)

Sec. 78-35. District regulations.

Each district, as created in this article, shall be subject to the regulations contained in this ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.

(Ord. No. 2010-03, 5-17-10)

Secs. 78-36—78-39. Reserved.

ARTICLE IV. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 78-40. Intent.

The R-1 single-family residential district is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, single-family detached dwellings along with other residentially related facilities which serve the residents in the district.

(Ord. of 10-6-03)

Sec. 78-41. Principal uses permitted.

In a single-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Single-family detached dwellings.
- (2) Single-family detached site condominiums subject to section 78-215.

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- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities, arts, councils, museums.
 - (4) Planned unit development pursuant to article 24.
 - (5) Cemeteries.
 - (6) Family day care homes.
 - (7) Adult foster care family homes.
 - (8) Accessory uses, subject to the provisions of article 21.
 - (9) Home occupations subject to the provisions of section 78-212.
 - (10) Essential public services.

(Ord. of 10-6-03)

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

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

- (1) ~~Churches~~ Religious institutions and other facilities normally incidental thereto subject to section 78-296300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private ~~non-commercial~~ recreational areas, institutional or community recreation centers or personal use~~non-profit~~ swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation. major thoroughfare as designated on the major thoroughfare plan.
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards ~~shall be at least 80 feet wide, and~~ shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and

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

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.

~~e. Buildings erected on the premises shall not exceed one story or 14 feet in height.~~

~~f.e.~~ All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.

~~g.f.~~ All parking shall be surfaced as required in the general provisions for off-street parking requirements.

~~h.g.~~ The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~ so as to ensure that contiguous residential areas will be adequately protected.

~~(7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~

~~a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~

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

~~(8) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-2847.~~

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

(Ord. of 10-6-03)

Sec. 78-43. Single family dwellings unit standards.

No residential structure, garage (attached or detached), mobile home, manufactured home, modular home or prefabricated home shall be built unless the dwelling unit has been reviewed by the building official subject to the following conditions:

- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
- (2) Dwelling unit shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other dwellings in the area.

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- (3) Dwelling unit shall be provided with exterior finish materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.
 - (4) Dwelling unit shall be provided with roof designs and roofing materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.
 - (5) Dwelling unit shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling unit on adjacent properties or in the surrounding residential neighborhood.
 - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
 - (7) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of this section. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling unit, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of dwellings within 300 feet. If the area within 300 feet does not contain any such dwellings, then the nearest 25 similar type dwellings shall be considered.
 - (8) Attached garages that face the street are allowed on lots that are 60 feet wide or greater.
 - (9) The total width of a garage attached to a single family dwelling shall:
 - a. Not exceed 50 percent of the width of the entire front façade of the residential dwelling; and
 - b. Is a minimum of 22 feet wide, measured from the exterior of the garage walls.
 - (10) Attached garages shall be located at least four feet behind the front façade of the front exterior wall of the residential dwelling, but in no case shall be closer than 30 feet from the front property line.
 - (11) Front porch exception for new single family dwellings: New single family dwellings are encouraged to positively contribute toward neighborhood enhancement and the walkability of the city. Walkability is the extent to which walking is readily available as a safe, connected, accessible and pleasant mode of transport. One way to accomplish walkability is to locate garages at the rear of a lot. Garages at the rear of a lot (whether attached to the dwelling or as a free-standing detached garage) help to support walkability by:
 - Minimizing the width of the driveway at the front of the dwelling, allowing more space in the front yard for trees and vegetation, and more space along the street for street trees;
 - Minimizing the potential of parked cars left in front of the garage door to block the sidewalk;
 - Allowing space on the dwelling's front façade for windows and other human-scaled architectural elements; and
 - Allowing space on the dwelling's front façade for a porch, where residents can interact with neighbors on the sidewalk and observe activities on the street.
 - a. To encourage locating garages at the rear of a lot, new single family residential projects that locate the garage in the rear, or retain an existing garage at the rear, may also locate a covered

front porch in the front yard setback by up to four feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the proposed construction must meet all of the following standards:

1. The project includes construction of a new single family dwelling on the lot; and
 2. The project includes construction of a new garage which is located either in the rear of the new dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued use as a garage which is located in the rear third of the lot; and
 3. The front porch that is located in the front yard setback must be:
 - i. Single-story in height, no higher than 15 feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 - ii. No more than eight and one-quarter inches from the elevation of the finished first floor (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and
 - iii. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 - iv. Covered with a roof; and
 - v. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades; and
 4. The front setback line used to determine where the front porch can be located on the lot shall equal the setback required by sections 78-190 and 78-191.
 5. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "1" through "4" above.
 6. The final Certificate of Occupancy for the residential dwelling shall not be issued until construction of the qualifying garage is complete.
- (12) Front porch exception for existing single family dwellings. To support walkability throughout the city as described in (11) above, existing single family dwellings which construct a new garage in the rear, or have an existing garage in the rear, may also locate a covered front porch in the front yard setback by up to six feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the existing dwelling must be occupied as of January 1, 2016. Also, the proposed construction must meet all of the following standards:
- a. The project includes construction of a new garage which is located either in the rear of the existing residential dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued use as a garage which is located in the rear third of the lot; and
 - b. The front porch that is located in the front yard setback shall be:
 1. Single-story in height, no higher than fifteen (15) feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and

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2. No more than eight and one-quarter inches from the elevation of the finished first floor (i.e. at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades; and
- c. The front setback line used to determine where the front porch can be located on the lot shall be established using all of the following standards:
1. The front setback line shall equal the setback required by sections 78-190 and 78-191; and
 2. Front yard setback averaging, as described in section 78-191(o) shall not apply; and
 3. For existing dwellings whose front exterior wall closest to the street is greater than the minimum front yard setback required in Section 78-190, then the distance between the front setback line and the exterior wall shall be subtracted from the width of porch allowed in the front setback. For example, if a residential dwelling is setback 27-feet (or two-feet more than the 25-foot minimum front yard setback), then two feet shall be subtracted from the porch width allowed within the front yard setback. This results in a maximum width porch in the front yard setback of four feet.
- d. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "c" above.
- e. The qualifying existing garage or new garage must be constructed before constructing the front porch.
- f. Existing residential dwellings with an existing attached garage that faces the street are not eligible for this front porch exception.
- (13) Porte-cocheres on single family dwellings. One porte cochere, as defined by this chapter, may be attached to a single family dwelling over a driveway to provide shelter for passengers entering and existing vehicles parked in the driveway. A porte cochere may only be attached to a residential dwelling if the residential dwelling is set back a minimum of 13 feet from the side property line. A porte cochere shall be included in the lot coverage calculation and shall be constructed to meet all of the following standards:
- a. Only one porte cochere is allowed per lot.
 - b. The porte cochere shall not be greater than 250 square feet in area.
 - c. The porte cochere shall meet the front yard setback requirement.
 - d. The porte cochere may be located within a side yard setback if the following requirements are met:
 - i. The existing lot width is 60 feet wide or less;
 - ii. The porte cochere is placed over a driveway that has a minimum width of nine (9) feet;
 - iii. The minimum distance between the dwelling wall and the opposite porte-cochere columns shall be 9.5 feet;
 - iv. No element of the porte cochere is located closer than two feet from the side property line, including overhangs and similar elements, but excluding gutters; and

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- v. Columns located in the side yard setback shall not be greater than 18 inches square in size.
 - e. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of eight feet.
 - f. The maximum height to the top of the roof shall be no taller than the finished floor elevation of the second floor. The roof structure shall not exceed a 3/12 pitch.
 - g. The porte cochere shall be entirely open and shall be supported only by the residential dwelling on one side and modest columns on the other. It shall be unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future.
 - h. The roof of the porte cochere shall not be enclosed with railings, shall not be accessible from an opening in the residential dwelling, and shall not be used as a porch, balcony, or similar use.
 - i. The porte cochere shall be constructed of materials consistent with the main structure.

(Ord. of 10-6-03; Ord. No. 06-03, § 3, 9-5-06; Ord. No. 2015-04, § 2, 7-6-15; Ord. No. 16-02, § 2, 7-18-16)

Sec. 78-44. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and provides minimum yard setback requirements.

(Ord. of 10-6-03)

Secs. 78-45—78-49. Reserved.

ARTICLE V. RT-1 TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 78-50. Intent.

The RT-1, two-family residential district is designed to provide sites for two-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density single-family residential districts.

(Ord. of 10-6-03)

Sec. 78-51. Principal uses permitted.

In a two-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Two-family dwellings.
- (2) Two-family attached condominiums subject to section 78-215.
- (3) Single-family detached dwellings.
- (4) Single-family detached site condominiums subject to section 78-215.
- (5) Publicly owned and operated libraries, parks, parkways and recreational facilities.

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- (6) Planned unit development pursuant to article 24.
 - (7) Cemeteries.
 - (8) Family day care homes.
 - (9) Adult foster care family homes.
 - (10) Accessory uses, subject to the provisions of article 21.
 - (11) Home occupations subject to the provisions of section 78-212.
 - (12) Essential public services.

(Ord. of 10-6-03)

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

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

- (1) ~~Churches~~ Religious institutions and other facilities normally incidental thereto subject to section 78-296300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private ~~non-commercial~~ recreational areas, institutional or community recreation centers or personal use non-profit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation ~~thoroughfare as designated on the major thoroughfare plan.~~
 - b. The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article. Front, side and rear yards shall be ~~at least 80 feet wide, and shall be~~ landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements ~~to the zoning board of appeals~~ in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization ~~as determined~~

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

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.

~~e. Buildings erected on the premises shall not exceed one story or 14 feet in height.~~

~~e. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.~~

- f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.

- g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, ~~who may impose any reasonable restrictions or requirements~~ so as to ensure that contiguous residential areas will be adequately protected.

- (7) ~~Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~

~~a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~

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

- (8) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation on major or collector thoroughfares as designated in the city's master plan and shall further be subject to section 78-28~~47~~.

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

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

Sec. 78-53. Single family dwelling unit standards.

No residential structure, garage (attached or detached), mobile home, manufactured home, modular home or prefabricated home shall be built unless the dwelling unit has been reviewed by the building official subject to the following conditions:

- (1) Dwelling unit shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
- (2) Dwelling unit shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other dwellings in the area.
- (3) Dwelling unit shall be provided with exterior finish materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.

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- (4) Dwelling unit shall be provided with roof designs and roofing materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.
- (5) Dwelling unit shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling unit on adjacent properties or in the surrounding residential neighborhood.
- (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- (7) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of this section. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of dwellings within 300 feet. If the area within 300 feet does not contain any such dwellings, then the nearest 25 similar type dwellings shall be considered.
- (8) Attached garages that face the street are allowed on lots that are 60 feet wide or greater.
- (9) The total width of a garage attached to a single family dwelling shall:
- Not exceed 50 percent of the width of the entire front façade of the residential dwelling; and
 - Is a minimum of 22 feet wide, measured from the exterior of the garage walls.
- (10) Attached garages shall be located at least four feet behind the front façade of the front exterior wall of the residential dwelling, but in no case shall be closer than thirty (30) feet from the front property line.
- (11) Front porch exception for new single family dwellings. New single family dwellings are encouraged to positively contribute toward neighborhood enhancement and the walkability of the city. Walkability is the extent to which walking is readily available as a safe, connected, accessible and pleasant mode of transport. One way to accomplish walkability is to locate garages at the rear of a lot. Garages at the rear of a lot (whether attached to the dwelling or as a free-standing detached garage) help to support walkability by:
- Minimizing the width of the driveway at the front of the dwelling, allowing more space in the front yard for trees and vegetation, and more space along the street for street trees;
 - Minimizing the potential of parked cars left in front of the garage door to block the sidewalk;
 - Allowing space on the dwelling's front façade for windows and other human-scaled architectural elements; and
 - Allowing space on the dwelling's front façade for a porch, where residents can interact with neighbors on the sidewalk and observe activities on the street.
- To encourage locating garages at the rear of a lot, new single family residential projects that locate the garage in the rear, or retain an existing garage at the rear, may also locate a covered front porch in the front yard setback by up to four feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage.

To be eligible for this exception, the proposed construction must meet all of the following standards:

1. The project includes construction of a new single family residence on the lot; and
 2. The project includes construction of a new garage which is located either in the rear of the new dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued use as a garage which is located in the rear third of the lot; and
 3. The front porch that is located in the front yard setback must be:
 - i. Single-story in height, no higher than 15 feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 - ii. No more than eight and one-quarter inches from the elevation of the finished first floor (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and
 - iii. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 - iv. Covered with a roof; and
 - v. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades; and
 4. The front setback line used to determine where the front porch can be located on the lot shall equal the setback required by section 78-190 and 78-191.
 5. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "1" through "4" above.
 6. The final Certificate of Occupancy for the residential dwelling shall not be issued until construction of the qualifying garage is complete.
- (12) Front porch exception for existing single family dwellings. To support walkability throughout the city as described in (11) above, existing single family dwellings which construct a new garage in the rear, or have an existing garage in the rear, may also locate a covered front porch in the front yard setback by up to six feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the existing dwelling must be occupied as of January 1, 2016. Also, the proposed construction must meet all of the following standards:
- a. The project includes construction of a new garage which is located either in the rear of the existing residential dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued use as a garage which is located in the rear third of the lot; and
 - b. The front porch that is located in the front yard setback shall be:
 1. Single-story in height, no higher than 15 feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and

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2. No less than four inches or more than eight and one-quarter inches from the elevation of the front door (i.e. at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades; and
- c. The front setback line used to determine where the front porch can be located on the lot shall be established using all of the following standards:
1. The front setback line shall equal the setback required by sections 78-190 and 78-191; and
 2. Front yard setback averaging, as described in section 78-191(o) shall not apply; and
 3. For existing dwellings whose front exterior wall closest to the street is greater than the minimum front yard setback required in section 78-190, then the distance between the front setback line and the exterior wall shall be subtracted from the width of porch allowed in the front setback. For example, if a residential dwelling is setback 27-feet (or two-feet more than the 25-foot minimum front yard setback), then two feet shall be subtracted from the porch width allowed within the front yard setback. This results in a maximum width porch in the front yard setback of four feet.
- d. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "c" above.
- e. The qualifying existing garage or new garage must be constructed before constructing the front porch.
- f. Existing residential dwellings with an existing attached garage that faces the street are not eligible for this front porch exception.
- (13) Porte-cocheres on single family dwellings. One porte cochere, as defined by this chapter, may be attached to a single family dwelling over a driveway to provide shelter for passengers entering and existing vehicles parked in the driveway. A porte cochere may only be attached to a residential dwelling if the residential dwelling is set back a minimum of 13 feet from the side property line. A porte cochere shall be included in the lot coverage calculation and shall be constructed to meet all of the following standards:
- a. Only one porte cochere is allowed per lot.
 - b. The porte cochere shall not be greater than 250 square feet in area.
 - c. The porte cochere shall meet the front yard setback requirement.
 - d. The porte cochere may be located within a side yard setback if the following requirements are met:
 - i. The existing lot width is 60 feet wide or less; and
 - ii. The porte cochere is placed over a driveway that has a minimum width of nine (9) feet; and
 - iii. The minimum distance between the dwelling wall and the opposite porte-cochere columns shall be 9.5 feet; and

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- iv. No element of the porte cochere is located closer than two feet from the side property line, including overhangs and similar elements, but excluding gutters; and
 - v. Columns located in the side yard setback shall not be greater than 18 inches square in size.
 - e. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of eight feet.
 - f. The maximum height to the top of the roof shall be no taller than the finished floor elevation of the second floor. The roof structure shall not exceed a 3/12 pitch.
 - g. The porte cochere shall be entirely open and shall be supported only by the residential dwelling on one side and modest columns on the other. It shall be unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future.
 - h. The roof of the porte cochere shall not be enclosed with railings, shall not be accessible from an opening in the residential dwelling, and shall not be used as a porch, balcony, or similar use.
 - i. The porte cochere shall be constructed of materials consistent with the main structure.

(Ord. of 10-6-03; Ord. No. 2015-04, § 3, 7-6-15; Ord. No. 16-02, § 2, 7-18-16)

Sec. 78-54. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

(Ord. of 10-6-03)

Secs. 78-55—78-59. Reserved.

ARTICLE VI. RM-1, RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 78-60. Intent.

The RM-1 and RM-2 multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density single-family residential districts. The multiple-family districts are further provided to serve the limited needs for the apartment type of unit in an otherwise low density, single-family community.

(Ord. of 10-6-03)

Sec. 78-61. Principal uses permitted.

In a multiple-family district no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the planning commission. Such review of the site plan is required to find proper relationships between development features as they relate to traffic safety and appropriate design of service roads, driveways, parking areas; accessory buildings, and open space.

- (1) Multiple-family dwellings.
- (2) Duplexes.

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- (3) Triplexes.
 - (4) Quadplexes.
 - (5) Sixplexes.
 - (6) Stacked flats.
 - (7) Townhomes/rowhouses and attached single-family units.
 - (8) Single-family detached dwellings.
 - (9) Publicly owned and operated libraries, parks, parkways and recreational facilities.
 - (10) Planned unit development pursuant to article 24.
 - (11) Cemeteries.
 - (12) Family day care homes.
 - (13) Group day care home subject to section 78-297.
 - (14) Adult foster care family homes.
 - (15) Adult foster care small group home subject to section 78-298.
 - (16) Accessory uses, subject to provisions of article 21.
 - (17) Home occupations subject to provisions of section 78-212.
 - (18) Essential public services.

(Ord. of 10-6-03; Ord. No. 21-03, 11-1-21)

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

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

- (1) General hospitals not to exceed four stories when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least five acres in area, ~~and shall not be permitted on a lot or lots of record.~~
 - b. The proposed site shall have at least one property line abutting a principal arterial – other as designated by the Michigan Department of Transportation ~~major thoroughfare.~~
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation ~~major thoroughfare.~~

- e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a principal arterial – other as designated by the Michigan Department of Transportation major thoroughfare.
- (2) Convalescent or nursing homes, or assisted living facilities, not to exceed a height of two stories, when the following conditions are met:
- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square foot requirement is over and above the building coverage area.
- b. No building shall be closer than 40 feet from any property line.
- (3) Adult dependent housing or assisted living facilities when the following conditions are met:
- a. Adult dependent housing facilities shall be constructed provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
- b. The following minimum requirements shall be provided for adult dependent housing facilities the elderly unit types permitted in subsection (3)a of this section:

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

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

- (4) Churches Religious institutions and other facilities subject to section 78-~~296~~300.
- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-2847.

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- (8) Adult foster care large group home.
 - (9) Adult foster care congregate facility.

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

Sec. 78-63. Required conditions.

- (a) In the case of multiple dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit. Approval shall be contingent upon a finding that:
 - (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
 - (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.
- (b) All dwelling units shall be reviewed by the building official and shall be subject to the following conditions:
 - (1) Dwelling units shall conform to all applicable city codes and ordinances and state or federal requirements with respect to the construction of the dwelling.
 - (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - (7) Any such dwelling unit shall be anchored by an anchoring system approved by the city.
 - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (1), (2), and (3) of this subsection. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the

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building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

Sec. 78-64. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

(Ord. of 10-6-03)

Secs. 78-65—78-69. Reserved.

ARTICLE VII. O-1 OFFICE SERVICE DISTRICTS

Sec. 78-70. Intent.

The O-1, office service district is designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

(Ord. of 10-6-03)

Sec. 78-71. Principal uses permitted.

In an O-1, office service district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office and dental office, including clinics.
- (3) Facilities for human care such as convalescent homes.
- (4) ~~Churches~~ [Religious institutions](#).
- (5) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (6) Private clubs and lodge halls.
- (7) Off-street parking lots.
- (8) Business schools or private schools operated for profit.
- (9) Clinics and veterinary facilities provided there are no outdoor animal runs or other outdoor facilities for animals.

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- (10) Meeting halls and related services.
 - (11) Other uses similar to the above uses.
 - (12) Accessory structures and uses customarily incident to the above permitted uses.
 - (13) Residential uses shall be permitted provided such living units are located on the second floor or above.

(Ord. of 10-6-03; Ord. No. 2013-06, § 4, 10-21-13)

Sec. 78-72. Special land uses permitted after review and approval.

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

- (1) An accessory use customarily related to a principal use authorized by this section, such as but not limited to: a pharmacy, medical supply stores, or optical service, may be permitted.
- (2) Mortuary establishments and funeral homes, subject to section 78-293.
- (3) Public utility and service buildings and uses including telephone exchange buildings (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (4) Child care centers and nursery schools, subject to section 78-297.
- (5) Adult foster care large group homes.
- (6) Adult foster care congregate facility.

(Ord. of 10-6-03)

Sec. 78-73. Required conditions of the O-1, office service district.

- (a) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25 percent of the usable floor area of either the first or second story, or in the basement.
- (b) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.
- (c) Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.

(Ord. of 10-6-03)

Sec. 78-74. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

(Ord. of 10-6-03)

Secs. 78-75—78-79. Reserved.

ARTICLE VIII. O-2 OFFICE-RESEARCH DISTRICTS

Sec. 78-80. Intent.

The O-2, office-research district is designed to accommodate uses such as offices and research facilities. The uses would be related to office, medical, corporate management, testing, research, applied technology and prototype planning. The O-2, office-research district is also intended for spacious sites with adequate setbacks to allow higher building heights and on-site parking.

(Ord. of 10-6-03)

Sec. 78-81. Principal uses permitted.

In an O-2, office-research district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Office buildings for any of the following occupations: computer science, governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, data processing, post offices and public utility offices.
- (2) Research, computer, and design centers, where such centers are intended for the development of pilot or experimental products.
- (3) Medical office and dental office, including clinics.
- (4) Banks, credit unions, savings and loan associations and other financial institutions, including drive-through facilities, drive-through branches, and/or 24 automatic tellers.
- (5) Off-street parking lots.
- (6) Training centers, business schools or private schools operated for profit.
- (7) Clinics and veterinary facilities provided there are no outdoor animal runs or other outdoor facilities for animals.
- (8) Meeting halls and related services.
- (9) Other uses similar to the above uses.
- (10) Accessory structures and uses customarily incident to the above permitted uses.

(Ord. of 10-6-03)

Sec. 78-82. Special land uses permitted after review and approval.

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

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- (1) Public utility and service buildings and uses including telephone exchange buildings (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
 - (2) Light assembly operations limited to those involving pre-manufactured finished objects, instruments and components provided there is no outdoor storage, exterior noise, glare or dust.
 - (3) Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

(Ord. of 10-6-03)

Sec. 78-83. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

(Ord. of 10-6-03)

Sec. 78-84—78-89. Reserved.

ARTICLE IX. B-1 LOCAL BUSINESS DISTRICTS

Sec. 78-90. Intent.

The B-1, local business district is designed primarily for the convenience shopping of persons residing in adjacent residential areas, to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the central business district or general business district and, where appropriate, allow residential uses as a mixed use.

(Ord. of 10-6-03; Ord. No. 2012-04, § 7, 11-5-12)

Sec. 78-91. Principal uses permitted.

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

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office and dental office, including clinics.
- (3) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots.
- (6) Meeting halls and related services.

(Supp. No. 67)

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- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: convenience grocery stores, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
 - (8) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
 - (9) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component.
 - (10) Video rental establishments.
 - (11) Veterinary clinic.
 - (12) Neighborhood retail plaza containing multi-tenant spaces totaling less than 50,000 square feet.
 - (13) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
 - (14) Other uses similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business, servicing, or processing, except off-street parking or loading, shall be conducted within completely enclosed buildings.
 - (15) Accessory structures, uses and signs customarily incident to the above permitted uses and subject to all requirements of this chapter.
 - (16) Residential uses shall be permitted provided such living units are located on the second floor or above.
- (Ord. of 10-6-03; Ord. No. 2013-04, § 2, 10-7-13; Ord. No. 2013-06, § 2, 10-21-13)

Sec. 78-92. Special uses permitted after review and approval.

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

- (1) Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (excluding outdoor storage yards).
- (2) Accessory buildings and uses customarily incident to any of the above uses.
- (3) One-family detached dwellings, two-family dwellings, multi-family dwellings.
- (4) Bars and lounges or restaurants serving alcohol subject to the following:

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

(Ord. of 10-6-03; Ord. No. 2012-04, § 7, 11-5-12; Ord. No. 2013-04, § 2, 10-7-13)

Sec. 78-93. Required conditions of the B-1, local business district.

Since this local business district is primarily for the convenience shopping of persons residing in adjacent residential areas as well as residential mixed uses, permitted uses shall not include business in the character of a drive-in or open-front store.

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

Sec. 78-94. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

(Ord. of 10-6-03)

Secs. 78-95—78-99. Reserved.

ARTICLE X. B-2 CENTRAL BUSINESS DISTRICTS

Sec. 78-100. Intent.

The B-2, central business district is designed to serve the entire municipal area by providing prime retail frontage for a variety of retail stores and personal service establishments. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which tend to break up such continuity.

(Ord. of 10-6-03; Ord. No. 22-04, 12-19-22)

Sec. 78-101. Principal uses permitted.

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

Permitted uses:

- (1) Any generally recognized retail establishment which supplies commodities on the premises within a completely enclosed building.

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

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

Sec. 78-102. Special land uses permitted after review and approval.

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

- (1) Public utility and service buildings and uses including telephone exchange buildings (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.

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- (2) Bars and lounges or restaurants serving alcohol subject to the following:
- a. No more than ten seats shall be allowed at the bar.
 - b. Alcohol shall be served only to seated patrons or persons standing in the designated standing area adjacent to the bar.
 - c. The standing area adjacent to the bar shall not exceed 150 square feet.
 - d. No dance floor or dancing area, allowed.
 - e. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special use permit.
 - f. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider this report in their evaluation of the request for special land use approval.
- (3) Sale and service of food and drink out of doors provided such use is incidental to a similar principal use indoors and conducted adjacent to the principal use and subject further to street occupancy permits and all rules and regulations to control such street occupancy, provided the use does not interfere with pedestrian or vehicular traffic.
- (4) Rooftop dining subject to section 78-297.

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

Sec. 78-103. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, and the minimum size of lot permitted.

(Ord. of 10-6-03)

Sec. 78-104. Private surface parking.

- (a) Private surface parking shall be prohibited within the B-2 zoning district except in accordance with this section. Enclosed sub-surface parking or enclosed private parking structures at least one story above ground level shall however be permitted.
- (b) Private parking or loading areas may be allowed along the rear of a building and adjoining a public alley. The parking or loading area shall be limited to the width of the building and a maximum depth of 19 feet. The private parking area shall not exceed six spaces and/or oneloading zone. Screening of the parking or loading zone area shall be provided along adjacent streets if viewed from the right-of-way.

(Ord. No. 2007-01, §, 5-21-07; Ord. No. 2007-3, § 2, 7-16-07)

Sec. 78-105. Premiums, pedestrian amenities, design standards.

- (a) *Premiums; intent.* A premium is a legal authorization to reduce the normal parking requirements established by Article XXII for development in the B-2 zoning district.

- (1) *Intent.* The purpose of incorporating premiums into the zoning ordinance is listed as follows:

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- a. To provide an incentive for residential development in and in close proximity to the city's central business core to encourage housing opportunities in situations where such opportunities might not otherwise be provided.
 - b. To encourage development which reinforces pedestrian activity along streets within the central business core and to provide appropriate setbacks at corners to enhance public spaces and provide adequate sight visibility.
 - c. To provide an incentive for the development of public spaces and pedestrian amenities and to encourage excellence in urban design through the provision of open space and landscaped approaches to buildings at appropriate corners.
- (b) *Parking premium options.* In the B-2 zoning district, the normal parking requirements as required in section 78-270(10) and 78-271, may be reduced by up to 15 percent subject to the following regulations:

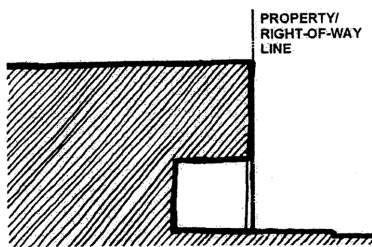
General regulations.

- (1) Where seating is provided in an open space area available to the public and used to acquire a premium, it shall be available for use by the general public at all times the space is open. Tables and/or umbrellas may be placed in usable open space.
 - (2) A public open space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public open space premiums which are open at night.
 - (3) All amenities or land uses used to acquire a premium shall remain for the life of the structure. The feature(s) shall only be diminished or discontinued if the additional gross floor area is permanently removed or if it is replaced with another approved premium feature of at least equivalent floor area value. The property owner or applicant may also consider payments in lieu of parking for a reduction in previously approved amenities.
- (c) *Pedestrian amenities for a parking premium may include:*
- (1) *Arcade.* A non-public owned, continuous covered open space along the facade of a building, which either:
 - a. Adjoins the front line and is not less than ten feet or more than 15 feet deep, and extends the full length of, or at least 50 feet along, the front lot line, whichever is less; or
 - b. Is at a corner lot bounded on two sides by two intersecting streets, has an area of not less than 500 square feet, and has a minimum dimension of ten feet perpendicular to the sidewalk.
 - (2) *Inner arcade.* A non-public owned, continuous covered space which runs through a building and connects public streets, arcades, open space, or sidewalks and is readily visible and identifiable from the public street, arcade, or sidewalk. An inner arcade shall meet the following requirements:
 - a. Connect and be accessible from at least two public streets or alleys, or a public street or alley and a public or non-public arcade fronting on another public street, or a public street or alley and a public or non-public arcade and another public or non-public arcade fronting on another public street; or a public or private parking garage and a public street; and
 - b. Measure not less than 12 feet wide; and
 - c. Have an open and unobstructed headroom of at least 12 feet in height; and
 - d. Remain open for use by the general public during all business hours common in the area.

- e. Art works may occupy up to five percent of the total arcade area if a minimum clearance of eight feet for circulation is provided.
- (3) *Gallery*: A frontage wherein the facade of the building is aligned with an attached cantilevered enclosure or light weight colonnade and provides covered protection for pedestrians.
- (4) *Plaza*. A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public street or public sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to two-thirds of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features, or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:
- a. Be located at a corner lot bounded on two sides by two intersecting public streets, be located at the corner closest to the street intersection, have a minimum dimension of ten feet.
- b. Be the same grade as the adjacent public sidewalk or not more than 24 inches above or below the grade of the adjoining public sidewalk for no more than 50 percent of either length of the sides adjoining and measured at the property line and shall be barrier free accessible.
- (5) Graphic examples illustrating an arcade, inner arcade, gallery, plaza, and shopfront awning are shown on the diagram in section 78-105 below.

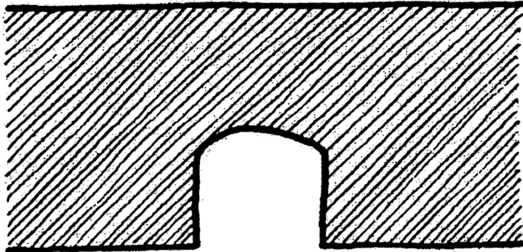
DIAGRAM OF PEDESTRIAN AMENITIES

Arcade:



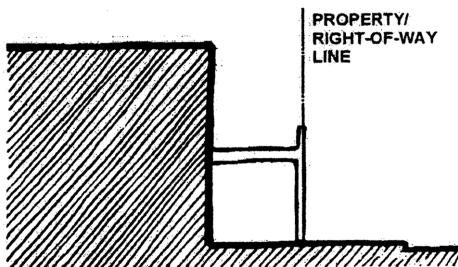
Arcade

Inner Arcade:



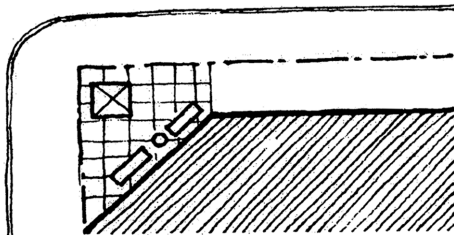
Inner Arcade

Gallery:



Gallery

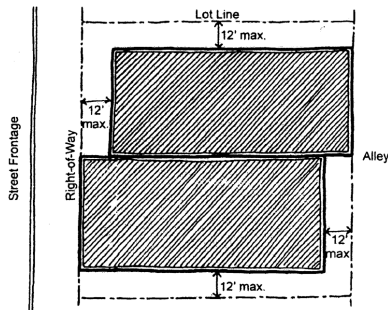
Plaza:



Plaza

- (6) *Procedures for requests of parking premiums.* The planning commission shall review requests of parking premiums for development projects in conjunction with site plan review and shall approve or deny such requests. For PUD projects, the planning commission shall make a recommendation regarding parking premiums to the city commission.

- (e) *PUD/B-2 pedestrian amenities.* In addition to parking premiums, planned unit development (PUD) projects proposed within the B-2 zoning district may be considered for modified standards pertaining to height, setback, density parking or other zoning requirements, if the PUD incorporates design features such as arcades, inner arcades, plazas or other pedestrian amenities as described in this section.
- (f) *B-2 design standards.*
- (1) The planning commission and/or city commission may require that PUD projects and other projects considered for site plan review (Article XX) within the B-2 zoning district adhere to the design standards of this section.
 - (2) Building siting.
 - a. A minimum of 90 percent of the length of the front lot line shall be occupied by building.
 - b. All buildings shall adhere to the schedule of regulations for setbacks and height (section 78-190). A building shall not be setback greater than 12 feet from the right-of-way unless the setback provides space for outdoor cafes or other public open space.



Building Siting

- (3) *Sidewalk/architecture interface.*
 - a. First floor architecture shall be compatible with sidewalk areas and shall provide an attractive interface between buildings and pedestrians. This shall be accomplished with generous window areas, recesses, and architectural detail.
 - b. Where possible, there shall be a minimal grade differential between the elevation of the sidewalk and the first floor elevation of the adjoining building.
- (4) *Building facade regulations.*
 - a. Building entries shall be readily identifiable and accessible, with at least one main entrance and shall open directly onto the public sidewalk.
 - b. Architecture will be evaluated based upon its compatibility and relationship to the adjacent buildings and uses, and vice versa.
 - c. Architectural interest shall be provided through the use of repetitious patterns of color, texture, and material, modules, at least one of which shall repeat horizontally. Each module should repeat horizontally. Each module should repeat at intervals of no more than fifty feet.

- d. Building facades shall incorporate recesses or projections along at least 20 percent for the length of the facade.
- e. At least 60 percent of the ground floor of a building facing a public street, courtyard or public square shall consist of clear glazed windows or glazed doors. At least 40 percent of the upper floor of a building facing a public street, courtyard or public square shall consist of clear windows.
- f. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade, or portico in order to provide shelter from the summer sun and winter weather.
- g. Flat roofs shall be enclosed by parapets to conceal mechanical equipment in accordance with section 78-213.

(5) *Building entrance standards.*

- a. There shall be openings every 50 feet, at a minimum, into buildings, open spaces (plaza), or pedestrian linkages. Residential entrances should be designed at a human size scale. Commercial entryways should be differentiated by design, color, and material from other entryways. Primary building entrances must face upon the frontage line. Every building shall comply with barrier free access requirements of the State of Michigan Construction Code.
- b. The following types of entryways shall be encouraged within the B-2 district: Recessed, projected and porches.
 - 1. Recessed entrances. A recessed entryway places the doorway into the building. There is a clear distinction between the entrance and the windows that flank the door.
 - 2. Projected entrances. Projected entryways, opposite of recessed entryways, shall bring the entrance closer to the sidewalk and will also differentiate the ground floor windows. This design should be compatible and appropriately sized in consideration of the sidewalk width that it fronts upon.
 - 3. Porches. Porches are encouraged for residential uses. However, businesses have designed porches for their primary entrances. This type of raised entryways may also be prohibitive if barrier free access is not provided.

(6) *Corner buildings standards.*

- a. Standards. Corner buildings and structures shall incorporate distinctive features, materials, designs, height levels, and colors that are sensitive to the flanking buildings. Encouraging wider sidewalks and/or further setback from the corner's edge shall retain a line-of-sight through the corner. Walls, screening elements (including foliage) and other visual obstructions at a height above 30 inches from the average gutter grade of the area shall not be permitted within the triangular area formed at the intersection of any street right-of-way line by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.
- b. Form and function. Use of ground level open-aided areas at the intersection of the sidewalks is encouraged. The design and strong appeal of balconies adds aesthetic distinction to the facade and compliments the pedestrian atmosphere of the Downtown. Integrating covered/uncovered seating and resting areas are highly encouraged:

(7) The planning commission and/or city commission may waive or modify the design standards of section 78-105(f) where one or more of the following factors are demonstrated:

- a. Architectural constraints and unique building characteristics.

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- b. Compatibility with surrounding architecture and site design.
 - c. Site constraints regarding size of parcel, circulation, limited right-of-way, etc.
 - d. Other factors as identified by the planning commission and/or city commission.

(Ord. No. 2007-01, § 4, 5-21-07; Ord. No. 2007-3, § 3, 7-16-07)

Secs. 78-106—78-109. Reserved.

ARTICLE XI. B-3 GENERAL BUSINESS DISTRICTS

Sec. 78-110. Intent.

The B-3, general business districts are designed to furnish areas for services and goods incompatible with the pedestrian movement in the central business district. The general business districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.

(Ord. of 10-6-03)

Sec. 78-111. Principal uses permitted.

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

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office, dental office, physical therapy and chiropractic office; including clinics. Professional offices of lawyers, architects, engineers, and similar or allied professions.
- (3) Child care centers and nursery schools.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots and parking facilities.
- (6) Meeting halls and related services.
- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (8) Restaurants not serving alcoholic beverages, including carry-out restaurants and sit-down restaurants.
- (9) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the

aforementioned subject to the following provision: No more than five persons shall be employed at any time in the fabrication, repair and other processing of goods.

- (10) Large box retail uses (over 70,000 square feet).
 - (11) Home improvement centers.
 - (12) Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein such establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in, or open-front store.
 - (13) Regional shopping centers containing multi-tenant spaces totaling greater than 50,000 square feet.
 - (14) Theaters or assembly halls when completely enclosed.
 - (15) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, 24-hour automatic tellers.
 - (16) Municipal buildings and governmental offices.
 - (17) Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of material on any land shall be within the confines of the building or part thereof occupied by the establishment.
 - (18) Newspaper offices and printing shops.
 - (19) Funeral homes.
 - (20) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by such establishment.
 - (21) Bus passenger stations.
 - (22) Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.
 - (23) Self-service laundry and dry cleaning establishments.
 - (24) Bowling alleys, indoor archery range, indoor tennis courts or similar forms of indoor commercial recreation.
 - (25) Pool or billiard parlor or club.
 - (26) Video rental establishments.
 - (27) Storage of materials or goods to be sold at retail provided such storage is within a building or is enclosed as not to be visible to the public from any abutting non-industrial district or public street.
 - (28) Other uses which are similar to the above uses.
 - (29) Accessory structures customarily incident to the above permitted uses.
 - (30) Residential uses shall be permitted provided such living units are located on the second floor or above.
- (Ord. of 10-6-03; Ord. No. 2013-04, § 4, 10-7-13; Ord. No. 2013-06, § 3, 10-21-13)

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

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

- (1) New and used automobile sales including outdoor auto sales, paint and bump shops, and auto service subject to the provisions of sections 78-288 and 78-290.
- (2) Motels, and extended stay motels subject to the provisions of section 78-291.
- (3) Drive-in restaurants, or drive-through restaurant or open front restaurants subject to section 78-286.
- (4) Commercial outdoor recreation for children's amusement parks, miniature golf courses, and other similar uses.
- (5) Nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the provisions of section 78-289.
- (6) Building and lumber supply stores having outdoor storage and sales.
- (7) Automobile car wash establishments subject to the provisions of section 78-294.
- (8) Gasoline service station and associated sale of convenience goods, subject to the provisions of section 78-288.
- (9) Automobile convenience mart, subject to the provisions of section 78-288.
- (10) Auto repair (minor and major) and servicing and auto body repair.
- (11) Adult-oriented commercial enterprises and specific services subject to section 78-282.
- (12) Bars and lounges or restaurants serving alcohol subject to the following:
 - a. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special use permit.
 - b. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider their report in their evaluation of the request for special land use approval.

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

Sec. 78-113. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting height and bulk of buildings and minimum size of lot by permitted land use.

(Ord. of 10-6-03)

Secs. 78-114—78-119. Reserved.

ARTICLE XII. I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 78-120. Intent.

The I-1, light industrial district is designed so as to accommodate employment centers related to light industrial uses as well as research and development, engineering and testing, office uses, medical facilities, wholesale activities, warehouses, limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district and only exert minimal detrimental effects to the surrounding districts. This district is further designed to recognize the growing convergence of office, industrial, and research in terms of functions, location, appearance and activities.

(Ord. of 10-6-03; Ord. No. 2010-02, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-121. Purposes.

The general goals of the light industrial district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the city's expected economy for light manufacturing and industrial activities, research and development, office, medical, engineering and testing, and related uses.
- (2) To protect abutting residential districts by separating them from heavy manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- (3) To promote light manufacturing development which minimizes the danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area, to conserve the value of land and buildings and other structures, and to protect the city's tax revenue base.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 2, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-122. Principal uses permitted.

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

Permitted uses:

- (1) Any of the following uses shall be permitted when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of land used for open storage facilities for materials or equipment, shall be screened from view of public roadways and any adjoining residential uses.
 - a. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware

and cutlery, tool, die, wood, glass, metal, gauge and machine shops, breweries, wineries and distilleries.

- b. Warehousing and wholesale establishments.
 - c. The manufacture, compounding, assembling, reassembly, packaging or treatment of articles or merchandise from previously prepared materials.
 - d. The manufacture of textiles, ceramics, glass, clay or stone product.
 - e. Manufacture of instruments, plastics or plastic molded products.
 - f. Manufacture or assembly of electrical appliances, related electronic instruments and devices, including but not limited to computers, cellular phones and tablets.
 - g. Manufacturing and fabrication of metal products.
 - h. Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer as retail.
 - i. Manufacture and repair of professional, scientific and precision equipment: laboratory apparatus and analytical, optical, measuring and controlling instruments.
 - j. Manufacture of material science products, including but not limited to plastics, polymers, laser technology and robotics,
 - k. Professional offices for any of the following uses: medical offices and labs, administrative, accounting, clerical, education, executive, sales, technical or other similar professional offices.
- (2) Any of the following uses charged with the principal function of basic research, design pilot or experimental product development, and medical facilities when conducted within a completely enclosed building:
- a. Life science technology and medical laboratories, including but not limited to medical support facilities, biomedical engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.
 - b. Material science products, including but not limited to plastics, polymers, laser technology and robotics.
 - c. Information technology, including but not limited to electronics, data processing and computer hardware and software.
 - d. Automotive.
 - e. Alternative energy.
 - f. Food products and beverages.
- (3) Public utility buildings and storage yards, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and municipal sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks railroad rights-of-way and freight terminals.
- (4) Trucking facilities.
- (5) Storage facilities for building materials, sand, gravel, stone and lumber, and storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall, fence or berm on those sides abutting all residential, office or business districts, and on any yard abutting a public thoroughfare. Open storage shall be screened from view of public roadways and any adjoining residential uses.

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- (6) Mini warehouses and storage buildings for lease to the public including the dwelling and office of a caretaker. Buildings shall be spaced not less than thirty (30) feet apart on those sides having entrance doors.
 - (7) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
 - (8) Greenhouses.
 - (9) Trade or industrial schools.
 - (10) Business service establishments including, but not limited to printing and photocopying services, publishing, mail and packaging services, typing and secretarial services, and related activities.
 - (11) Package delivery distribution centers.
 - (12) Photographic studio and equipment sales and service.
 - (13) Other uses of a similar, and no more objectionable, character to the above uses as determined by the planning commission.
 - (14) Accessory buildings and uses customarily incident to any of the above permitted uses.
 - (15) Film, TV or radio production studios and similar uses.
 - (16) Wireless communication facilities as permitted in accordance with section 78-216.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-123. Special land uses permitted after review and approval.

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

- (1) Major automotive repair facilities when completely enclosed, subject to section 78-285.
- (2) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Banks, credit unions and other similar financial services (with or without drive-thru facilities)
- (5) Indoor recreational uses such as indoor soccer, racquet sports, volleyball, hockey, climbing walls, fitness centers, health clubs, dance studios, material arts and other similar recreation uses.
- (6) Commercial kennels when within a completely enclosed building and when located in the interior of the I-1 district so that no property line shall form the exterior boundary of the I-1 district.
- (7) Commercial wind energy systems, subject to section 78-261.
- (8) Other uses, which in the determination of the planning commission, are of a similar character to the above uses.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 2, 10-21-13)

Sec. 78-124. Required conditions of the I-1, limited industrial district.

A review of the use proposed and its suitability to the district shall be determined by the planning commission prior to issuance of a building permit. The commission shall make findings that the following conditions will be met by the proposed use in addition to all other requirements of this and other ordinances of the city:

- (1) The use shall not, by reason of creation of noise, vibration, odor, smoke or other outside effects, cause a nuisance to abutting districts.
- (2) The use shall be compatible with the intent of the district and shall not be out of character with the established character of the district.
- (3) All buildings shall be constructed of finished materials where visible from public streets.

(Ord. of 10-6-03)

Sec. 78-125. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

(Ord. of 10-6-03)

Secs. 78-126—78-129. Reserved.

ARTICLE XIII. I-2 HEAVY INDUSTRIAL DISTRICTS

Sec. 78-130. Intent.

The I-2, heavy industrial district is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 district is also designed to accommodate research, development, engineering, testing, and office uses. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material. Land uses in this district should generally be separated from residential districts by land uses permitted in the I-1 zoning district.

The purpose of this district shall include the following:

- (1) To provide sufficient space in appropriate locations to meet the city's expected economy for heavy manufacturing and industrial activities.
- (2) To protect abutting residential districts with appropriate buffers and screening.
- (3) To promote industrial uses which minimize the dangers of fire, explosions, toxic and noxious matter, radiation and other hazards from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To protect the most desirable use of land in accordance with a well-considered plan, to protect the character and established pattern of adjacent development, and in each area, to conserve the value of land and buildings and other structures, and to protect the city's tax revenue base.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 5, 2-17-14)

Sec. 78-131. Principal uses permitted.

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

Permitted uses:

- (1) All permitted principal uses in the I-1 district.
- (2) Major automotive repair facilities when completely enclosed.
- (3) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-2 district.
- (4) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (5) Wireless communication facilities as permitted in accordance with section 78-216.
- (6) Commercial kennels when within a completely enclosed building and when located in the interior of the I-2 district so that no property line shall form the exterior boundary of the I-2 district.
- (7) Heating and electric power generating plants.
- (8) Tool and die shops, job shops, and machine shops.
- (9) Any production, processing, cleaning, servicing, testing, repairing, or storing of materials, goods, or products which shall conform with the performance standards set forth in section 78-202 and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat.
- (10) Other uses, which in the determination of the planning commission are of a similar character to the above uses.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 5, 2-17-14)

Sec. 78-132. Special land uses permitted after review and approval.

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

- (1) Any of the following uses provided that they shall be located not less than 800 feet distant from any residential district, and 300 feet distant from any other district, and when authorized by the planning commission.
 - a. Blast furnaces, foundaries, steel furnaces and blooming or rolling mills.
 - b. Manufacture of corrosive acid or alkali, cement, lime, gypsum or toxic chemicals.
 - c. Smelting of copper, iron or zinc ore.
 - d. Incineration of garbage or refuse.

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- e. Recycling centers.
 - f. Composting waste disposal operations.
 - g. Crematoriums.
 - h. Concrete or asphalt plants.
- (2) Junkyards and places so called for the dismantling, wrecking and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one-year periods upon authorized inspection and approval of the building official, whose approval shall be based on the performance standards set forth in section 78-202, provided such use is not closer than 300 feet from the border of any I-2 district.
 - (3) Banks, credit unions and other similar financial services (with or without drive-thru facilities)
 - (4) Indoor recreational uses such as indoor soccer, racquet sports, volleyball, hockey, climbing walls, fitness centers, health clubs, dance studios, martial arts and other similar recreation uses.
 - (5) Temporary buildings and uses for construction purposes for a period of one year or less.
 - (6) Accessory uses.
 - (7) Commercial wind energy conversion systems, subject to section 78-261
 - (8) Any other use which shall be determined by planning commission, to be of the same general character as the above permitted uses.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13)

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

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

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10)

Sec. 78-134. Required conditions of the I-2, heavy industrial district.

Any use established in the I-2 district after the effective date of this chapter [February 11, 1992] shall be operated so as to comply with the performance standards set forth in section 78-202 and shall comply with the following:

- (1) The use shall not, by reason of creation of noise, vibration, odor, smoke or other outside effects, cause a nuisance to abutting districts.
- (2) The use shall be compatible with the intent of the district and shall not be out of character with the established character of the district.
- (3) All buildings shall be constructed of finished materials where visible from public streets.

(Ord. of 10-6-03; 2013-05, § 3, 10-21-13)

Sec. 78-135. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

(Ord. of 10-6-03)

Secs. 78-136—78-139. Reserved.

ARTICLE XIV. P-1 VEHICULAR PARKING DISTRICTS

Sec. 78-140. Intent.

The P-1, vehicular parking district is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

(Ord. of 10-6-03)

Sec. 78-141. Uses permitted.

Premises in the vehicular parking district shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

(Ord. of 10-6-03)

Sec. 78-142. Limitations of use.

The following use limitations are applicable in the vehicular parking districts:

- (1) The parking areas shall be accessory to, and for the use in connection with one or more business or industrial establishments, or in connection with one or more existing professional or institutional office buildings or institutions.
- (2) The parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- (3) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- (4) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking areas.
- (5) No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed 14 feet in height.
- (6) Such parking lots shall be contiguous to an O-1, O-2, B-1, B-2, I-1, or I-2 district. Parking areas may be approved when adjacent to such districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such O-1, O-2, B-1, B-2, B-3, I-1 or I-2 district.

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- (7) Applications for P-1 district rezoning shall be made to the planning commission by submitting a layout of the area requested showing the intended parking plan.

(Ord. of 10-6-03)

Sec. 78-143. Parking layout, entrance and exit.

Off-street parking lots shall be laid out, constructed, and maintained in accordance with the standards and regulations as noted in section 78-272.

(Ord. of 10-6-03)

Sec. 78-144. Side yards.

Where the P-1 district is contiguous to side lot lines of premises within a residentially zoned district, the required wall shall be located on the property line.

(Ord. of 10-6-03)

Sec. 78-145. Front yards.

Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for the residential district, or a minimum of 25 feet, or whichever is greater. The required wall shall be located on this minimum setback line.

(Ord. of 10-6-03)

Sec. 78-146. Screening and landscaping.

- (a) The parking area shall be provided with an obscuring screen in accordance with the provisions of sections 78-272 and 78-203. Whenever such obscuring screen is required, and where land exists between such screen and boundaries of the P-1 district it shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at 30-foot intervals, six feet from the screen. The ground area shall be planted and kept in lawn.
- (b) All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (c) All planting plans shall be in accordance with the provisions of this section and in accordance with sections 78-203.

(Ord. of 10-6-03)

Sec. 78-147. Surfacing of parking area.

The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall have asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. Such facilities shall be so provided with underground drains so as to dispose of all surface water in the parking area. The parking area shall be surfaced within six months of the date of rezoning for P-1 vehicular parking use if the parking area is to serve an existing use or uses.

(Ord. of 10-6-03)

Sec. 78-148. Lighting.

All lighting used to illuminate a P-1 district off-street parking area shall not exceed 20 feet in overall height above ground level and shall be so installed as to be confined within and directed on the parking area only.

(Ord. of 10-6-03)

Sec. 78-149. Approval and modifications.

- (a) The planning commission may modify the yard and obscuring screen requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article.
- (b) In all cases where an obscuring screen extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the obscuring screen not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (c) In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the planning commission for the protection of the residential district abutting such parcel or parcels in which the parking area is to be located.

(Ord. of 10-6-03)

Secs. 78-150—78-159. Reserved.

ARTICLE XV. ARC ANN ARBOR ROAD CORRIDOR DISTRICT²

Sec. 78-160. Preamble.

- (a) *District established.* Recognizing the importance of a viable Ann Arbor Road Corridor with well-planned, quality development, and further recognizing that a unified approach is the most effective, the city and the charter township have jointly established the ARC Ann Arbor Road Corridor District. This zoning district is based upon careful evaluation, study and plans completed by the two (2) communities with considerable input from the corridor businesses.

It has been agreed by both the city and the township, as the foundation for this zoning district, that creation of a common ARC zoning district presents opportunities for intergovernmental coordination, cost savings, consistent land use regulation, sound planning and reflects the traditional spirit of cooperation in the Plymouth community.

It is further acknowledged that creation of the ARC district does not change the independent authorities and powers of each unit of government to adopt, enforce and amend its zoning ordinance; however it is the intent of both bodies in creating this district that the regulations and effect of the ARC remain the same in both the city and the township. Therefore, by mutual agreement, variations which are not approved by both the township and the city are contrary to the intent of this district.

²Editor's note(s)—An Ord. of June 7, 2004 amended former Art. XV, §§ 78-160—78-170, in its entirety to read as herein set out. Former Art. XV pertained to similar subject matter and derived from the Zoning Ordinance of Oct. 6, 2003.

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- (b) *Boundaries defined.* The boundaries of the ARC Ann Arbor Road Corridor District shall be as shown on the zoning map which accompanies this ordinance with all notations, references and other information shown there on and as prescribed on the official zoning maps of the City of Plymouth and Plymouth Charter Township, Wayne County, Michigan.

(Ord. of 6-7-04)

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

- (a) *Purpose.* The Ann Arbor Road Corridor Zoning District is intended to establish uniform regulations applicable to the use of land, dimensions for building and site development, parking, landscaping and signage which accommodate and promote land uses which are compatible with the desired character of the corridor, and which conserve property values and long term stability of office, commercial and limited light industrial uses along the Ann Arbor Road Corridor. The Ann Arbor Road Corridor District is intended to accommodate a mixture of office, business and limited light industrial uses designed to serve the commercial needs of the general community in an attractive, well designed and functional environment.
- (b) *Principal uses permitted.* No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this article:
- (1) Medical and dental offices and clinics and other professional offices.
 - (2) Administrative, executive and editorial offices.
 - (3) Real estate and other general business offices.
 - (4) Banks, credit unions, savings and loan associations, and similar financial institutions.
 - (5) Schools for arts and crafts, photography and studios for music or dancing; training centers, business schools or private schools operated for profit.
 - (6) Private clubs and lodge halls.
 - (7) Mortuaries.
 - (8) ~~Churches, temples, and similar places of worship,~~ Religious institutions and other facilities incidental thereto.
 - (9) Personal service establishments which perform services on the premises such as: shoe repair, dry cleaning shops (without on-site processing), tailors and dressmakers shops, beauty parlors and barbershops, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and are of no more objectionable character than the aforementioned subject to the following provision: No more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
 - (10) Retail establishments whose principal activity is the sale of merchandise in an enclosed building, including sales of groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
 - (11) Business services such as mailing, copying and data processing.
 - (12) Restaurants not serving alcoholic beverages where patrons are served while seated within a building occupied by such establishments.
 - (13) *Reserved.*

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

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- a. The site shall have at least 150 feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than 120 feet. All ingress and egress to the site shall be directly onto such major thoroughfares.
 - b. The site shall be located within one half mile of interchange access to I-275, as measured along major thoroughfares.
 - c. All buildings, structures, and parking and loading areas shall be setback a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of this chapter.
 - d. Traffic from events (including ~~church~~-religious institution worship services), and other large assemblies shall be controlled by the institution or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including ~~church~~-religious institution worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study shall be presented to the planning commission for approval after review and comment on the plan by the police department.
 - e. Associated uses on the site such as schools, (if not the primary use) recreation centers, retreat facilities, conference centers, convents, and others shall meet all requirements of this chapter for such uses.
 - f. All parking spaces and aisles shall be screened from off-site view by any one or a combination of the following:
 - 1. Screening mound or berm.
 - 2. Dense landscaping.
 - 3. Solid wall with planting strip.
 - 4. Changes in grade through the use of retaining walls, or topographic features.Screening shall be in accordance with the requirements of section 78-167.
 - g. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.
 - h. Storage of buses, trucks, and maintenance equipment shall be entirely within a totally enclosed building.
- (9) Hotels and motels subject to the following:
- a. Each hotel or motel shall provide minimum side yards of not less than 25 feet each; minimum rear yard of not less than 35 feet; minimum front yard of 25 feet except that when parking is provided between the building and a street, the minimum front yard and/or side yard shall be not less than 75 feet.
 - b. When the front yard and/or side yard abuts a street and is used to provide an access road and/or off-street parking, the area shall be screened in compliance with the requirements of this article.
 - c. Each motel or hotel unit shall contain not less than 250 square feet of floor area.
 - d. Kitchen or cooking facilities may be provided in new motels or hotels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been met. No existing motel units shall be converted for use of cooking and/or kitchen facilities unless the applicant can demonstrate compliance with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit being converted.

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- e. Where a unit is provided as a residence for the owner or the manager, the following minimum floor area requirements shall be provided: one bedroom unit, 600 square feet; two bedroom unit, 800 square feet; three bedroom unit, 1,000 square feet; four bedroom unit, 1,200 square feet.
- (10) Sales rooms, and/or sales lots for new and/or used automobiles, recreation vehicles or trucks, subject to the following:
- a. Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. This lighting shall be high pressure sodium, metal halide or other type of lighting approved by the commission which exhibits the same characteristics and qualities of high pressure sodium or metal halide. Outdoor lighting shall be so located and designated as to reflect light away from adjacent single family residential areas and shall comply with the requirements of section 78-204, exterior lighting.
 - b. All service and repair facilities shall be contained within an enclosed building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked cars shall be located behind the building and screened in compliance with the requirements of section 78-167 of this chapter.
 - c. An obscuring wall must be provided when abutting or adjacent districts are zoned for residential use, in accordance with section 78-206 of this article.
 - d. No major repair or major refinishing shall be done on the lot.
 - e. Where a sales lot for new and/or used automobiles, or trucks, abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street fronted upon, and shall provide a proper buffer in the determination of planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.
 - f. No loudspeakers for outdoor broadcasting shall be permitted.
 - g. Rental facilities for vehicles shall be permitted only as an accessory use to a permitted vehicle sales use under this section.
 - h. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (11) Motorcycle, motorbike, personal watercraft, snow mobile and all-terrain vehicle sales, service, clubs and rental facilities subject to the following:
- a. No motorcycle or motorbike rental, sales, service or motorcycle or motorbike clubs shall be permitted on a parcel of land which is located within 200 feet of a residential district.
 - b. Motorcycle or motorbike clubs may be operated only between the hours of 6 a.m. and 12 midnight.
 - c. Outdoor storage and/or testing areas shall not be permitted.
 - d. All service and repair facilities shall be contained within an enclosed building.
 - e. Where a sales lot and/or outdoor display area abuts a street, a planting strip shall be established in accordance with section 78-167, specific landscaping, screening and buffering requirements. The planting strip shall comply with the standards for Ann Arbor Road streetscape or parking area buffering based upon the street the sales lot or display area abuts, and shall provide a proper

buffer in the determination of the planning commission. The required shrubbery plantings may be modified at the discretion of the planning commission, to break up the areas without circumventing the total view of the product.

- f. All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- (12) Indoor recreation uses such as bowling establishments, court sport facilities, tennis clubs, pool and billiard halls, roller and ice skating rinks, and other general indoor recreation facilities, subject to the following:
- a. The structure housing such facilities shall be located at least fifty (50) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
 - b. Any vehicles or equipment used for servicing the facilities, such as court cleaners or zambonis, shall be stored only inside a totally enclosed building.
 - c. The use of any electronic or enhanced sound system shall be contained so as to not present an unreasonable disturbance to the neighborhood in which it is located.
- (13) Theaters, assembly halls, concert halls or similar uses, subject to the following:
- a. All operations shall be conducted within a completely enclosed building.
 - b. All buildings shall be set back at least one hundred (100) feet from any residential district.
- (14) Drive-in restaurants and other drive-in establishments excluding outdoor theaters, subject to the following:
- a. Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. This lighting shall be high pressure sodium, metal halide or other type of lighting approved by the commission which exhibits the same characteristics and qualities of high pressure sodium or metal halide. Outdoor lighting shall be so located and designated as to reflect light away from adjacent single family residential areas and shall comply with the requirements of section 78-204 exterior lighting.
 - b. A setback of at least 60 feet from the future right-of-way or street setback line of any street must be maintained.
- (15) Outdoor cafes and eating areas accessory to a permitted restaurant use, subject to the following:
- a. Pedestrian circulation and access to building entrances (both on and off site) shall not be impaired. A minimum of six (6) feet of sidewalk leading to the entrance to the establishment shall be maintained free of tables and other encumbrances. Planters, posts with ropes or other enclosures shall be used to define the area occupied by the outdoor cafe.
 - b. The outdoor cafe shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved by the planning commission. Preparation of food and beverages is prohibited in the outdoor cafe area.
 - c. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings, subject to planning commission approval.
- (16) Veterinary clinics, animal clinics and animal hospitals subject to the following:

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

(21) Auto wash facilities subject to the following:

- a. In the case that an auto wash facility includes the storage and/or sale of gasoline as part of the operation, the requirements of subsection (c)(23) of this section shall also apply.
- b. All washing facilities shall be completely within an enclosed building.
- c. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a street, such use shall be screened from the street by one or a combination of the following:
 - 1. A solid wall of at least four feet in height and six to eight-foot wide planting strip on the street side. Such planting strip shall contain as a minimum, one deciduous small ornamental tree for every twenty lineal feet of planting strip required.
 - 2. Mounding or berming of not less than four feet in height with side slopes no steeper than 3:1 (three feet horizontal to one foot vertical). A minimum of one (1) deciduous small ornamental tree shall be planted for every 20 lineal feet of berm or mound.
- d. Driveway entrances into the auto wash structure shall be from within the lot and no entrance into the building shall be directly from a street or alley. No alley shall be used as a means of serving an auto wash facility. Drains shall be provided at all entrances and exits at the street setback line. Auto wash facilities shall not, in general, be located within 200 feet of an intersection of any two roads when either of the two roads is considered to carry moderate to heavy traffic levels.
- e. A hard surfaced driveway of either one or more lanes shall be constructed on the site in such a manner as to provide a continuous movement of cars into the wash rack.
- f. The driveways, so provided, shall be not less than 12 feet wide for a single lane and not less than 12 additional feet, in width, from each additional lane.
- g. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.
- h. Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. This lighting shall be high pressure sodium, metal halide or other type of lighting approved by the commission which exhibits the same characteristics and qualities of high pressure sodium or metal halide. Outdoor lighting shall be so located and designated as to reflect light away from adjacent single family residential areas and shall comply with the requirements of section 78-204, exterior lighting.
- i. All cars required to wait for access to the facilities shall be provided space off the street right-of-way in accordance with the provisions of section 78-163.

(22) Minor automotive repair, such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops, minor engine repair and small engine repair, subject to the following conditions:

- a. Access to such use shall be directly to a major or collector street.
- b. Outdoor storage of parts or materials shall be prohibited.
- c. Vehicles shall not be allowed to be stored outside the building for more than 24 hours unless awaiting repair for which a work order, authorized by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle and not to exceed seven days. Space for vehicles awaiting repair shall be designated on the site plan and shall be screened as determined necessary by the planning commission.

- d. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- e. All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing shall be conducted within a building.
- f. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

(23) Gasoline service stations subject to the following:

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

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- i. There shall be provided, on those sides abutting or adjacent to a residential district, a six-foot completely obscuring wall, consistent with the requirements of section 78-167.
 - j. Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. This lighting shall be high pressure sodium metal halide or other type of lighting approved by the commission which exhibits the same characteristics and qualities of high pressure sodium or metal halide. Outdoor lighting shall be so located and designated as to reflect light away from adjacent single family residential areas and shall comply with the requirements of section 78-204, exterior lighting.
 - k. All restroom doors shall be shielded from adjacent streets and residential districts.
 - l. Gasoline service stations with restaurant or "fast food" facilities (with or without drive-through) and/or convenience store and/or car wash facilities shall meet all separate chapter standards for these individual uses. Additionally, stacking, service and circulation lanes, and parking for the individual uses shall be designed and laid-out so as to minimize the potential for traffic circulation and vehicle-pedestrian conflicts. Landscaped islands and buffer strips shall be used to separate and screen stacking and service lanes.
 - m. Outside storage and display shall be limited to small quantities of oil and other supplies needed for servicing at the pumps. No retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall be displayed or sold outside. All outdoor storage and display areas must be identified on the site plan and approved by the planning commission.
- (24) Arcades and any commercial establishment in which the primary purpose of such establishment is the operation of mechanical or electrical amusement devices subject to the following:
- a. All activities shall be conducted entirely within a building.
 - b. No such business shall be open for business between the hours of 12 midnight and 9:00 a.m.
 - c. The building housing such use shall be so constructed and maintained as to insure that all interior noises shall be kept from reaching the building exterior.
 - d. The planning commission shall review the proposed use to determine the need for bicycle parking spaces. Said spaces shall be designed to permit the orderly parking of said bicycles and permit them to be secured. These parking areas shall be so located as to prevent the disruption of on-site and off-site pedestrian and automobile traffic flow.
 - e. Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or private school.
 - f. Locations for any such establishment shall be confined to major thoroughfares as defined in the future land use plan. Access from a street other than a major thoroughfare shall be prohibited.
- (25) Drive-through restaurants or drive-through facilities, accessory to any principal permitted use in the ARC District, subject to the provision of a separate stacking lane designed to accommodate the minimum number of stacking spaces required under section 78-163(a)(11) Table of Parking Requirements. Required stacking shall be positioned in such a manner that stacking will not interfere with vehicular traffic on site, on the adjacent roadway, or entering or leaving the site and the stacking lane shall be striped or otherwise delineated on site. Adequate maneuvering room shall be provided to allow vehicles to by-pass or leave the stacking lane as determined by the planning commission. No eating shall be permitted while on site and in a parked vehicle. A sufficient number of outdoor litter receptacles shall be provided to prevent blowing paper and other material moving off site onto surrounding properties. The drive-through service speaker location and/or amplification shall not cause noise that is audible from adjacent residences.

(26) Limited uses of a wholesale, warehousing or light industrial nature, subject to the following conditions:

- a. General conditions:
 1. External physical effects shall be restricted, so as to protect nearby uses from hazards, noise, and other radiated disturbances.
 2. Such uses shall be located only in the general vicinity of the railroad tracks, described as east of the Plymouth City Hall site to the westerly boundary of the railroad right-of-way on the north side of Ann Arbor Road, and east of General Drive to the westerly boundary of Arbor Village Subdivision on the south side of Ann Arbor Road.
 3. Each use shall be conducted within a completely enclosed building.
- b. Uses permitted under this classification shall be as follows, and shall be further subject to the specific standards listed:
 1. Wholesale and warehousing businesses, storage buildings, resale shops, commercial laundries, cleaning establishments and frozen food lockers.
 2. The manufacture, assembly, compounding, processing, packaging, treatment or testing of such products as bakery goods, candy, soap (cold mix only), cosmetics, pharmaceutical, toiletries, dairy and food products, hardware and cutlery; tool, die, gauge and machine shops. The manufacturing, processing and assembling from basic raw materials shall be prohibited.
 3. The manufacture, assembly, compounding, processing, packaging, treatment or testing of articles of merchandise from the following previously prepared materials which have been manufactured elsewhere: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals, or stones, sheet metal (excluding large stampings such as automobile body panels), ferrous and non-ferrous metals (excluding large casting and fabrications), shell, textiles, tobacco, wax, wire, yarn, wood (excluding saw and planting mills) and paint (not employing boiling process).
 4. Research, testing, laboratory and office uses related to permitted industrial operations.
 5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 6. Manufacture of musical instruments, toys, novelties and metal or rubber or other small molded rubber products (not including pneumatic tires).
 7. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 8. Laboratories—Experimental, film, or testing.
 9. Communication facilities with buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, communication and relay stations without outdoor storage subject to the following:

A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirements of the district) and two side yards and a rear yard shall be provided; each of which shall not be less than twenty-five (25) feet in width.
 10. Research and industrial parks subject to the following:
 - (i) The research and industrial park shall be platted as an industrial subdivision.

- (ii) All permitted uses allowed under subsection 78-161(c)(26)b.1.—9. shall be allowed in an approved research and industrial park without separate special land use approval.
- (iii) The industrial park shall meet the following area, lot and yard requirements:

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

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

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

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

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

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

(d) *Development requirements.*

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

- The following requirements shall apply to all businesses and uses except for permitted limited wholesale, warehouse and light industrial uses:
 - All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

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2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
- b. All business, servicing, or processing, shall be conducted entirely within a completely enclosed building except where specifically permitted by this article.
 - c. There shall be no outside storage of goods, inventory, or equipment unless otherwise permitted by this article.
 - d. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site shall be parked in non-required parking spaces and the rear only. Such vehicles shall not be parked in a manner to be used as an advertisement and shall be screened from view off-site. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.
 - e. Development in the ARC District shall comply with the access and service road requirements in section 78-164.
 - f. All exterior walls of every building hereafter erected, extended or whose exterior is structurally altered, which faces a street or which is adjacent to property zoned or used as residential shall be designed, treated and finished in a uniform manner consistent with the exterior of the front of the building. Such buildings which are erected, extended or structurally altered, shall be designed to compliment the Ann Arbor Road streetscape through means which include but are not limited to use of brick, stone, black wrought iron accents, peaked roof elements, building architectural detail to enhance door and window openings, and other elements approved by the planning commission.
 - g. Compliance with the environmental performance standards of this chapter is required for all uses.
 - h. All yard and open space areas in the ARC District shall be graded in a manner which shall avoid the ponding of stormwater unless said conditions have been designed to occur as part of a storm detention plan which has been approved by the municipality and such grading shall comply with the engineering design standards for the municipality prior to issuance of a permit.
 - i. All structures shall be readily accessible by fire and emergency vehicles and shall comply with the city's fire prevention ordinance.
 - j. Sidewalks shall be provided along all public street frontage and within the interior of the project boundaries. Interior walks shall be a minimum four feet in width except where such walk directly abuts a parking area. In cases where sidewalks abut a parking area, the minimum width required shall be six feet. Sidewalks located along public streets shall be five feet in width. All sidewalks both exterior and interior shall conform to the standards as established by the city.
 - k. The method of trash pick up shall be presented to the planning commission for approval. If dumpsters are proposed they shall be screened in a manner acceptable to the planning commission.
 - l. All fencing and/or screening walls required and approved by the planning commission as part of special land use approval and/or site plan approval shall be permitted.
 - m. Protective or security fencing shall be considered a structure enclosing a piece of land or separating contiguous land either in whole or part, serving the purpose of preventing intrusion onto or across a lot of record or any parcel or tract of unplatted land from without or straying from within. The following shall govern the height, location and placement of protective or security fencing:

1. *Permit required.* In the ARC District, it shall be unlawful for any person to build, repair or relocate a protective or security fence without first having secured a fence permit therefore from the building department.
 2. *Maximum height.* The maximum height of a protective or security fence shall be four (4) feet, except as otherwise provided herein. For uses subject to special approval, the planning commission may permit protective or security fencing not to exceed six (6) feet in height.
 3. *Material.* Fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the building department. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than one-inch by three-inch material and shall have an angle at the top of not less than 90 degrees. The fence shall comply with the requirements of the building code. Cyclone fencing or cyclone fencing with plastic or other types of strips intertwined or otherwise attached to the fence shall be prohibited.
 4. *Placement.* No fence shall be built closer to the street than the front setback line applicable to the premises pursuant to Section 78-162, provided however, that no fence shall be built closer to the street than the established front building line along said street or in front of the building closest to the street on the fenced premise.
- n. Exterior lighting shall be subject to the requirements of section 78-204, exterior lighting.
- (2) *Site plan review.* Site plan review and approval is required for all uses in accordance with the requirements of Article XX, Site Plan Review.
- (3) *Other development requirements.*
- a. Unless specifically modified by this article, all uses shall comply with all standards and requirements of this chapter.
 - b. Off-street parking for all uses shall be as specified in section 78-163.
 - c. Off-street loading and unloading shall be as specified in section 78-163.
 - d. Screening and land use buffers for all uses shall be as specified in section 78-206.
 - e. Signs for all uses shall be as specified in section 78-206.

(Ord. of 6-7-04; Ord. No. 2013-04, § 5, 10-7-13)

Sec. 78-162. Schedule of regulations.

(a) *Area, height, bulk and placement requirements.*

- (1) All buildings and uses in the Ann Arbor Road Corridor District are subject to the area, height, bulk, and placement requirements as follows:
 - a. For all buildings and uses, except those uses permitted by special approval under section 78-161(c)(26) (light industrial uses, warehouse and limited wholesale) the following shall be required:

Minimum Lot Area:	None
Minimum Lot Width:	None
Maximum Lot Coverage:	None

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(Supp. No. 67)

Maximum Height:	2 stories, 30 feet ⁽⁶⁾
Minimum Yard Requirements:	
Front:	10 feet ⁽¹⁾
Side, Minimum:	Minimum 10 feet, total of two is 20 feet ⁽²⁾⁽³⁾⁽⁴⁾
Sides, Total of Two:	20 feet ⁽³⁾
Rear:	20 feet

- b. For uses permitted by special approval under section 78-161(c)(26) (limited wholesale, warehouse and light industrial uses) of the Ann Arbor Road Corridor District, the following shall be required:

Minimum Lot Area:	None
Minimum Lot Width:	None
Maximum Lot Coverage:	None
Maximum Height:	35 feet ⁽⁶⁾
Minimum Yard Requirements:	
Front:	50 feet
Side, Minimum:	20 feet ⁽⁵⁾
Sides, Total of Two:	40 feet
Rear:	20 feet

(b) *Notes to schedule.*

- (1) When parking is furnished between the building and the street, a front yard of not less than (75) feet shall be provided.
- (2) When a side yard is adjacent to a residential use, a side yard of not less than twenty (20) feet shall be provided.
- (3) Side yards are not required along an interior side parcel line, where all walls of buildings abutting such interior side parcel line are wholly without windows or other openings and are of fireproof construction, but if the side wall is not of fireproof construction, a side yard of not less than ten (10) feet shall be provided. When an interior business parcel abuts a residential parcel, a side yard of not less than twenty (20) feet shall be required in addition to the required screening and land use buffer. The planning commission may require additional setbacks based on its review. The planning commission shall review the aesthetic impact of such walls and may require visual enhancement.
- (4) When parking is furnished in the side yard on the street side of a corner parcel, a side yard of not less than 75 feet shall be provided.
- (5) When such a use is adjacent to a residential district and not separated there from by a street, a side yard and/or a rear yard of not less than 75 feet shall be provided.
- (6) The commission shall have the authority to approve an increase in building height up to a maximum of 38 feet, provided the building does not exceed two stories and conforms with one of the following criteria:
 - a. The additional height is necessary to achieve two stories due to the particular nature and functions of the approved use.
 - b. The additional height is necessary to accommodate architectural features that enhance the character of the building and the district.

(Ord. of 6-7-04)

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

- (a) *Off-street parking requirements.* Within the Ann Arbor Road Corridor zoning district, off-street parking facilities for the storage or parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Article, shall be provided and maintained as provided herein and in accordance with subsections (b) and (c). Such space shall be maintained and shall not be encroached upon so long as said main building structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
- (1) *Parking space versus loading space and stacking space.* Loading space as required in subsection (c) of this section, stacking spaces as required per this article and parking spaces as required in subsection (a) of this section shall be considered separate and distinct requirements and as such shall be considered as separate components on the proposed site plan. In no case shall facilities provided to satisfy the requirements of this article or chapter for one component to be construed as meeting the requirements for another required component.
- (2) *Fractional requirements.* When units or measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction up to one-half shall be disregarded and fractions including one-half and over shall require one (1) parking space.
- (3) *Barrier free parking spaces.* Barrier free parking spaces shall be required and included as part of the total parking space requirement of subsection (a)(11) of this section. A barrier free space shall mean a parking space eight feet wide with a five-foot aisle and shall be marked off in blue handicapper paint. A sign located approximately six feet above grade inscribed with the international wheelchair symbol or a reasonable facsimile thereof shall identify the handicapper space.

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

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

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

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

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

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

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Elderly housing—Congregate care	One per two units plus One per employee based on the greatest number of employees in any one shift.
Elderly housing—Independent living	One per unit plus One per employee based on the greatest number of employees in any one shift.
<i>Institutional</i>	
Churches, temples Religious institutions or auditoriums incidental to schools	One per three seats or One per six feet of bench in main assembly unit based on maximum seating capacity
Convent, nurses' home or other dormitory	One per two bedrooms plus Two for manager
Libraries, museums	One per 500 square feet of gross floor space plus One per employee based on the greatest number of employees in any one shift.
Post office	One per 200 square feet of usable floor area plus One space per employee based upon the greatest number of employees in any one shift.
Public utility	One per employee based on the greatest number of employees in any one shift.
Child care centers, day care centers, nursery schools	One per 400 square feet of usable floor area plus One per employee based upon the greatest number of employees in any one shift.
Municipal offices	One per four seats based on the maximum seating capacity of the main meeting room plus One per two employees based on the greatest number of employees in any one shift.
<i>Commercial</i>	
Beauty parlor and barber shops	Two per chair or station plus One per each employee based on the greatest number of employees in any one shift.
Bowling alleys	Seven (7) per alley plus Requirements for accessory uses
Dance halls, pool or billiard parlors, roller and skating rinks, exhibition halls, and assembly halls without fixed seats	One per three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments	One per two persons allowed within the maximum occupancy load and/or maximum seating capacity as established by local, county or state fire, building or

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

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

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

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

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

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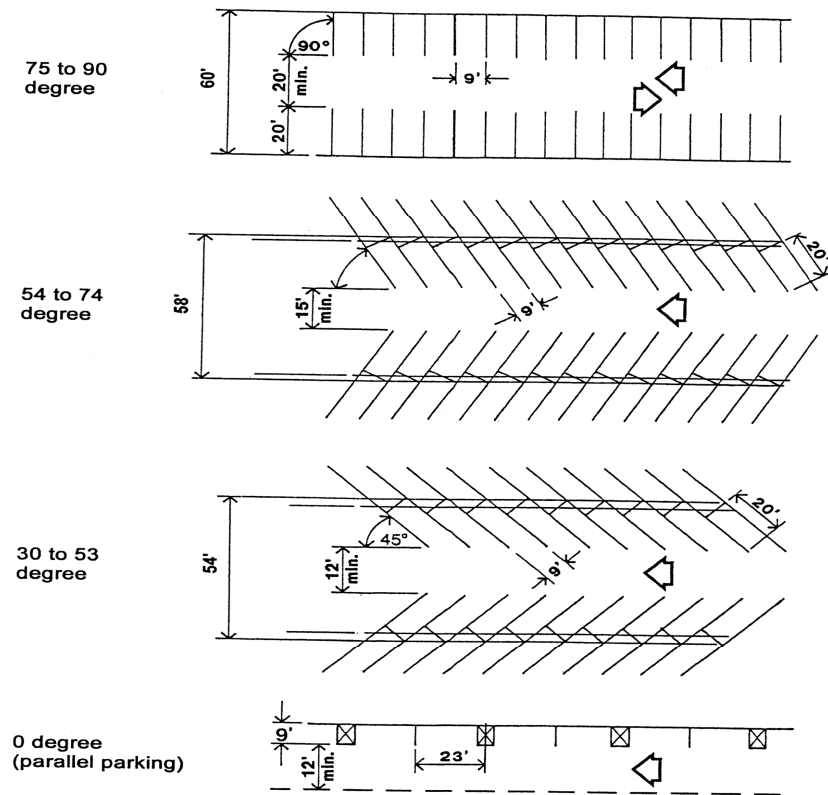
- (6) All parking spaces shall be provided adequate access by means of maneuvering lanes. Maneuvering directly onto a street shall be prohibited.
- (7) Ingress and egress to a parking lot located in an area zoned for nonresidential uses shall not be across land zoned for single family residential uses.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

Parking Lot Dimension Regulations

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

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

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



Parking Layouts

Parking Layouts

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

Required Loading Spaces

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

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

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

(Ord. of 6-7-04)

Sec. 78-164. Access management and drive-way standards.

- (a) *Statement of purpose.* The purpose of this section is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, through not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.
- (b) *Application of standards.*
 - (1) The standards of this section shall be applied to the Ann Arbor Road Corridor Zoning District.
 - (2) The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation (MDOT).
 - (3) The standards contained in this section 78-164 shall apply to all uses, except permitted single-family and two-family dwelling units.
 - (4) For expansion and/or redevelopment of existing sites where the planning commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this section may be accepted by the planning commission, provided that the applicant demonstrates all of the following apply:
 - a. Size of the parcel is insufficient to meet the dimensional standards.
 - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - c. The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
 - d. There is no other reasonable means of access.

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(c) *General standards for driveway location.*

- (1) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (2) Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Michigan Department of Transportation and upon written certification from the adjacent property owner agreeing to such encroachment.

(d) *Standards for the number of commercial driveways.* The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single driveway. Additional driveways may be permitted for a property only under one of the following:

- (1) One (1) additional driveway may be allowed for properties with a continuous frontage of over 500 feet, and one additional driveway for each additional 500 feet of frontage, if the planning commission determines there are no other reasonable access opportunities.
- (2) Two one-way driveways may be permitted along a frontage of at least 125 feet, provided the driveways do not interfere with operations at other driveways or along the street.
- (3) The planning commission may determine addition driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(e) *Driveway spacing standards.*

- (1) *Between driveways:* The minimum spacing between two (2) commercial driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacing indicated below are measured from centerline to centerline.

Driveway Spacing Standards

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
30	155
35	185
40	225
45+	300

- (2) *Insufficient street frontage:* For sites with insufficient street frontage to meet the above criterion, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service/frontage road.
- (3) *Offsets:* To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along an arterial roadway and one hundred fifty (150) feet along other roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.

- (4) *Spacing from intersections:* Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis by the planning commission during site plan review but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Minimum Commercial Driveway
Spacing From Street Intersections

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along Ann Arbor Road from intersection with another Arterial (Sheldon, Main, Lilley or Haggerty)	250 feet	250 feet
Along Ann Arbor Road from intersection with a local street	175 feet	175 feet

For sites with insufficient street frontage to meet the above criteria, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service/frontage road.

- (f) *Standards for shared driveways and service/frontage roads.* The use of service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the planning commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required. In particular, service drives, frontage roads or parking lot maneuvering lane connection between lots or uses may be required in the following cases:
- (1) Where the driveway spacing standards of this section can not be met.
 - (2) When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
 - (3) The site is along a portion of Ann Arbor Road where there is congestion or a relatively high number of accidents.
 - (4) The property frontage has limited sight distance.
 - (5) The fire department recommends a second means of emergency access.
- (g) *Commercial driveway design.* Commercial driveways shall be designed according to the standards of the MDOT and in accordance with the following:
- (1) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, all as determined by the planning commission, two (2) egress lanes may be required (one (1) being a separate left turn lane).
 - (2) Where a boulevard entrance is designed by the applicant or planning commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the

island shall be one hundred eighty (180) square feet and the minimum width ten (10) feet. The planning commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances is discouraged.

- (3) All commercial driveways shall provide an unobstructed clear vision between a height of three (3) feet and ten (10) feet in a triangular area measured ten (10) feet back from the point of intersection of the driveway and the street right-of-way.
- (h) *Modification of standards for special situations.* During site plan review the planning commission shall have the authority to modify the standards of this section 78-164 upon consideration of the following:
 - (1) The standards of this section would prevent reasonable access to the site.
 - (2) Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
 - (3) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - (4) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - (5) The proposed location and design is supported by the MDOT as an acceptable design under the existing site conditions. The planning commission may also request the applicant provide a traffic impact study to support the requested access design.
 - (6) The modification shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.
 - (7) Where there is a change in use or expansion at a site that does not comply with standards herein, the planning commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.

(Ord. of 6-7-04)

Sec. 78-165. Landscaping standards.

- (a) *Installation.*
 - (1) All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscape development plan. This shall include the quantity, size, type and location of plantings proposed.
 - a. Major deviations as to quality, type, size and location of plant materials from the original approved landscape development plan shall require submission and approval in the same manner as provided in this article for the original submission.
 - b. Minor revisions or deviations from the approved landscape development plan may be permitted if approved by the chief building official or municipality's designated expert. In reviewing such changes, the chief building official shall ensure that the changes do not constitute a whole-sale change of the landscape development plan and are consistent with the spirit and intent of this article and the previously approved development plan or site plan.
 - c. The planting operations and installation shall conform to the standards and details adopted by the municipality.

(2) Installation of all landscaping, screen walls, etc. shown on the approved landscape plan shall be made prior to issuance of a certificate of occupancy for the proposed development; subject to the following:

- a. If it is determined that the installation of the landscape materials, screen walls, etc., would be jeopardized by weather conditions, a temporary certificate of occupancy may be issued provided that the developer submits to the building department a cost estimate for the completion of the landscape plan and provides to the municipality a cash deposit, certified check or irrevocable letter of credit in the amount of the approved cost estimate.
- b. In no case shall a certificate of occupancy or a temporary certificate of occupancy be issued without the aforementioned submission or completion of the installation. It shall be the responsibility of the chief building official to see that this policy is carried out. At the time of submission of the cash deposit, certified check or irrevocable letter of credit, the chief building official shall indicate the completion date for the installation of all landscaping, screen walls, etc.
- c. Failure to comply with the completion date shall result in forfeiture of the deposit to the municipality and shall not release the developer from the obligation for installation and completion of the landscaping consistent with the approved plan. The chief building official may, however, grant one extension for 60 days after the written request from the developer, provided circumstances warrant such an extension.

(b) *Materials.*

(1) All plant material shall:

- a. Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurseryman, Inc. and approved by the American National Standards Institute, Inc. (ANSI).
- b. Be true to name in conformance to "Standardized Plant Names", established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the city.
- c. Be typical of its species or variety, have normal habit of growth, well-branched and densely foliated when in leaf.
- d. Be of sound health, vigorous and uniform in appearance with a well developed root system and free from disease, insect pests, eggs or larvae.
- e. Be freshly dug and nursery grown.
- f. Be chosen according to soil, climatic conditions and environmental factors for the proposed development.

(2) Trees shall have straight trunks with leaders intact, undamaged and uncut.

(3) The following trees, because of various problems, shall not be considered as being of a desirable quality, and therefore shall, in most cases, not be permitted. This does not preclude the use of existing trees if it can be shown that the removal of the tree would result in a substantial loss of screening and/or buffering of adjacent lands, uses or public rights-of-way.

- a. Acer negundo - Box Elder
- b. Ulmus varieties - Elm varieties
- c. Aesculus varieties - Horse Chestnut
- d. Populus varieties - Poplar varieties
- e. Salix varieties - Willow varieties

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- f. Catalpa varieties - Catalpa varieties
 - g. Ailanthus altissima - Tree of Heaven
 - h. Elaeagnus varieties — Olive varieties
 - i. Ginkgo biloba — Ginkgo (female only)
 - j. Fraxinus varieties — Ash varieties
- (4) Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or hydro-seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- (5) Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
- (6) Stone and synthetic materials shall not be used as a groundcover.
- (7) Mulch: Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from three trunks. Pine bark mulch shall be prohibited. An effective edge treatment must be provided to minimize the migration of mulch.
- (8) Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined by the plant proposed.
- (9) Topsoil: A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.
- (10) Artificial plant material shall be prohibited.
- (11) Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities.
- (12) Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.
- (13) Where pavement and landscape areas interface, adequate measures shall be taken to protect plants from vehicle encroachment.
- (14) Tree sizes are determined using the following two definitions: Caliper shall be defined as the diameter of the trunk of a tree at eighteen (18) inches above the ground. Diameter breast height (D.B.H.) is the diameter in inches of a tree measured at 4½ feet above the existing grade.
- (15) Minimum sizes of plant material:
- a. *Deciduous shade trees*: Shall be species having a trunk which can be maintained with over seven foot clear stem. Deciduous trees shall have a minimum caliper of three (3) to three and one-half at the time of planting.
 - b. *Deciduous small ornamental trees*: Small ornamental trees shall be a minimum caliper of two inches at time of planting, or six feet in height in clump form.
 - c. *Evergreen trees*: Evergreen trees shall be a minimum of eight feet in height at time of planting.

- d. *Deciduous shrubs and upright evergreen shrubs*: Shall be a minimum of thirty inches in height at the time of planting.
- e. *Spreading evergreen shrubs and dwarf species shrubs*: Shall be a minimum of eighteen (18) to twenty-four (24) inches in height or five (5) gallon container size at time of planting.
- f. *Vines*: Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet buffer requirements.

(c) *Variety of plant material sizes at installation.*

- (1) To ensure adequate variety, and to avoid monotony and uniformity within the site, the overall landscape plan shall comply with the following:

Landscaping Materials	Percentage of Total	Minimum Size at Installation
Deciduous shade trees	50%	3.0—3.5 inches caliper
	30%	3.5-4.0 inches caliper
	20%	4.0 inches caliper
Evergreen trees	50%	8.0 feet high
	30%	10.0 feet high
	20%	12.0 feet high
Deciduous ornamental trees (clump form)	50%	6.0 feet high
	50%	8.0 feet high
Deciduous ornamental trees	50%	2.0 inches caliper
	30%	2.5 inches caliper
	20%	3.0 inches caliper
Deciduous shrubs	50%	30.0 inches high
	50%	36.0 inches high
Upright evergreen shrubs	50%	30.0 inches high
	50%	36.0 inches high

- (2) *Modifications*: For specific landscape installations that require uniformity of plant size, such as hedges, mass plantings of shrubs as ground cover, and plants used as ornamental design accents, the planning commission may approve variations in the above percentages. Also, for reforestation, wooded area infill, and other applications determined appropriate by the planning commission, small caliper, park-grade trees may be approved.

(d) *Maintenance.*

- (1) The owner of the property shall be responsible for all maintenance of site landscaping as follows:
 - a. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
 - b. Landscaping shall be kept in neat, orderly and healthy growing condition, free from debris and refuse.
 - c. Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
 - d. All dead plant material shall be removed and replaced within six (6) months after it dies or in the next planting season, whichever occurs first. For purposes of this section the planting season for

deciduous plants shall be between March 1 and June 1 and from October 1 until the prepared soil becomes frozen. The planting season for evergreen plants shall be between March 1 and June 1. Plant material installed to replace dead or diseased material shall be as close as practical to the size of the material it is intended to replace.

- (2) The approved landscape plan shall be considered a permanent record and integral part of the site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved landscape plan and shall be viewed as a violation of this chapter and the agreed upon terms of the final site plan approval.
- (3) The developer, at the time of submission of the final site plan approval, shall demonstrate to the planning commission that adequate provisions have been made to supply water to all landscape areas, including right-of-way. This shall be accomplished by installation of an in-ground irrigation system to provide water for the landscape areas where specified. The commission shall have the authority to waive or modify this requirement where it determines that such action would be in accordance with the purpose and objectives of this article.

A contract for maintenance of all landscape areas may be required by the building department.

(Ord. of 6-7-04)

Sec. 78-166. Character of landscaping, screening or buffering areas.

- (a) The selection and placement of plant materials shall be such that the general maintenance and upkeep of the areas shall be low so that the success of the planting area can be anticipated without placing undue hardship on the landowner or leasee.
- (b) Where landscape treatment is required for screening purposes, the planning commission shall insure that the plan proposed meets the following objectives:
 - (1) The proposed plan effectively forms a complete visual and physical separation between the two (2) unlike land uses.
 - (2) The proposed plan forms a transition zone between the unlike uses and affords sufficient protection and is compatible with the character of the adjacent residential area.
 - (3) The proposed plan effectively reduces the adverse effects of the proposed use, in particular, glare of headlights, lighting from parking areas, noise, unsightly areas such as trash pickup points and contrasting views such as parking areas and access drives.
- (c) When the landscape treatment is required as a buffer or green area, the planning commission shall insure that the plan proposed meets the following objectives:
 - (1) The proposed plan breaks up the area and the proposed plant material creates a partial visual separation.
 - (2) The proposed plan forms a transition zone which helps break up the visual pattern of paving areas.
 - (3) The proposed plan, through the use of plant material, creates a ground and overhead area which consists of plant material which is more compatible with the general character of the community and the residential districts.

(Ord. of 6-7-04)

Sec. 78-167. Specific landscaping, screening and buffering requirements.

- (a) *Intent.* The ARC, Ann Arbor Road Corridor District was established for the express purpose of facilitating implementation of the Ann Arbor Road Corridor Design Plan. The Ann Arbor Road Corridor Design Plan proposes the installation of specific landscaping and design elements along the sides of Ann Arbor Road to act as a unifying streetscape. Consistency in these streetscape features, materials and colors is essential to achieving the community's desired aesthetic character, economic enhancement and revitalization, and to support the public health, safety and welfare.

Therefore, compliance with the following specific standards shall be required in conjunction with any site development, redevelopment, alteration or expansion or re-occupancy of a vacant building on an ARC site.

(b) *Ann Arbor Road streetscape.*

- (1) Ann Arbor Road streetscape as required herein shall be provided:
 - a. Along all Ann Arbor Road frontage; and
 - b. Along other streets within the boundaries of the ARC District, where such streets have a street setback of fifty (50) feet or greater.
- (2) *Compliance with prototype:* Landscaping and streetscape improvements, shall be provided including but not limited to the colored stamped concrete verge, street trees, perennials, decorative fencing and brick piers, sidewalk and shrubs, and shall be consistent with the standards and requirements of the Ann Arbor Road Streetscape Prototype, "Ann Arbor Road Standard Design Details," dated October 16, 2003 (see Section 78-171), and as may be modified from time to time.
- (3) *Tree and shrub quantities:* Deciduous shade trees shall be planted along the length of the site frontage, in an amount equal to minimum of one (1) street tree per forty (40) feet or fraction thereof of site frontage.
- (4) *Design flexibility:* Within the intent of this article, the planning commission may approve alternatives it determines to be necessary to accommodate peculiar circumstances or unforeseen problems, or to carry out the spirit, intent and purposes of this article. Further, where streetscape elements have been accomplished along Ann Arbor Road by means of earlier development which substantially accomplish the overall design objectives, the planning commission may modify the requirements to reflect those earlier improvements.

(c) *Interface with residential use or district.*

- (1) Where the Ann Arbor Road Corridor District, is adjacent to any single family, two family, or multi-family residential use or district.

Screening shall be provided consistent with the objectives of this article and shall be accomplished by-a solid wall with planting strip.

 - a. The solid wall shall be consistent with the standards and requirements of the Ann Arbor Road Streetscape Prototype, "Ann Arbor Road Standard Design Details," dated October 16, 2003 (see Section 78-171), and as may be modified from time to time. The solid wall shall be located at the property line with a planting strip six (6) to eight (8) feet wide abutting the base and on the interior side of the wall. The planting strip shall be planted with deciduous shade trees planted thirty-five (35) feet on center.
 - b. In general, to achieve the appropriate master planned interface, the solid wall must be provided consistent with the above standards. Within the context of these standards and the ARC District,

the planning commission may approve modifications it determines necessary to address unusual circumstances.

(d) *Other areas requiring screening and/or buffering.*

- (1) *General standards.* Other site uses and functions which require screening and/or buffering shall provide that screening and/or buffering based on the general standards below. All screening or buffering provided shall be related, consistent and compatible with the overall Ann Arbor Road design.

- a. *Solid wall with planting strip.* A solid wall shall be at least six feet in height, constructed of brick with a pre-cast concrete cap. The solid wall shall be located at the property line with a planting strip six to eight feet wide abutting the base and on the interior side of the wall. The planting strip shall be planted with deciduous shade trees with a minimum caliper of three to three and one-half inches, and planted 35 feet on center.
- b. *Screening mound or berm.* A screening mound or berm shall have a minimum height of five to six feet with side slopes no steeper than 3:1 (three feet horizontal to one foot vertical). The top of all berms shall have a level horizontal area of at least three feet in width.

The mound or berm shall be designed and graded in a manner which will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, hydro-seeded, and mulched, or planted. Included as part of the mound or berm shall be deciduous shade trees, small deciduous ornamental trees, evergreen trees and/or shrubs planted along the berm area.

- c. *Evergreen screen.* Evergreen screens shall consist of evergreen trees with year-round screening characteristics. Such trees shall be planted ten to 15 feet on center in two staggered rows ten feet apart.
- d. Other screening may be considered if it will provide, in the opinion of the planning commission, the same screening effect and the objectives specified in section 78-165, character of landscaping, screening or buffering areas.

(2) *Public utilities.*

- a. Communication facilities (not including buildings), public utility transformer stations, substations, and gas regulator stations shall be screened.

The screen shall be reviewed by the planning commission to insure that it accomplishes the following objectives:

1. The proposed screen effectively separates the proposed facility from the public right-of-way and the view of the general public.
2. The proposed screen effectively establishes some form of separation and human scale between the proposed facility and abutting public walks.

- b. Screening shall meet the aforementioned objectives and shall be accomplished by any one or a combination of the following:

1. Screening mound or berm.
2. Solid wall with planting strip.
3. Fence with evergreen screen.

(3) *Service areas screening.*

- a. For purposes of this section, service areas are outdoor areas intended to be accessed by vehicles for purposes of supporting the principal use, including loading/unloading, deliveries, waste disposal and utility services.

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- b. All service areas shall be screened or buffered in a manner as determined necessary by the planning commission to meet the aforementioned objectives of this article and shall meet the following specific objectives:
 - 1. Service areas shall be completely screened from adjacent residential areas and screened as determined necessary by the planning commission from view of the public right-of-way.
 - 2. All screening shall be contained within the subject property.
 - 3. Service areas shall be screened by appropriate plant materials, and/or architectural materials, such as a decorative wall, or a combination of both, to meet the screening objectives of this section.

(e) *Parking area screening.*

- (1) All off-street parking areas and vehicular use areas shall be screened or buffered in a manner which meets the following specific objective:
 - a. Off-street parking and vehicular use areas shall be buffered in a manner that separates the proposed facility from views as seen from the public right-of-way and creates a scale more appropriate to the individual and pedestrian.
 - b. All screening or buffer areas shall be contained within the subject property.
- (2) Screening or buffering shall meet the aforementioned objectives of this section and article and shall be accomplished by the following options:
 - a. A minimum ten-foot buffer area between the off-street parking and/or vehicular use area and the street setback line to include one tree per 40 feet or fraction thereof of street frontage of the parking lot and plantings of at least ten shrubs for every (30) feet or fraction thereof of street frontage of parking lot.

10-foot buffer

- b. A minimum 20 foot buffer area between the parking lot and the street setback line to include a three-foot high berm not exceeding 33 percent slope and a minimum of one tree for every 40 feet and five shrubs for every 30 feet or fraction thereof of street frontage of the parking lot.

20-foot buffer

- c. A minimum six-foot buffer area between the parking lot and the street setback line to include a 36-inch high decorative metal fence. The fencing shall contain four-inch spacing between metal pickets with masonry pilasters spaced 24 feet apart, capped, and at least 16 inches to 21 wide. The minimum landscaping required in conjunction with the metal fence is one tree for every 40 feet and five shrubs for every 30 feet or fraction thereof of street frontage of parking lot.

six-foot buffer

- d. A minimum four-foot buffer area between the parking lot and the street setback line to include a thirty-six-inch high masonry screening wall in conjunction with the minimum landscaping requirement of one tree for every 40 feet or fraction thereof of street frontage of the parking lot. The wall shall be constructed of brick or masonry block and shall also include a concrete stone or masonry cap providing one-half-inch reveal on both sides.

four-foot buffer

- (3) Screening and buffering options are summarized in the following chart:

Parking Area Screening

Parking Area Screening Options	Minimum Buffer Dimensions (in feet)	Minimum Landscaping Requirements
(a) Landscape strip	10	One tree per 40 feet Ten shrubs per 30 feet
(b) Three-foot high berm	20	One tree per 40 feet Five shrubs per 30 feet
(c) Three-foot high decorative metal fence	6	One tree per 40 feet Five shrubs per 30 feet
(d) Three-foot high wall	4	One tree per 40 feet

- (4) If the off-street parking and/or vehicle use area is located such that it requires Ann Arbor Road streetscape in accordance with section 78-167(b)1. then section 78-167(d)4.b., above, shall not apply.

(Ord. of 6-7-04)

Sec. 78-168. Interior parking lot landscaping.

(a) *Parking lot landscaping.*

- (1) Off-street parking areas containing twenty-five (25) or more parking spaces shall provide internal landscaping, other than that required in a buffer zone or along the street frontage, protected by a raised standard or rolled concrete curb, in accordance with the following:
 - a. 25 through 100 spaces: One canopy/deciduous tree and 100 sq. ft. of landscaped area per ten spaces, rounded upward.
 - b. 101 through 200 spaces: One canopy/deciduous tree and 100 sq. ft. of landscaped area per 12 spaces, rounded upward.
 - c. 201 spaces or more: One canopy/deciduous tree and 100 sq. ft. of landscaped area per 15 spaces, rounded upward.
- (2) The minimum size of a landscaped area shall be 60 sq. ft. and at least six feet in width.
- (3) Landscaped areas shall be covered by grass or other living ground cover.
- (4) Required trees shall be located to minimize potential damage by vehicles.
- (5) The internal landscaping shall be located and designed to direct traffic flow, particularly near site entrances. Additional landscaping shall be dispersed through the lot to define vehicular circulation, improve site aesthetics, provide shade, and installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(Ord. of 6-7-04)

Sec. 78-169. Signs.

- (a) *Purpose.* The purpose of these sign regulations is to provide for a unified approach to managing the size, placement, number and appearance of signs within the Ann Arbor Road Corridor District. Within the

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framework of the long term cooperative effort between the City and Charter Township of Plymouth, this section is intended to promote a balance between business advertising needs, the aesthetic recommendations of the Ann Arbor Road Plan and design guidelines, and the safety needs of the passing motorist.

(b) *Definitions:*

- (1) *Abandoned sign:* A sign which, for ninety (90) consecutive days, fails to direct a person to or advertise a bona fide business, tenant, owner, product or activity conducted, or product available on the premises where such a sign is displayed.
- (2) *Awning:* A protective, roof-like covering, attached to the face of a building, as might be located over a window or door.
- (3) *Awning or canopy sign:* A sign which is painted on, printed on or attached flat against the surface of an awning.
- (4) *Business center:* A group of two (2) or more contiguous stores, businesses or offices, research facilities or industrial facilities developed as a planned complex which collectively have a name different from the name of any individual business, are under common ownership or management and share common parking areas, pedestrian areas, are linked architecturally or otherwise present the appearance of one (1) development site. Business centers may include shopping centers and other multi-tenant buildings.
- (5) *Canopy:* A roof-like architectural structure, typically attached to the face of a building, and used to provide protection from the elements (e.g., a canopy over a walkway or a gas station canopy).
- (6) *Changeable copy sign:* A sign that is designed so that the message can be changed, by physically replacing letters or by electric or electronic means.
- (7) *Construction sign:* A ground or wall sign listing the name of the project developers, contractors, engineers, or architects on the site being developed.
- (8) *Directional sign:* A ground sign located at the entry and/or exit of a business or commercial establishment which facilitates traffic flow.
- (9) *Directional sign, off-premises:* A monument sign, the sole purpose of which is to direct traffic to one (1) or more commercial businesses which are located on premises without frontage on or visual exposure to a major thoroughfare or collector road. Such businesses shall front on a road or easement which is used for their primary public ingress and egress from the major thoroughfare or collector road. The purpose of the off-premises directional sign is to facilitate the flow of traffic, encourage the concentration of commercial uses, discourage strip commercial development, and not to advertise the business or products or services offered, (however, directional signs may have the logo and/or name of the business to which the sign relates).
- (10) *Festoon sign:* Banners, pennants, incandescent light bulbs, or other such temporary features which are hung or strung overhead and which are not an integral, physical part of the building or structure they are intended to serve.
- (11) *Flashing, animated, or moving sign:* A sign that has intermittently reflecting lights, or signs which use intermittent, flashing, scintillating, or varying intensity of illumination to create the appearance of movement, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.
- (12) *Ground sign:* A sign supported by one (1) or more uprights, poles, braces, or a masonry base, or a monument placed in or upon the ground surface and not attached to any building. Ground signs shall include monument and pole signs.

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- (13) *Inflatable sign*: A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.
- (14) *Illuminated sign*: A sign that is illuminated by a direct or indirect source of light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- (15) *Institutional bulletin board*: A structure containing a surfaced area upon which is displayed the name of a religious institution, school, library, community center or similar institutions, and the announcement of its services or activities.
- (16) *Marquee*. A roof-like structure, often bearing a sign, projecting over an entrance to a theater.
- (17) *Marquee sign*: A sign attached to a marquee projecting from and supported by the building.
- (18) *Menu board or order board*: A sign which is intended to service patrons using a drive-thru facility.
- (19) *Monument sign*: A ground sign that is mounted on a base which is in contact with or close to the ground. The base of a monument sign shall be no less than 75 percent of the greatest horizontal dimensions of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be no greater than 12 inches.
- (20) *Monument sign base*: The lower part of a monument sign which may appear as a separate architectural feature, and serves as its ground support.
- (21) *Neon sign*: A sign consisting of glass tubing, filled with neon or another gas, which glows when electric current is sent through it.
- (22) *Nonconforming sign*: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.
- (23) *Off-premises sign*: A sign which contains a message unrelated to a business or profession conducted on the premises, or to a commodity, service or activity, not sold or offered upon the premises where such sign is located.
- (24) *Panel sign*: A sign whose letters and/or symbols are on a panel contained within a frame, incorporated into a framed background which is an integral part of the sign. This definition is intended to distinguish between panel signs and signs consisting of individual freestanding letters and/or symbols.
- (25) *Permanent window sign*: A window sign that is constructed of materials that do not require replacement on a frequent basis (in contrast to temporary paper window signs).
- (26) *Pole sign*: A ground sign that is mounted on a freestanding pole(s) or other support(s) with a clear space of 8 feet or more between the bottom of the sign face and the grade.
- (27) *Political sign*: Means a temporary sign, whose message relates to a candidate for political office, to a political party, to a political issue, or an ideological opinion.
- (28) *Portable sign*: A freestanding sign not permanently anchored to secure to either a building or the ground, such as, but not limited to trailers, "A" frame and "T" shaped sign structures, including those mounted on wheeled trailers.
- (29) *Premises*: Any lot or parcel of land, or building or site as otherwise used in this ordinance; a unit of contiguous real property under common ownership.
- (30) *Projecting wall sign*: A sign that is attached to and projects from a building wall at an angle of up to 90 degrees. Panel and frame which projects from the wall at an angle or 90 degrees, by no more than four feet from the building, or one-third of the sidewalk width, whichever is less. Angular projection at the corner of a building is prohibited. Projecting wall signs shall clear sidewalk by at least ten feet and shall

not extend vertically beyond the window sill of the second story. Projecting wall signs should be spaced at least 25 feet apart, shall not be internally illuminated and shall not contain changeable copy. A projecting wall sign does not include canopy, awning, roof, marquee, or internally illuminated signs.

- (31) *Real estate sign*: A temporary non-illuminated sign for the purpose of advertising or promoting the sale, lease or rental of real estate. A *permanent leasing sign* is a real estate sign that is erected for an indefinite period of time for the purpose of offering space in a building for lease.
- (32) *Roof sign*: A sign erected, constructed and maintained wholly upon or over the roof of any building, with its principal support on the roof structure. For purposes of this section, any architectural element which is used on the wall of a structure to give the appearance of a roof line similar to a mansard, gambrel or other roof type, shall be considered as a roof. A vertical plane or fascia which is attached to and located below the angled plane of a slope roof and which is less than 6 inches in height shall be considered part of the roof.
- (33) *Service club entrance sign*: A sign, usually located along the main entrance ways to a community, displaying the names of service clubs and organizations, their meeting schedule and usually including the service club symbol or logo. The name of the community and a short salutary message may also be included.
- (34) *Sign*: Any name, identification, description, object, device, structure, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, service, event, organization, or business by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.
- (35) *Signable area*: A continuous surface or wall unobstructed by windows, doors and other major architectural details. The signable area shall equal the area of (a × b) or (c × d) or (e × f) in the following illustration, at the choice of the applicant.

Signable Area

- (36) *Temporary sign*: Any sign regardless of size and materials that is not permanently fastened to any structure, such as posts with permanent footings, and that is limited in duration to thirty (30) days, except as otherwise specified. Temporary signs include paper window signs, inflatable signs, banners and pennants.
- (37) *Time-temperature sign*: A sign which displays the current time or outdoor temperature or both and which displays no material except for the name of a business, product or service.
- (38) *Underhanging sign*: A sign that is located on the underside of a canopy or walkway, typically for the benefit of pedestrians.
- (39) *Vehicle business sign*: A sign painted or attached to a vehicle which is located on premises primarily for purposes of advertising the business, or product for sale on the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.
- (40) *Wall sign*: A sign which is attached directly to or painted upon a building wall which does not extend above the height of the wall to which it is attached nor more than twelve (12) inches therefrom, with the exposed face of the sign in a plane parallel to the building wall. Included in the definition of wall signs are signs mounted above the eave line, but not extending above the roof peak and signs mounted flat against the building fascia, provided the sign does not protrude beyond any boundary of the fascia.
- (41) *Window sign*: A temporary or permanent sign painted on or affixed to a window surface, suspended so as to hang more or less parallel with the window surface, or otherwise displayed in a manner intended to be viewed from outside the window.

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(c) *General standards.* The following general standards shall apply to signs in the ARC, Ann Arbor Road Corridor District:

- (1) *Measurement of sign area:* The entire area within a rectangle or square enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame, tower, or other material or color or internally illuminated area forming an integral part of the display or used to differentiate such sign, shall be included in the measurement. Such signs shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts.

Computation of Sign Area

- a. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face, if the two faces are of equal area, or as the area of the larger face, if the two faces are of unequal area.
- b. For ground signs, the area shall include the entire area of the sign upon which copy, lettering, drawings or photographs could be placed, excluding necessary uprights or supports. For monument signs, the base of a monument sign shall be excluded from the calculation of sign area for a distance to 30 inches above grade. Streetscape and landscape features which in the determination of the planning commission, are an integral part of the sign design shall also be excluded from the calculation of sign area.
- c. For internally-illuminated awnings or canopies, the entire flat surface of the awning or canopy upon which the message is written shall be included in the sign area calculation. Signs mounted on awnings and canopies that are not internally-illuminated shall be subject to the sign area standards of measurements specified in paragraph (a), above.
- d. For paper window signs the area shall include, the entire area of the paper. Where adjacent paper window signs are within eight inches of each other, they shall be measured as a single sign.
- (2) *Sign setback:* Where it is specified that a sign must be setback a minimum or other certain distance from property lines, street setback lines or public right-of-way lines, such distance will be measured from the portion of the sign structure nearest to the specified line. For purposes of this measurement, the property lines, street setback lines and public right-of-way lines extend perpendicularly from the ground to infinity.
- (3) *Sign height:* The height of a ground sign shall be the distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative appendages, without including any berm landscaping, grading, or artificially or unnaturally constructed raised portion of land at the point of measurement.
- (4) *Underground wiring:* Where illumination is desired, underground wiring shall be required for all signs not attached to a building.
- (5) *Sign Lettering.* Any sign which is proposed to include letters, symbols, emblems or other figures of similar character, which are larger than 16 inches, shall require planning commission approval.
- (d) *Prohibited signs.* Except as permitted by Article XIX, the following signs shall be prohibited:
- (1) Festoon signs.
- (2) Signs which incorporate in any manner any flashing of intermittent lights.
- (3) Inflatable signs, except as provided in Article XIX.

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- (4) Off-premises advertising signs.
 - (5) Portable signs.
 - (6) Roof signs. For the purpose of this section, any architectural element which is used on the wall of a structure to give the appearance of a roof line similar to a mansard, gambrel or other roof type shall be considered the same as a roof and no sign shall be permitted upon it. A vertical plane or fascia which is located below the angled plane of a sloped roof or roof element and which is less than six inches in height, shall be considered part of the roof and not used for signage.
 - (7) Vehicle business sign.
 - (8) Banners, pennants, spinners and streamers, except as provided in section 78-169(e)(14) and (f)(8) for banners.
 - (9) Any sign which revolves or has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic pulsations, or by mechanical means, including intermittent electrical pulsations, or by action of normal wind currents, except those actions associated with street time/temperature signs.
 - (10) A sign or sign structure which is determined by the building official to be:
 - a. Is structurally unsafe.
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment.
 - c. Is not kept in good repair.
 - d. Is capable of causing electrical shocks to persons likely to come in contact with it.
 - (11) Any sign which by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads.
 - (12) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
 - (13) Signs which make use of such words as "Stop", "Look", "Danger", or any other words, phrases, symbols or characters in such a manner as to interfere with mislead or confuse vehicular traffic.
 - (14) Any sign unlawfully installed, erected or maintained.
 - (15) Any sign now or hereafter existing which advertises a product, service or business no longer available at that location, including abandoned signs.
 - (16) Wall panel signs.
 - (17) Pole signs.
 - (18) Electronic or electric changeable copy signs, except as permitted time-temperature signs.
 - (19) Neon or string lights used to highlight architectural features or to frame a window or door, except as may be permitted under section 78-204, exterior lighting.
 - (20) Any type of sign not expressly permitted.
- (e) *Area, height, placement and other regulations for permitted signs.*
- (1) *Ground signs.*
 - a. *Type.* All ground signs shall be monument signs.

- b. *Location.* Ground signs shall be located wholly within the boundaries of the property to which the sign relates, exclusive of the street setback or road right-of-way area.
- c. *Setback.* On premises with street frontage less than 200 feet, ground signs shall be setback a minimum of five feet from the existing right-of-way or street setback line, whichever is greater. On premises with a street frontage of 200 feet or greater, ground signs shall be setback a minimum of ten (10) feet.
- d. *Sign area.*
 1. On premises with street frontage less than 200 ft., the maximum sign area shall be 25 square feet at the five-foot setback line. However, the maximum sign area shall be permitted to increase one square foot for each additional foot of setback, to a maximum area of 42 square feet. The base of a monument sign shall be excluded from the calculation of sign area for a distance of 30 inches above grade.

Maximum Sign Area
Premises With Street Frontage Less Than 200 Feet

Distance From Street Setback Line	Maximum Height	Maximum Sign Area
5 ft.	8 ft.	25 sq. ft.
6 ft.	8 ft.	26 sq. ft.
7 ft.	8 ft.	27 sq. ft.
8 ft.	8 ft.	28 sq. ft.
9 ft.	8 ft.	29 sq. ft.
10 ft.	8 ft.	30 sq. ft.
11 ft.	8 ft.	31 sq. ft.
12 ft.	8 ft.	32 sq. ft.
13 ft.	8 ft.	33 sq. ft.
14 ft.	8 ft.	34 sq. ft.
15 ft.	8 ft.	35 sq. ft.
16 ft.	8 ft.	36 sq. ft.
17 ft.	8 ft.	37 sq. ft.
18 ft.	8 ft.	38 sq. ft.
19 ft.	8 ft.	39 sq. ft.
20 ft.	8 ft.	40 sq. ft.
21 ft.	8 ft.	41 sq. ft.
22 ft.	8 ft.	42 sq. ft.
More than 22 ft.	8 ft.	42 sq. ft.

2. On premises with a street frontage of two hundred (200) feet or greater, the maximum sign area shall forty-two (42) square feet at the ten (10) foot setback line. However, the maximum sign area shall be permitted to increase based upon each additional foot of setback, to a maximum area of sixty (60) square feet in accordance with the following chart. The base of a monument sign shall be excluded from the calculation of sign area for a distance of thirty (30) inches above grade.

Maximum Sign Area
Premises With Street Frontage 200 Feet or Greater

Distance From Street Setback Line	Maximum Height	Maximum Sign Area
10 ft.	10 ft.	42 sq. ft.
11 ft.	10 ft.	43 sq. ft.
12 ft.	10 ft.	45 sq. ft.
13 ft.	10 ft.	46 sq. ft.
14 ft.	10 ft.	48 sq. ft.
15 ft.	10 ft.	49 sq. ft.
16 ft.	10 ft.	51 sq. ft.
17 ft.	10 ft.	52 sq. ft.
18 ft.	10 ft.	54 sq. ft.
19 ft.	10 ft.	55 sq. ft.
20 ft.	10 ft.	57 sq. ft.
21 ft.	10 ft.	58 sq. ft.
22 ft.	10 ft.	60 sq. ft.
More than 22 ft.	10 ft.	60 sq. ft.

- e. *Height.* The maximum height shall be as follows:
1. On premises with a street frontage less than 200 feet: Eight feet.
 2. On premises with a street frontage of 200 feet or greater: Ten feet.
- f. *Number.* One ground sign shall be permitted per street frontage on any parcel. However, only one sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is visible from both streets. In multi-tenant buildings or shopping centers, the sign area may be allocated for use by individual tenants.
- g. *Planning commission review; design standards.* The planning commission shall review all ground sign applications to assure compliance with the design, placement and dimensional standards of this article. The following design standards shall apply:
1. Monument signs shall have a brick base or an approved equal subject to planning commission approval. Signs shall harmonize with the Ann Arbor Road Streetscape materials, and be incorporated into the streetscape design. Brick shall be Wyandotte Modular consistent with the standards and requirements of the Ann Arbor Road Streetscape Prototype, "Ann Arbor Road Standard Design Details," dated October 16, 2003 (see section 78-171), and as may be modified from time to time.
 2. The base of any ground sign shall be landscaped to create a year round buffer for the sign.
 3. Lettering style shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. Generally, no more than two different fonts shall be used on each sign.
 4. It is the intent of this article to require signs to be in harmony with the building color and architecture therefore generally no more than three colors may be used per sign and one (1) uniform, background color. Established company logos are exempt from color limitations. An established company logo is one that has historically been used as a symbol representing the company. For the purposes of this regulation, black and white shall be considered colors.

5. Sign messages shall be located at least 30 inches above the ground to allow for snow accumulation and plant growth.
- h. *Changeable copy signs.* Changeable copy ground monument signs shall be permitted, subject to all of the requirements for ground signs specified herein, and the following additional requirements:
 1. Letter height shall not exceed four inches.
 2. Electronic or electric changeable copy signs are not permitted.
 3. The area of the changeable copy sign shall be counted toward the maximum ground sign area.
 4. The base of the sign shall be brick, with limestone capped brick piers on the two ends of the sign. The changeable copy sign shall not project above the brick piers by more than one-half of the message area's height.

(2) *Wall signs.*

- a. The maximum wall sign area permitted shall be 50 percent of the signable area, up to a maximum wall sign area of 42 square feet. On a premises with an Ann Arbor Road street frontage of 200 feet or greater, permitted wall sign area shall be 30 percent of the signable area, up to a maximum of 90 square feet (see Table).

Maximum Wall Sign Area
Individual Letters

Signable Area	Maximum Percent of Signable Area	Maximum Wall Sign Area
20 sq. ft.	50%	10 sq. ft.
30 sq. ft.	50%	15 sq. ft.
40 sq. ft.	50%	20 sq. ft.
50 sq. ft.	50%	25 sq. ft.
60 sq. ft.	50%	30 sq. ft.
70 sq. ft.	50%	35 sq. ft.
80 sq. ft.	50%	40 sq. ft.
84 sq. ft.	50%	42 sq. ft.
Above 84 sq. ft.		42 sq. ft.

Maximum Wall Sign Area
200 ft. or Greater Frontage on Ann Arbor Road

Signable	Maximum Percent of Signable Area	Maximum Wall Sign Area
50 sq. ft.	30%	15 sq. ft.
75 sq. ft.	30%	22.5 sq. ft.
100 sq. ft.	30%	30 sq. ft.
125 sq. ft.	30%	37.5 sq. ft.
150 sq. ft.	30%	45 sq. ft.
175 sq. ft.	30%	52.5 sq. ft.
200 sq. ft.	30%	60 sq. ft.
225 sq. ft.	30%	67.5 sq. ft.
250 sq. ft.	30%	75.0 sq. ft.

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275 sq. ft.	30%	82.5 sq. ft.
300 sq. ft.	30%	90 sq. ft.
Above 300 sq. ft.		90 sq. ft.

In the case of a wall sign which advertises more than one business or tenant, the maximum permitted sign area shall be allocated between the businesses or tenants.

- b. Maximum height of a wall sign shall be the height of the wall to which the sign is attached, not to exceed 35 feet.
- c. One wall sign shall be permitted on each facade which has a separate public means of ingress and egress.

In the case of a building with more than one tenant, such as a shopping center or business center, one wall sign shall be permitted for the center itself and for each tenant that has its own separate door to the outside to provide public access.

- d. Tenants that occupy a corner space in a multi-tenant structure shall be permitted to have one sign on each facade of the building which has a separate direct pedestrian access to that office or business establishment from the outside. Where several tenants use a common entrance in a multi-tenant structure, only one wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
- e. Where separately owned businesses occupying a single building on a single parcel of land (such as a multi-tenant building, business center or shopping center) use individual wall signs, all such signs on the building or within the center shall be of a common style, e.g., individual freestanding letters shall be utilized with other signs composed of individual freestanding letters,
- f. Panel signs shall be prohibited, except that the planning commission may permit panel signs upon finding that other types of permitted signs would not be practical or feasible because of the shape, character or configuration of the building or site and/or because of the nature of the message being conveyed.

(3) *Projecting signs.* Instead of wall or marquee sign, a business may be permitted to have a projecting sign, subject to the following specifications:

- a. The maximum area of a projecting sign shall be 25 square feet on buildings located ten feet or less from the street setback line. The maximum area of a projecting sign shall be permitted to increase one square foot for each additional foot of setback greater than ten feet to a maximum area of 42 square feet.
- b. One projecting sign shall be permitted on each facade which has a separate public means of ingress and egress.
- c. Projecting signs shall be permitted only on zoning lots of 50 feet or more on the side on which the sign is to be mounted.
- d. Projecting signs shall extend no higher than the height of the wall to which the sign is attached and no higher than the window sill of second story windows. Eight feet, six inches of clearance is required beneath projecting signs.
- e. Signs must project at a ninety-degree angle to the building surface to which it is attached. Angular projection at the corner of a building is prohibited.
- f. Signs shall not project more than five feet over the property line and more than four feet from the face of the building or one-third of the sidewalk width, whichever is less.

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- g. Projecting signs shall be attached directly to a building through building mounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.
 - h. Projecting signs shall be spaced a minimum of 25 feet apart.
 - i. Projecting signs shall not be internally illuminated.
 - j. Projecting signs shall not contain changeable copy.
- (4) *Underhanging signs.* Where the roof structure of a building containing more than one business is extended over a walkway along the outer edge of the building, one pedestrian oriented underhanging sign may be permitted for each business in the building provided:
- a. All signs are of identical size, shape, lettering style, and color scheme.
 - b. All signs shall contain the name of the business only.
 - c. Maximum of six square feet.
- (5) *Awning, canopy and marquee signs.* Instead of a wall or projecting sign, a business may be permitted to have an awning, canopy or marquee sign, subject to the following specifications:
- a. Marquee signs may be permitted, subject to the following:
 - 1. Maximum area shall not exceed 50 percent of the signable area up to a maximum of 42 square feet. For this purpose, signable area shall be calculated as if the marquee did not exist.
 - 2. Placement—Marquee signs may be positioned in one of two ways as follows:
 - (i) The display surface of the sign shall be attached flat against, and not extending beyond, the vertical surface of the marquee structure.
 - (ii) Individual cut-out letters mounted on top of the marquee edge and parallel to it.
 - 3. Maximum height—No portion of a marquee sign shall be higher than the top of the marquee or the eave line of a building.
 - b. Awning and canopy signs. Awning and canopy signs may be permitted, subject to the following:
 - 1. The maximum area shall not exceed that which is permitted for a wall sign, based on using the vertical face of the awning or canopy for calculation of signable area.
 - 2. Placement. Awning and canopy signs shall be affixed or attached flat against a vertical surface of the awning or canopy, and shall not extend above, below or beyond the vertical surface of the awning or canopy.
 - 3. Maximum height. No portion of an awning or canopy sign shall be higher than the eave line of the building.
- (6) *Window signs.*
- a. A maximum of 20 percent of the glass surface of the window segment in which the sign is located may be used for window signs.
 - b. No such signs shall be permitted in windows above the first story.
 - c. No more than two temporary window signs shall be permitted.
- (7) *Flags.* Flags bearing the official design of a corporation or award flags subject to the following:

- a. Such corporation or award flags shall be displayed on flag poles only. Attachment to any other site fixture or feature shall be prohibited.
- b. A maximum of two such flags shall be permitted for each flag pole provided.
- c. The maximum number of flag poles permitted per individual business shall be determined in accordance with the following table:

Maximum Number of Flag Poles Permitted

Street Frontage in Feet	Maximum Number of Flag Poles Permitted
0—210	1
211—300	3
301 or greater	5

- d. Placement of flag poles shall be in a manner and location subject to the following requirements:
 1. The placement shall not impact adjacent properties, in particular, those of a residential nature.
 2. The height of flagpoles shall conform to the height restrictions of the ARC District for buildings and structures. A flagpole shall be deemed to a structure under all provisions of this article. Flagpoles shall comply with the setback requirements for structures.
 3. The placement shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic.
 4. The size, content, coloring or manner of illumination of said flags shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
 5. No flag shall be permitted to project into the road right-of-way at full extension of the flag.
 - e. Flag poles shall not be located on the roof of a building.
- (8) *Directional signs.* Directional signs intended to assist vehicular traffic flow subject to the following:
- a. On-premises directional signs.
 1. Directional signs shall not exceed two square feet per side, nor exceed two sides.
 2. Said signs may incorporate a corporation or business logo provided the main theme of the sign shall be to facilitate vehicular traffic flow.
 3. Placement shall be within the subject property; no such signs shall be permitted within the street setback area or right-of-way.
 4. The size, content, coloring, placement or manner of illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
 5. Directional ground signs shall not exceed a height of six feet and may be located one at each driveway entrance.
 6. No more than one directional wall sign may be located at each building entrance.
 - b. Off-premises directional signs.
 1. In order to encourage the clustering of businesses, and minimize strip commercial development in accordance with the community master plan, while still allowing necessary and reasonable identification of businesses, facilitating the orderly flow of traffic, and

avoiding unnecessary proliferation and excessive size of signs on major thoroughfares, off premises directional signs may be permitted on a limited basis.

2. Off-premises directional signs are permitted only upon review and approval of the planning commission, subject to compliance with the following conditions:

- (i) Approval of the sign would serve to further the purposes specified in section 78-169(e) above.
- (ii) The planning commission shall determine that the ARC zoned business has no frontage or access from a major thoroughfare; the premises of said business are within 1,200 feet of said thoroughfare; said business is not visible from a major thoroughfare, or is visible from a major thoroughfare but with no clear indication of how to access the business; and that adequate identification of the business and direction of traffic to the business would not be possible without an off-premises directional sign.
- (iii) No off-premises directional sign shall be permitted without a recorded easement or executed agreement that accomplishes all of the following:
 - (a) States that the owner of the parcel on which the sign is to be placed grants permission for the off-premises directional sign to be located on the parcel,
 - (b) Stipulates which parcel(s) are entitled to use of the off-premises directional sign, and
 - (c) Specifies how the sign is to be maintained and establishes a means to assure that maintenance runs with the life of the sign.
- (iv) Off-premises directional signs shall be located only on land zoned ARC and direct traffic to only land also zoned ARC.
- (v) Off-premises directional signs shall be permitted only at the intersection of the access road for the business and a major thoroughfare, and only one such sign permitted at each intersection. The business access road may be a public street, private road, or recorded access easement over which the general public has ingress/egress rights. Said sign shall be in reasonable proximity to the intersection to enable the sign to direct traffic to the site of the business being identified by the sign. If multiple businesses served by the same access road require the use of the same intersection for an off-premises business directional sign, the same sign shall be used.
- (vi) Off-premises directional signs shall be located entirely on private property and no closer than 30 feet from the centerline of the street, private road, or recorded access easement which provides access to the business. The sign shall be located a minimum of 60 feet from the centerline of the major thoroughfare. The sign location shall comply with all other setback and visibility requirements of the municipality.
- (vii) Off-premises directional signs shall be monument signs with the minimum dimensions necessary to accomplish the purpose of directing traffic; however, in no case shall the sign area and height exceed the following dimensions.

Planned No. of Users on Sign	Maximum Sign Area	Maximum Sign Height
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1	12 sq. ft.	4.5 ft.
2	24 sq. ft.	6 ft.
3 or more	36 sq. ft.	8 ft.

The base of an off-premises directional sign shall be excluded from the calculation of sign area for a distance of 30 inches above grade.

- (viii) Space shall be allocated on the sign to allow identification of all businesses which use the same access road to use the off-premises directional sign. A common font and no more than one uniform background color shall be used. The sign shall state only the name of the business(es) being identified. A directional arrow may also be included on the sign. The sign base shall be of brick or decorative masonry block.
 - (ix) The ground within (5) feet of the base of the off-premises directional sign shall be landscaped in low shrubbery, ground cover or flowers, and said landscaping shall be maintained in presentable condition.
 - (x) Off-premises directional signs may be illuminated provided the illumination creates no perceptible glare on private property at a distance greater than ten feet from the sign and on public streets and the access drive.
3. The off-premises directional sign shall be maintained in a sound and presentable condition. If a business that is identified on the off-premise directional sign ceases to exist at its location or changes its name, the appropriate deletion or change to the copy of the sign shall be made within 30 days of the change in the business.
 4. The existence of an off-premise directional sign shall not affect the permission of any other signage that is otherwise permitted by the municipality, including the following:
 - (i) Any other signage on the same parcel as the off-premises directional sign.
 - (ii) Any other signage on the same parcel as the business identified by the off-premises directional sign.
- (9) *Menu and/or order board.* Menu and/or order board for a drive-thru facility subject to the following:
- a. Said signs shall be located on the interior of the lot or parcel and shall not be readable from the exterior of the lot.
 - b. Said signs shall be intended to service the public utilizing the drive-thru facilities only.
 - c. The placement shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow in any manner.
 - d. The size, content, coloring or manner or illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
 - e. The volume on order boards shall be maintained at the minimum level necessary so that it is audible to users, so as to minimize extraneous noise traveling off the site.
- (10) *Institutional bulletin boards.* Institutional bulletin boards which comply with the standards for ground signs, herein.
- (11) *Political signs.* Political signs subject to the following:
- a. Political signs are permitted in any use district provided they do not exceed four square feet in area per side or four feet in height.

(12) *Real estate signs.* Real estate signs subject to the following:

a. *Temporary real estate signs.*

1. Such signs shall be limited to ground or wall signs only. One sign shall be permitted per parcel, regardless whether the property is represented by more than one real estate agency.
2. Maximum sign area shall not exceed 42 square feet.
3. Sign height shall not exceed four and one-half feet for a ground sign or eight feet for a wall sign.
4. Placement shall be wholly within the property boundaries to which the sign pertains.
5. The sign may be erected at the time the property is offered for sale and shall be removed within ten days of the sale or lease of the property.

b. *Permanent leasing signs.* Permanent leasing signs erected for a period of one year or longer shall be subject to the following:

1. If the permanent leasing sign is a ground sign, it shall be a monument sign and it shall be subject to the location, setback, and other applicable standards in section 78-170(e)(1).
2. If the permanent leasing sign is a wall sign, it shall be subject to the applicable standards in section 78-170(e)(2).
3. Permanent leasing signs shall comply with the maximum sign area and sign height requirements that apply to temporary real estate signs.
4. Such signs shall be maintained in good repair, and shall be replaced or renovated when weathered or worn.

(13) *Temporary construction signs.* Temporary construction signs subject to the following:

- a. Such signs shall be limited to ground or wall signs. One sign shall be permitted per street frontage.
- b. Total area of all temporary construction signs on a premises shall not exceed 32 square feet.
- c. Sign height shall not exceed four and one-half feet for a ground sign or eight feet for a wall sign.
- d. Placement shall be wholly within the property boundaries to which the sign pertains.
- e. The sign shall not be erected prior to issuance of a building permit for the proposed construction project and shall be removed upon issuance of a certificate of occupancy.

(14) *Banners.* Banners used to draw attention to vehicle dealerships are permitted, provided that there is a maximum of one banner on each pole, and provided that they have no written message or corporate identity. Each banner shall not exceed a maximum area of 20 square feet.

(f) *Permit required; permit exemptions.* Except as noted in this sub-section, all signs shall require a permit prior to installation. The following signs shall be permitted without obtaining a sign permit:

- (1) *Street address signs (required).* For purposes of identification by emergency personnel (fire, police, EMS) all businesses, offices, and industrial buildings shall prominently display their street address on the front side (facing the street) of their building or upon freestanding signs or building entranceways. All street addresses shall be in Arabic numerals, each numeral shall be large enough to be easily read from the street, but in no event smaller than four inches high by two and one-half inches wide, except for numeral one which shall have a width in proportion to its height. Street address signs shall not exceed three square feet in area. All numerals shall contrast with the surface they are applied to (light

numerals on dark surfaces, dark numerals on light surfaces) shall be mounted high enough to be seen from the street, and shall not be obstructed from view by trees, shrubs or any other material. If the business cannot be seen from the street, an additional street address sign shall be displayed in an area where it can be seen from the street. Street address signs shall not be counted in the maximum sign area or maximum number of signs allowed on a parcel.

- (2) Name plates identifying the occupant or address of a parcel of land not exceeding two square feet in area.
 - (3) Window signs not exceeding two square feet in area indicating the hours of operation for a business, and whether a business is open or closed.
 - (4) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
 - (5) For sale signs attached to vehicles.
 - (6) Flags bearing the official design of a nation, state, municipality, educational institution or non-profit organization.
 - (7) Traffic safety and control signs erected by or on behalf of a governmental body, or other municipal signs such as the following: legal notices, railroad crossing, danger and other emergency notices as may be approved by the municipality.
 - (8) Community special event signs including municipal streetscape banners approved by the municipality.
 - (9) Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices published in accord with Section 508 of Public Acts 300 or 1949, as amended.
 - (10) Park and playground signs.
 - (11) Political signs, subject to the requirements in section 78-170(e)(11).
 - (12) Temporary real estate signs.
 - (13) Any sign required by the municipality to be posted.
 - (14) Community entrance and streetscape signs erected by the municipality.
- (g) *Nonconforming signs.*
- (1) Any sign lawfully existing at the time of the adoption of this amendment which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community.
 - (2) Continuance: Nonconforming signs shall not:
 - a. Be expanded or changed to another nonconforming sign;
 - b. Be relocated, or altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the signs structural or basic parts;
 - c. Be enhanced with any new feature including the addition of illumination;
 - d. Be repaired, except if such repair brings the sign into conformance with this ordinance, if such repair involves any of the following:
 1. Expense which exceeds 50 percent of the sign's appraised value as determined by the designated municipal official;
 2. Necessitates the replacement of both the sign frame and sign panels;

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- 3. Replacement of the signs primary support pole(s) or other support structure;
 - 4. For signs without framework for sign panels, requires replacement of the sign panels;
 - e. Be replaced;
 - f. Be re-established after the activity, business, or use to which it related has been discontinued for 90 days or longer.
- (3) Permitted modification. The following modifications may be permitted:
- a. A change solely in the wording of the copy; and
 - b. Routine repair to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this amendment.
- (4) Elimination of nonconforming signs. The municipality may acquire by purchase, condemnation, or by other means any nonconforming sign which it deems necessary to preserve the health, safety, and welfare of the community's residents.
- (h) *Modification to sign requirements.* In consideration of the overall site and building design, the planning commission may modify the specific sign requirements outlined herein, provided that any such adjustment is in keeping with the intent of this section and the article in general. In determining whether a modification is appropriate, the planning commission shall consider the following:
- (1) Topographic features or other unique features of the site that create conditions under which strict application of the sign regulations would be impractical or infeasible.
 - (2) Vehicular circulation, site access, and motorist visibility as related to sign placement and traffic safety.
 - (3) Impact of proposed modifications on surrounding properties.
 - (4) The extent to which the public benefit intended by the sign regulations could be better achieved with a sign that varies from the requirements specified herein.
- (i) *Variances.* The zoning board of Appeals (ZBA) shall have authority to vary the restrictions relating to the ARC District upon finding that practical difficulties exist and that the strict application of this article would place the applicant at a substantial and significant disadvantage with respect to other signs controlled by the article. Comparisons to existing nonconforming signs shall not be considered by the ZBA.
- (j) *Non-commercial message permitted.* Anything in this chapter to the contrary notwithstanding, a sign structure permitted in this chapter as an on-premise advertising sign or an off-premises advertising sign may contain a non-commercial message.

(Ord. of 6-7-04; Ord. No. 2008-03, §§ 2, 3, 8-4-08)

Sec. 78-170. Amendments.

- (a) *Purpose.* The purpose of this section is to provide for coordination by which the city and the township may amend the text and/or district boundaries of the ARC, Ann Arbor Road Corridor District. Amendments which would affect the continuity of the boundaries, or uniformity of the district's regulations by creating differences between the city and township lands, are contrary to the intent of the ARC District.
- (b) *Amendment requirements.* The township board or the city commission may, from time to time, on recommendation from its respective planning commission, on its own initiative or on petition, amend, supplement, modify or change the district boundaries or regulations herein, pursuant to the authority of its respective enabling legislation (Michigan P.A. 184 of 1943, as amended, or Michigan P.A. 207 of 1921, as amended). Amendments to the text of the ARC District and amendments which would remove land from the

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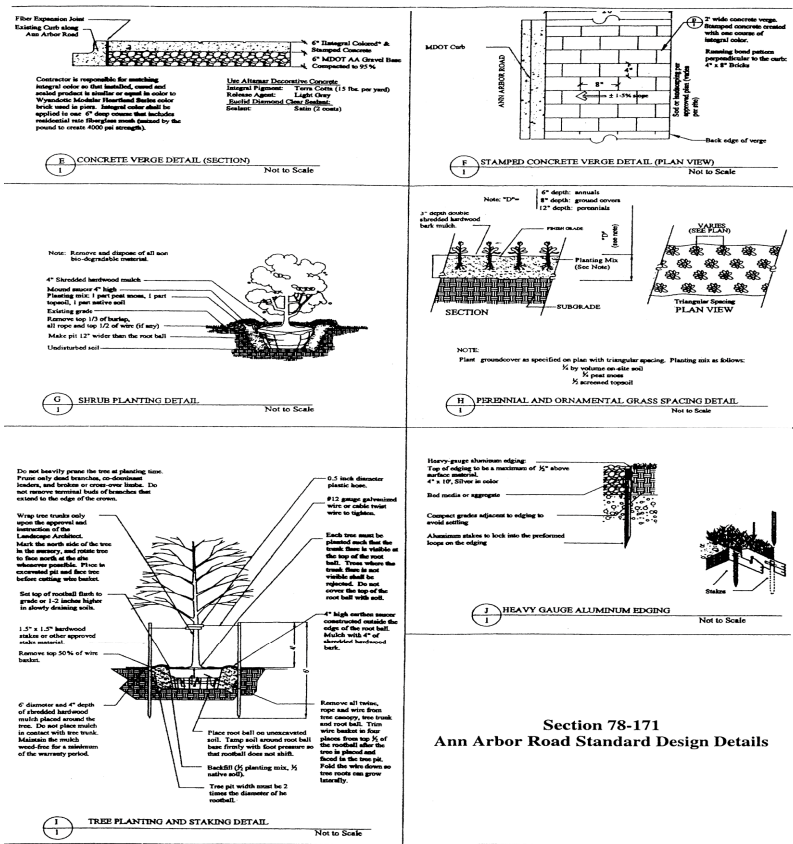
(Supp. No. 67)

ARC District shall require approval of both the City Commission and Township Board. Amendments which would add land to the ARC District shall require approval from only the municipality having jurisdiction over that land.

(Ord. of 6-7-04)

Sec. 78-171. Ann Arbor Road standard design details.

Ann Arbor Road standard design details (1)



Ann Arbor Road standard design details (2)

Secs. 78-172—78-179. Reserved.

(Supp. No. 67)

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ARTICLE XVI. MU MIXED USE DISTRICT

Sec. 78-180. Intent.

The MU - Mixed Use District is designed to include a mixture of residential, office and low intensity commercial uses. The MU district is to be limited to the Old Village Section of the city, where over the years a combination of land uses has developed. Industrial uses are not considered compatible within the MU district.

(Ord. of 10-6-03)

Sec. 78-181. Principal uses permitted.

- (a) In the mixed use district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:
- (1) One-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Home occupation, subject to the following:
 - a. No home occupation shall be permitted that:
 1. Changes the outside appearance of the dwelling and/or property.
 2. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance.
 3. Results in outside storage or display of anything including signs except for nameplate as may otherwise be allowed herein.
 4. Requires the employment of anyone in the home other than the dwelling occupant.
 5. Requires exterior building alterations to accommodate the occupation.
 6. Occupies more than 25 percent of the floor area of the dwelling or utilizes a garage or other accessory building.
 7. Requires parking for customers that cannot be accommodated on the existing driveway and/or not exceeding one parking space at curbside on the street.
 8. Requires the delivery of goods or the visit of customers before 7:00 a.m. or after 8:00 p.m.
 - b. The following are permitted home occupations provided they do not violate any of the provisions of subsection (3)a of this section:
 1. Dressmaking, sewing and tailoring.
 2. Painting, sculpturing, writing or photography.
 3. Telephone answering.
 4. Home crafts, such as model making, rug weaving and lapidary work.
 5. Teaching or music lessons limited to four students at a time.

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6. Computer operations.
 7. Salesperson's office or home office of a professional person.
 8. Laundering and ironing.
 9. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.
 10. Day care home (family).
- c. The following are prohibited as home occupations:
1. Barbershops and beauty parlors.
 2. Dance studios.
 3. Private clubs.
 4. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
 5. Restaurants.
 6. Stables or kennels.
 7. Tourist homes.
 8. Automobile repair or paint shops.
- d. Any proposed home occupation that is neither specifically permitted by subsection (3)b of this section nor specifically prohibited by subsection (3)c of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in subsection (3)a of this section and under the procedures specified in section 78-281.
- e. Home occupation permits shall be limited to the applicant who legally resides in the residence.
- (4) ~~Churches~~ Religious institutions and other facilities normally incidental thereto subject to the following conditions:
- a. Buildings of greater than the maximum height allowed in Article XVII of this chapter may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed and in no instance shall a principal building be set back less than 15 feet from abutting properties zoned for residential use.
 - b. Non-profit day care centers may be located in a ~~church~~ religious institution building as an accessory use to a ~~church~~ religious institution.
- (5) Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit.
- (6) Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- (7) Uses and buildings of the city (without storage yards).
- (8) Day care home (group) for children subject to the following conditions:
- a. Such facility shall have received a state license to operate prior to seeking a special use permit under this chapter.

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- b. Not less than 400 square feet of outdoor play area per child shall be provided on the site. The play area shall not occupy a front yard.
 - c. Screening and fencing of outdoor play area shall be provided as required by the planning commission.
 - d. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.
- (9) Day care homes for adults subject to the following conditions:
- a. Not more than six persons other than the full-time occupants of the dwelling may be cared for in any one dwelling.
 - b. No overnight accommodations shall be provided.
 - c. Such facility shall not provide nursing or medical care.
 - d. Parking shall be provided to allow direct drop-off and pick-up of adults without such adults having to cross public streets.
 - e. Fencing of yards utilized for recreation or outdoor activities shall be provided.
- (10) Private non-commercial recreational areas, institutional or community recreation centers, and non-profit swimming pool clubs, all subject to the following conditions:
- a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
 - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.
 - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
 - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
 - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.

(11) Bed and breakfast operations shall be located only on major or collector thoroughfares as designated in the city's master plan and shall further be subject to city licensing provisions. Bed and breakfast operations shall further be subject to the following:

- a. Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
- b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
- c. Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- d. The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
- e. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
- f. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
- g. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
- h. An approved fire extinguisher in the common hallway accessible to all occupants.
- i. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
- j. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.
- k. One unlighted wall sign not exceeding six square feet in area may be provided. Such wall sign shall not be an awning, changeable copy or channel letter sign. Bed and breakfast operations shall not be permitted freestanding signs.
- l. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.
- m. Such bed and breakfast dwelling shall not be located within two 200 feet as measured from the nearest property lines of another such facility.

(12) Accessory buildings and uses customarily incident to any of the above permitted uses.

(b) *Required conditions.* All dwelling units shall be reviewed by the building official subject to the following conditions:

- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.

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- (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
 - (7) Any such dwelling shall be anchored by an anchoring system approved by the city.
 - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of subsection 78-181(b). The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

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

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

- (a) The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:
 - (1) Multiple-family dwellings.
 - (2) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
 - (3) Medical office or dental office, including clinics.

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- (4) Facilities for human care such as convalescent homes.
 - (5) Banks, credit unions, savings and loan associations, including drive-through facilities, and similar uses.
 - (6) Private clubs and lodge halls.
 - (7) Off-street parking lots.
 - (8) Business schools or private schools operated for profit.
 - (9) Clinics and veterinary facilities provided there are no outdoor animal runs or other outdoor facilities for animals.
 - (10) Meeting halls and related services.
 - (11) Other uses similar to the above uses.
 - (12) Accessory structures and uses customarily incident to the above permitted uses.
 - (13) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
 - (14) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops, banks and savings and loan offices. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five persons shall be employed at any time in the fabrication, repair and other processing of goods.
 - (15) Restaurants, or other places serving food, except those having the character of a drive-in.
 - (16) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
 - (17) Other uses similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. ~~All goods produced on the premises shall be sold at retail on the premises where produced.~~
 - b. All business, servicing or processing except off-street parking or loading, shall be conducted within completely enclosed buildings.
 - (18) Accessory ~~structures, uses and signs~~ customarily incidental to the above permitted uses and subject to all requirements of this chapter.

(Ord. of 10-6-03)

Sec. 78-183. Required conditions.

- (a) In the case of multiple dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit. Approval shall be contingent upon a finding that:
 - (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and

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- (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property. These effects include, but are not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.
- (b) All dwelling units shall be reviewed by the building official and shall be subject to the following conditions:
- (1) Dwelling units shall conform to all applicable city codes and ordinances and state or federal requirements with respect to the construction of the dwelling.
 - (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - (7) Any such dwelling unit shall be anchored by an anchoring system approved by the city.
 - (8) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (1), (2) and (3) of this subsection. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.
- (c) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25 percent of the usable floor area of either the first or second story, or in the basement.
- (d) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

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- (e) Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.
 - (f) Since this mixed use district is for the convenience shopping of persons residing in adjacent residential areas, permitted uses shall not include business in the character of a drive-in or open-front store.
- (Ord. of 10-6-03; Ord. No. 2012-04, § 8, 11-5-12)

Secs. 78-184—78-189. Reserved.

ARTICLE XVII. SCHEDULE OF REGULATIONS

Sec. 78-190. Limiting height, bulk, density and area by zoning district.

The following table indicates the height, bulk, density and area limitations by zoning district:

Zoning District	Minimum Size Lot Per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (sq. ft.)	Maximum % Lot Area Covered By All Buildings	Maximum Floor Area Ratio	Minimum Landscape Area % of Lot	
	Area in sq. ft.		Width	In stories	In feet	Front	Sides		Rear				
							Least one	Total of two					
R-1 One-Family Residential	7,200	60	2	25 (b)	25 (m, o)	6 (a)	12	35		950	35 (v)	.40	35 (x)
RT-1 Two-Family Residential	3,500	30	2	25 (b)	25 (m, o)	10 (a)	20	35		780	30 (v)	.40 (w)	35 (x)
RM-1 Multi-Family Residential	(c, l)	—	2	25 (b)	25 (d)	10 (d)	20 (d)	35 (d)		—	—	.40 (w)	35 (x)
RM-2 Multi-Family Residential	(c, l)	—	4	—	25 (d)	10 (d, e)	20 (d, e)	35 (d)		—	—	.40 (w)	35 (x)
O-1 Office	—	—	2	30	20 (o)	(f)	(f)	20 (g, j)		—	—	—	—
O-2 Office	15,000	75	3	45	50 (o)	(f)	(f)	20 (g, j)		—	—	—	—
B-1 Local Business	—	—	2	25	10	(f)	(f)	35 (g, j)		—	—	—	35 (x)
B-2 Central Business	—	—	3	40 (n)	—	(f)	(j)	(j)		—	—	—	—
B-3 General Business	—	—	2	30	—	(f)	(f)	10 (g, j)		—	—	—	—
ARC Ann Arbor Road Corridor	-	-	2	30 (p)	10 (q)	10 (r, s, t)	20 (s)	20		—	—	—	—
ARC Ann Arbor Road Corridor [78-161(c)(24)] (applicable to Plymouth Township)	—	—	—	35	50	20 (y)	40	20		—	—	—	—
MU—Mixed Use	3,500 (c, l)	30	2	25 (b)	15 (o)	10 (f)	20 (f)	35 (g, j)		—	35	.40 (w)	35 (x)
I-1 Light Industry	—	—	—	45	25 (h)	10 (i, k)	20 (i, k)	10 (i, k)		—	—	—	—
I-2 Heavy Industry	—	—	—	60	50 (h)	20 (i, k)	40 (i, k)	20 (i, k)		—	—	—	—

(Ord. of 10-6-03; Ord. No. 2012-04, § 9, 11-5-12; Ord. No. 2015-04, § 4, 7-6-15; Ord. No. 2017-01, § 2, 1-3-17; Ord. No. 23-01, 1-17-23)

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(Supp. No. 67)

Sec. 78-191. Notes to schedule.

- (a) The side yard abutting upon a street shall not be less than eight feet for R-1 districts or 12 feet for RT-1 districts when there is a common rear yard. In case of a rear yard abutting a side yard of an adjacent lot, the side abutting a street shall not be less than the required front yard of that district.
- (b) The height of any main building may exceed the maximum permitted height by one foot for each additional one foot by which the width of each yard exceeds the minimum yard requirement with a maximum height not to exceed five feet above the maximum height permitted.

The building height of a single-family home in the R-1 zoning district shall be limited to 25 feet or as otherwise permitted in this section. Loft areas or finished attics in the R-1 district, which have a floor area of less than $\frac{1}{4}$ of the floor area of the floor below, shall also be restricted to a total building height of 25 feet and shall be required to have a minimum side yard of 12 feet and a minimum lot width of 60 feet.

- (c) The total number of rooms in a multiple dwelling structure of two stories or less shall not be more than the area of the parcel, in square feet, divided by 1,300. The total number of rooms in a multiple dwelling of over two stories but not exceeding four stories shall not be more than the area of the parcel, in square feet, divided by 900. Not more than ten percent of the units on any given parcel may be of an efficiency apartment type. For the purpose of computing rooms, the following shall control:

Efficiency apartment unit	=	1 room
One-bedroom unit	=	2 rooms
Two-bedroom unit	=	3 rooms
Three-bedroom unit	=	4 rooms
Four-bedroom unit	=	5 rooms

Plans presented showing one-, two-, or three-bedroom units and including a den, library, or other extra room shall count such extra rooms as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bordering streets.

- (d) In RM districts the minimum front and rear yards shall be equal to the height of the building, except that where a front lot line abuts a street, $\frac{1}{2}$ the width of the right-of-way of such street may be considered as front yard setback, but in no instance shall any front or rear yard setback be less than 25 feet.
- (1) In all RM-1 and RM-2, Multiple-Family Residence Districts, the minimum amount of usable open space or recreation area per dwelling unit (exclusive of a required front yard, parking areas or driveways) shall be equal to 150 square feet of lot area per bedroom.
- (2) If more than one building shall be constructed on the same site the following requirements shall also apply. Minimum distance between buildings shall be:
- Seventy feet when front to rear.
 - Seventy feet when front to front.
 - Seventy feet when rear to rear.
 - Twenty-five feet end to end.
 - Fifty feet end to front.
 - Fifty feet end to rear.

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- (e) For each story in excess of two stories, a side yard of 2½ feet for each additional story shall be provided, in addition to the minimum ten foot requirement. The distance between buildings on the same lot shall be regulated by the building distance formula specified in subsection (d) of this section.
 - (f) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side or residential street. If walls of structures facing interior lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. The setback shall be measured from the nearest side of the existing and/or proposed right-of-way lines, whichever is greater.
 - (g) One-half the width of alleys at the rear of the lot may be considered in computing rear yard setbacks.
 - (h) Parking shall be permitted in a required front yard.
 - (i) An obscuring screen shall be provided in accordance with the provisions of section 78-206. The greenbelt planting plan shall be reviewed and approved in conformity with section 78-203.
 - (j) Off-street loading space shall be provided in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of section 78-273. This provision shall not apply in the CBD district as defined and encompassed by Wing, Harvey, Church, Deer and Union Streets. In those instances where properties abut an alley such alley may be substituted for off-street loading requirements in business districts. In office districts off-street loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.
 - (k) For side or rear yards which border on a residential district, there shall be provided a setback of not less than 20 feet in the I-1, light industrial district and 40 feet in the I-2, heavy industrial district. The side yard requirement on an interior side yard abutting an industrial district may be waived by the planning commission providing that the combined total side yard requirement of 20 feet in the I-1 district and 40 feet in the I-2 district is located on the other side and provided further that the planning commission finds that such a building location on the lot line shall not adversely affect existing and/or potential development patterns in the area and that the building location and construction are acceptable to the city building and fire departments.
 - (l) A minimum lot size of not less than 10,000 square feet shall be provided for any multiple dwelling sites.
 - (m) Parking shall not be allowed in a front yard setback area other than in the driveway.
 - (n) Per the overlay district map for the central business district, building heights are limited to 40 or 50 feet for specified areas of the downtown.
 - (o) The established front setbacks for structures within established R-1, RT-1, MU, O-1 and O-2 zoning districts shall be at least 90 percent of the average front yard setback of surrounding buildings. The average setback and front building line shall be determined by examining existing buildings located on the same side of the street and within 200 feet of the subject parcel. If the resulting setback is less than 15 feet, then the allowed setback shall be no less than the allowed setback average. For a single family residential project that meets the "front porch exception" standards listed in 78-43(11) or (12), or 78-53(11) or (12), the average front setback shall be calculated using the front wall of the surrounding dwellings rather than the edge of any existing porches. In any case, the minimum average front yard setback for an incentive porch shall not be less than fifteen (15) feet. The building official may exclude structures used in calculating average front setbacks when the structure deviates by more than 25 feet forward or back from the average setbacks of other structures found within 200 feet.
 - (p) The planning commission shall have the authority to approve an increase in building height up to a maximum of 38 feet, provided that the building does not exceed two stories and conforms with one of the following criteria:

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- (1) The additional height is necessary to achieve two stories due to the particular nature and functions of the approved use.
 - (2) The additional height is necessary to accommodate architectural features that enhance the character of the building and the district.
- (q) When parking is furnished between the building and the street, a front yard of not less than 75 feet shall be provided.
 - (r) When a side yard is adjacent to a residential use, a side yard of not less than 20 feet shall be provided.
 - (s) Side yards are not required along an interior side parcel line, where all walls of building s abutting such interior side parcel line are wholly without or other openings and are of fireproof construction, but if the side wall is not of fireproof construction, a side yard of not less than ten feet shall be provided. When an interior business parcel abuts a residential parcel, a side yard of not less than 20 feet shall be required in addition to the required screening and land use buffer.
 - (t) When parking is furnished in the side yard on the street side of a corner parcel, a side yard of not less than seven feet shall be provided.
 - (u) When such a use is adjacent to a residential district and not separated there from by a street, a side yard and/or a rear yard of not less that 75 feet shall be provided.
 - (v) For projects that meet the standards listed in section 78-43(11) or (12), or section 78-53(11) or (12) and construct an eligible front porch, the area of the eligible front porch located in the front yard setback shall be excluded from the lot coverage calculation.
 - (w) Floor area ratio (FAR) shall be applied to single-family and two-family residential buildings only. For two-family buildings, the total building floor area, as defined, shall be used to calculate the total FAR for the lot. For mixed use projects, FAR shall apply to single-family and two-family residential buildings only.
 - (x) Landscape area shall be required only for single-family residential buildings in all zoning districts that they are located. A minimum of 60 percent of the front yard shall be landscape area. Up to five percent of the total landscape area may be permeable pavement.
- (Ord. of 10-6-03; Ord. No. 2014-05, § 3, 6-2-14; Ord. No. 2015-04, § 5, 7-6-15; Ord. No. 16-02, § 2, 7-18-16; Ord. No. 2017-01, § 2, 1-3-17; Ord. No. 23-01, 1-17-23)

Secs. 78-192—78-199. Reserved

ARTICLE XVIII. MISCELLANEOUS PROVISIONS

Sec. 78-200. Conflicting regulations.

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

(Ord. of 10-6-03)

Sec. 78-201. Scope.

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

(Ord. of 10-6-03)

Sec. 78-202. Performance standards.

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

(1) *Smoke.*

- a. *Density.* It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart.
- b. *Exception.* Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any 30 minutes shall be permitted.
- c. *Method of measurement.* For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with Ringlemann's Chart.
- d. Emission from fireplaces used for non-commercial or purpose shall be exempt.

(2) *Dust, dirt and fly ash.*

- a. *Quantity.* No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit or as regulated ~~the Michigan Department of Environmental Quality MDEQ~~ [Environmental Quality MDEQ Environment, Great Lakes, and Energy EGLE](#).
- b. *Method of Measurement.* For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- (3) *Open storage.* The open storage of any industrial equipment, vehicles and all materials including wastes, shall be provided with an obscuring screen in accordance with the provisions of section 78-296. The extent of such obscuring screen may be determined by the planning commission depending upon the nature of the material to be stored.

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(Supp. No. 67)

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- (4) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) *Fire and explosive hazards.*
- a. In the I-1 and I-2 districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with the performance standards in subsections (1) through (4) of this section.
 - b. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards in subsections (1) through (4) of this section, and providing that the following conditions are met:
 1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code of the city.
 2. All such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
 3. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations as established by Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended.
- (6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled in accordance with the City of Plymouth Noise Ordinance.
- (7) *Odor emissions.* No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured in excess of the following limits:
- a. For areas used predominately for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
 - b. In all other land-use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air.
 - c. When the source is a manufacturing process, no violation of (7)a., and b., herein shall be cited by the city, provided that the best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and, where applicable, in determining the best practical control methods, the city shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.
 - d. For all areas, it is a violation when odors are detected after the odorous air has been diluted with 127 or more volumes of odor-free air, in which case provisions of (7)c. herein shall not be applicable.
- (8) *Wastes.*

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- a. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.
 - b. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.
 - c. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 ppm; no fluorides shall be in excess of ten ppm; and shall contain no more than five ppm of hydrogen sulphide and shall contain not more than ten ppm of sulphur dioxide and nitrates; and shall contain no more than 25 ppm of chromates.
 - d. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a number eight standard sieve or have a dimension greater than ½ inch.
 - e. Wastes shall not have chlorine demand greater than 15 ppm.
 - f. Wastes shall not contain phenols in excess of 0.05 ppm.
 - g. Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(Ord. of 10-6-03)

Sec. 78-203. Plant material and landscaping requirements.

Whenever in this chapter a greenbelt or planting is required, it shall be planted to completion within three months, and no later than November 30, from the date of issuance of a certificate of occupancy if such certificate is issued during the April 1 to September 30 period; if the certificate is issued during the October 1 to March 31 period, the planting shall be completed no later than the ensuing May 31; plantings shall thereafter be reasonably maintained, including permanence and health of plant materials, to provide a screen to abutting properties and including the absence of weeds and refuse. Spacing, as required by this Section, shall be provided in any greenbelt or planting. A permanent certificate of occupancy shall only be issued after inspection and approval of such planting by the city.

(1) *Plant material spacing and size.*

- a. Plant material shall not be located within four feet of the property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered.
- c. Evergreen trees shall not be less than seven feet in height. When planted informally, they shall be spaced not more than 20 feet on centers. When planted in rows, they shall be spaced not more than 12 feet on centers.
- d. Narrow evergreen trees shall not be less than five feet in height. When planted informally, they shall be spaced not more than 20 feet on centers. When planted in rows, they shall be spaced not more than 12 feet on centers.
- e. Large shrubs shall not be less than 30 inches in height. When planted informally, they shall be spaced not more than six feet on centers. When planted in rows, they shall not be more than four feet on centers.
- f. Small shrubs shall not be less than 30 inches in spread. They shall be planted not more than four feet on centers.

- g. Large deciduous trees shall not be less than 2½ inches in caliper. When placed informally, they shall be planted not more than 30 feet on centers.
- h. Small deciduous trees shall not be less than 1½ inches in caliper. When planted informally, they shall be spaced not more than 15 feet on centers.

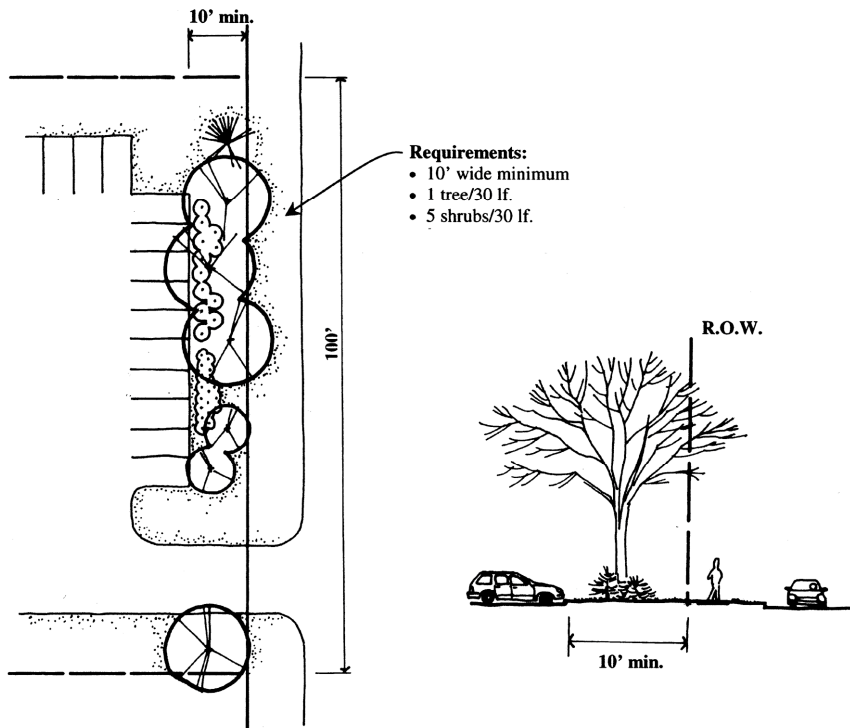
- (2) *Mixture of materials.* A mixture of plant materials (evergreen and deciduous trees and shrubs) is required in all landscape plans as a protective measure against disease and insect infestation. Plant materials used together informally shall meet the on-center minimum spacing requirements:

Minimum Recommended Distances Between Plant Materials

Plant Material Types	Evergreen Trees (Feet)	Narrow Evergreen Trees (Feet)	Large Deciduous Trees (Feet)	Small Deciduous Trees (Feet)	Large Shrubs (Feet)	Small Shrubs (Feet)
Evergreen Trees	Min. 10	Min. 12	Min. 20	Min. 12	Min. 6	Min. 5
Narrow Evergreen Trees	Min. 12	Min. 5	Min. 15	Min. 10	Min. 5	Min. 4
Large Deciduous Trees	Min. 20	Min. 15	Min. 20	Min. 15	Min. 5	Min. 3
Small Deciduous Trees	Min. 12	Min. 10	Min. 15	Min. 8	Min. 6	Min. 3
Large Shrubs	Min. 6	Min. 5	Min. 5	Min. 6	Min. 4 Max. 6	Min. 5
Small Shrubs	Min. 5	Min. 4	Min. 3	Min. 3	Min. 5	Min. 3

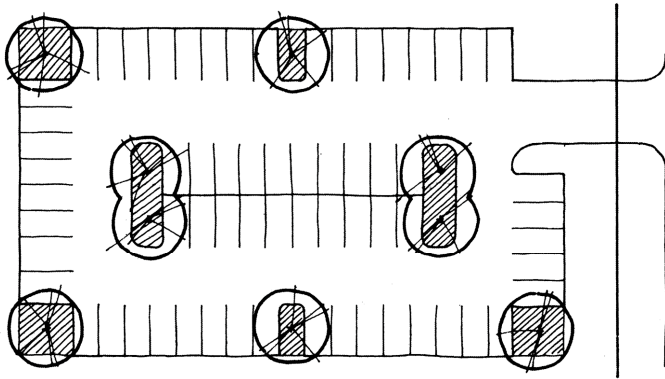
- (3) *Parking lot landscaping and screening.*
- a. Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and the right-of-way:
 1. A landscaped strip at least ten feet in width or wider as may be required.
 2. One tree for every 30 feet or fraction thereof of street frontage of the parking lot.
 3. Five shrubs for every 30 feet or fraction thereof of street frontage of the parking lot.

Parking Lot Screening from Roadway



Parking Lot Screening From Roadway

- b. Parking lots of greater than 5,000 square feet shall meet the following landscaping requirements for the interior of the parking lot:
1. Within the interior of the parking lot there shall be one square foot of landscaped area for each 15 square feet of the parking lot. Greenbelt areas, buffers or landscape strips required in other sections of this chapter shall not be counted towards the requirement of interior parking lot landscaping.
 2. Each interior landscaped area shall have at least 150 square feet.
 3. The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot. Parking lot islands shall be a minimum width of six feet in any direction.
 4. There shall be at least one deciduous tree for each 300 square feet or fraction thereof of interior landscaped area. Each individual landscaped area shall contain at least one tree.



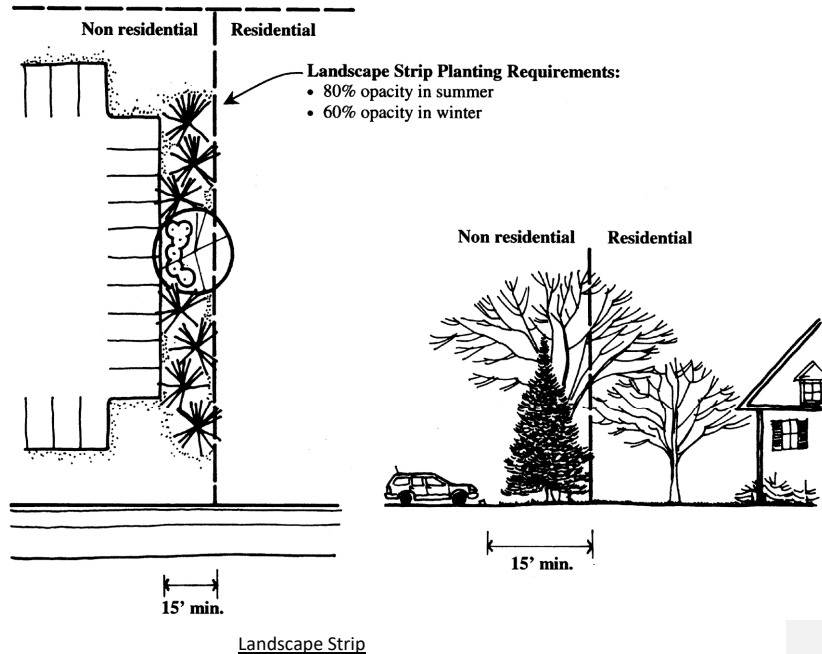
Requirements:

- 1 sq. ft. landscaped area/15 sq. ft. of parking lot
- 150 sq. ft. minimum size landscaped area
- 1 tree/300 sq. ft. landscaped area

Interior Parking Lot Landscaping

- c. Parking lots of greater than 5,000 square feet, but less than 10,000 square feet, shall have interior landscaping located within the lot or around its perimeter. Perimeter landscaping shall follow the requirements of section 78-203 and walls required in section 78-206 may be replaced by suitable screening or landscaping.
- d. A parking lot of an office, commercial or industrial use adjacent to a public park facility or land principally used or zoned for residential purposes shall have a landscape strip at least 15 feet

wide between it and all areas of such park or residential land, as required in section 78-206.



(4) *Landscape planting plan review and field inspection.*

- Whenever in this chapter plantings are required, a plan for planting and landscaping shall be provided showing materials, their location, spacing, size and number as required by this section and other sections of this chapter.
- In developments providing open space such as multiple housing developments, open space subdivisions, and cluster housing developments, a plan for landscaping shall include the development proposals for the open space as well as proposals for planting.
- Final landscaping and planting plans shall be submitted for review by the city within 60 days of the date of approval of the site plan for the proposed development. A building permit will not be issued until landscaping and planting plans are approved.
- Review fees for landscaping and planting plans shall be charged to the applicant in accord with fees established from time to time by resolution of the city commission.

(5) *Suggested plant materials.*

- Evergreen trees:*
Pine (white)
Douglas fir
Fir

Hemlock
Spruce

b. *Narrow evergreens:*

Red cedar
Arborvitae
Junipers

c. *Large deciduous trees:*

Zelkova
Sycamore
Tuliptree
Kentucky coffeetree
Blackgum
Oaks
Ginkgo (male)
Birch
Linden
Beech
Honey locust (seedless & thornless)

d. *Small deciduous trees:*

Hornbeam
Hawthorn
Magnolia
Mountain ash
Redbud
Flowering dogwood
Flowering crabapples (disease resistant varieties)

e. *Large shrubs:*

1. Deciduous:

Lilac
Forsythia
Staghorn sumac
Pyracantha
Flowering quince
Sargent crabapple
Dogwood (silky, red osier, grey)
Cotoneaster (Pekin, spreading)
Common witchhazel
Blackhaw viburnum
Highbush cranberry
American elderberry

2. Evergreen:

Irish yew
Hicks yew
Mugo pine

Pfitzer juniper
Savin juniper

f. *Medium to small shrubs:*

1. Deciduous:

Fragrant sumac
Japanese quince
Potentilla
Cotoneaster (cranberry, rockspray)
Red chokeberry
Michigan holly
Common ninebark
Arrowwood viburnum
New Jersey tea
Buttonbush

2. Evergreen:

Dwarf mugo pine
Big leaf winter creeper
Arborvitae
Low spreading junipers (Andora, Hughes, tamarack, etc.)
Spreading Yews (dense, Brown's, Ward, etc.)

g. *Trees not permitted:*

Box elder
Ash trees
Willows
Maples
Poplars
Siberian elms
Tree of heaven
Russian olive

- (6) *Right-of-way landscaping requirements.* The right-of-way adjacent to residentially used properties shall be landscaped with live plant material such as turf grass, ground cover, trees, vines, flowers, and other live plant material. Exceptions are made for sidewalks, approaches to crosswalks, and approaches to driveways.

(Ord. of 10-6-03; Ord. No. 23-01, 1-17-23)

Sec. 78-204. Exterior lighting.

(a) *Residential lighting standards.*

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

(b) *Non-residential lighting standards.*

- (1) *Time period.* Required lighting shall be turned off daily from ½ hour before sunrise to ½ hour after sunset.

(2) *Permitted lighting.* Only non-glare, color-corrected lighting shall be permitted. In commercial and industrial districts, full cutoff shades are required for light sources higher than 15 feet so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(3) *Intensity.*

a. Site lighting. Lighting for uses adjacent to residential properties shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot-candle over the entire area, measured five feet above the surface.

b. Parking lots. Parking lot illumination levels shall conform to the following standards:

1. For residential uses, [churches religious institutions](#), schools and child care facilities, all parking lots must be illuminated at levels of at least 0.4 but not exceed 0.6 foot-candles.
2. For non-residential uses, illumination levels shall be a function of the size of the parking lot:

Size	Minimum Illumination
Small (5—10 spaces)	0.4
Medium (11—99 spaces)	0.6
Large (100+ spaces)	0.9

(4) *Height.* Except as noted below, lighting fixtures shall not exceed a height of 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven feet above ground level (See attached diagram). The planning commission may modify these height standards in the commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of the surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located. More specifically, in industrial districts the height of lighting fixtures may be equal to the height of the principal building on the site on which the lighting is located, provided that such lighting does not exceed 30 feet and is located at least 200 feet from any residential district.

(5) *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in the adopted sign ordinance, article XIX.

(6) *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provisions.

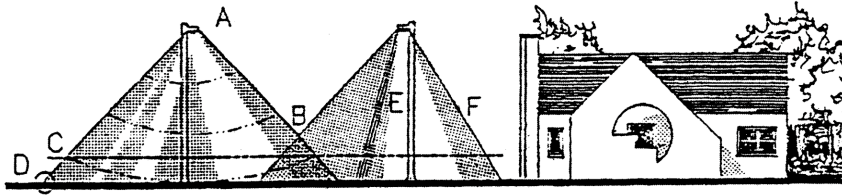


Diagram Notes

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

(Ord. of 10-6-03)

Sec. 78-205. Residential entranceway.

In all residential districts, entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 78-207, provided that such entranceway structures shall comply with all codes of the city, and shall be approved by the building department and a permit issued.

(Ord. of 10-6-03)

Sec. 78-206. Walls and berms.

- (a) For the use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, a screening wall, fence, landscaped berm or landscape strip as required below. The height of the fence, wall, or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

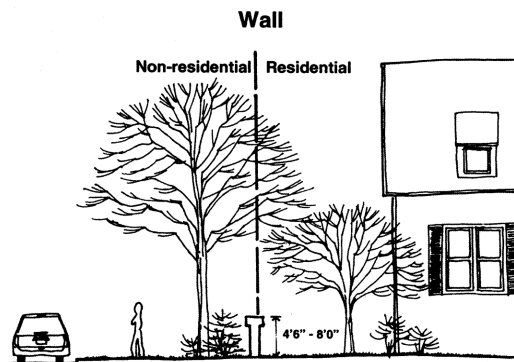
	Use	Height Requirements
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(1)	RM, RM-1 and RM-2 districts (on those sides adjacent to one-family residential districts)	4½ feet to 6½ feet
(2)	P-1 vehicular parking districts	4½ feet
(3)	Off-street parking area (other than vehicular parking districts)	4½ feet
(4)	O-1, O-2, B-1, B-2 and B-3 districts	4½ feet to 6½ feet
(5)	I-1 and I-2 districts	4½ feet to 8 feet
(6)	Utility buildings, stations and/or substations	6½ feet

- (b) In the case of variable wall, fence or berm height requirements such as in subsections (a)(1), (4), and (5) of this section, the extent of the obscuring wall, fence, or berm shall be determined by the planning commission on the basis of land usage, provided further that no wall, fence or berm shall be less than the above required minimum.
- (c) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Required walls may, upon approval of the zoning board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the zoning board of appeals in reviewing such request.
- (1) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except as may be approved by the building official. All walls herein required shall be constructed of face brick or comparable nonporous facing materials and shall be durable, weather resistant, rust-proof and easily maintainable. Wood screen walls or fences shall be cedar, wolmanized or treated wood and may only be used in areas not adjoining parking lots or roadways, and which will not be subject to damage from vehicular traffic. Fences shall comply with the City of Plymouth Fence Ordinance. Solid stockade fences shall be prohibited. Open weave or shadow box style fences which permit air flow shall be permitted.
 - (2) Plant materials along a wall or fence shall include at least one tree for each 20 feet or fraction thereof, and shall form a continuous screen from four feet, six inches in height to eight feet in height as required in section 78-206(a).



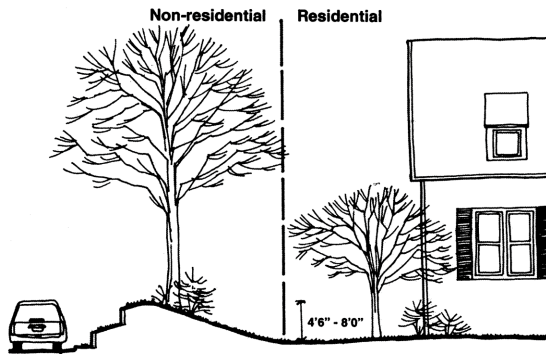
- (d) Required berms shall be constructed as landscaped earth mounds with a crest area at least two feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be

constructed as an earthen slope, or retained by means of a wall, terrace or other means acceptable to the building official. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.

- (1) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with erosion control methods until the seed germinates and a permanent lawn is established. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.
- (2) Plant materials within the berm area shall include at least one tree for each 20 feet or fraction thereof, and shall form a continuous screen from four feet, six inches in height to eight feet in height as required in section 78-206(a). A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission.

Berms

Berms—Cont'd.



Berms-2

- (e) If a landscape strip is used as a buffer between conflicting uses, the landscape strip shall be at least ten feet in width. The landscape strip shall be planted with dense foliage in such manner as to provide a minimum opacity of 80 percent in summer and 60 percent in winter.

Landscape Strip

- (f) The planning commission may waive or modify the foregoing requirements of section 78-206, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood nor contrary to the spirit and purpose of this chapter provided that in no instance shall a required wall or berm be permitted to be less than four feet, six inches in height. In those instances where suitable screening will be achieved, the planning commission may allow planting, earth berms, or treated wood walls in place of masonry walls.
 - (1) In consideration of request to waive wall or berm requirements between residential and nonresidential districts, or as otherwise required herein, the planning commission shall consider:

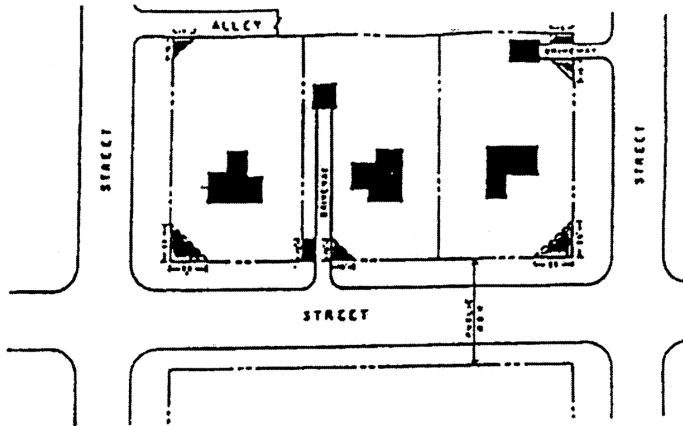
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- a. Whether or not the residential district is considered to be an area in transition and will become nonresidential in the future based on the adopted master plan.
 - b. Whether or not the existing use of land adjacent thereto is such that the obscuring effect of a wall or berm would achieve no substantial screening function.
 - c. Whether or not the ground elevation of the site in question and the land adjacent thereto is such that a wall or berm would not be required to provide the required obscuring effect.
- (2) The planning commission may temporarily waive wall or berm requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described for each subsequent waiver.
- (g) The city may require that suitable maintenance guarantee be provided for the continued maintenance of walls required under this chapter.
- (h) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential districts may not be required when such areas are located more than 200 feet distant from such abutting residential district.

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

Sec. 78-207. Corner clearance.

- (a) A clear vision area shall be established within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection. Walls, fences, berms, shrubs, hedges or other plantings (excluding trees) and signs in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted or signs erected within this same area shall not have branches or portions of the sign area lower than eight feet above the average gutter grade.
- (b) The planning commission may require adequate sight visibility, corner clearance and building setback within the B-2 zoning district. This may be required at the intersection of driveways and a public right-of-way in a manner to aid vehicular and pedestrian traffic. A triangular area of unobstructed vision for motorists and pedestrians shall be maintained at the intersection of the street right-of-way and driveway. The triangular area shall comply with Section 78-207 or as modified by the Building Official or Planning Commission for sites where strict compliance is impractical.

CORNER CLEARANCE



(Ord. of 10-6-03; Ord. No. 2007-01, § 5, 5-21-07)

Sec. 78-208. Residential fences General Fence Requirements.

Fences or walls are permitted, ~~subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail.~~ It is the intent and purpose of this section to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous; however, that the following provisions be construed harmoniously with the fence ordinance where possible.

(1) General fence requirements and provisions.

- a. No fence, border or wall shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border, or wall.
- b. Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.
- c. All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that is adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.
- d. It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to

persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.

- e. It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.
 - f. Any persons desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.
 - g. The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placement of permanent stakes located by a licensed surveyor. Such lot lines shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.
 - h. Borders may be planted in any yard area subject to the following provisions:
 - (1) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
 - (2) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.
 - (3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.
 - i. All posts thereof shall be of materials designed to withstand rusting, rotting, and other weather-related deterioration for a period of not less than ten years.
 - j. Fences shall be setback a minimum of one foot away from the sidewalk line.
 - k. Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
 - l. IF there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.
- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

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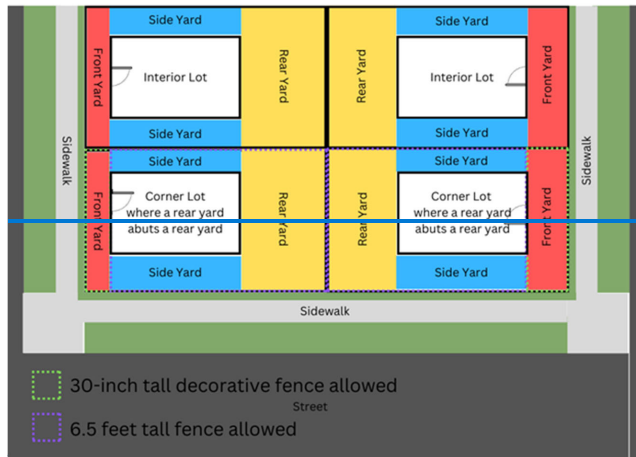
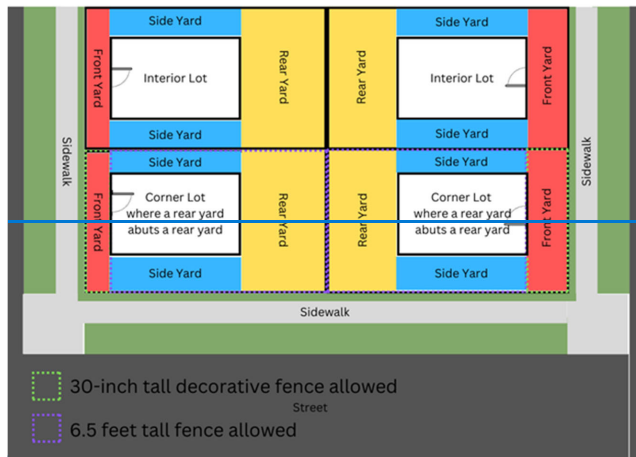


Figure 2-



- (2) ~~Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.~~
- (3) All fences or walls shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- (4) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (5) Fences for swimming pools shall comply with the regulations of the state construction code.

- (6) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, or plantings shall comply with the corner clearance requirements of section 78-207.
- (7) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
- (8) ~~Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.~~
- (9) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

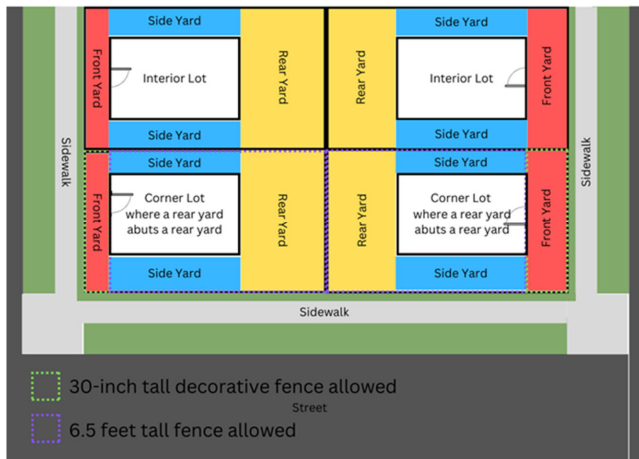
(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11; Ord. of 8-7-23)

Sec. 78-209. ~~Industrial fences~~Fences and Walls.

(1) Fences are permitted in ~~industrial-residential~~ districts as follows:

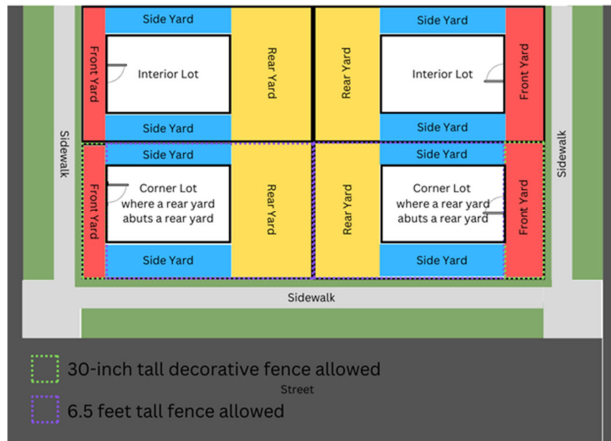
- a. ~~Fences on all lots of record which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot of the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).~~

Figure 1.



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Figure 2.



- (1) Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- b. Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.
- c. Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.
- (2) Fences are permitted in business districts as follows:
- Fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.
- (2) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.
- (3) Fences are permitted in industrial districts as follows:
- a. Fences shall not be allowed within the front hard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- b. Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.
- c. Fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted

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within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.

(Ord. of 10-6-03)

Sec. 78-210. Street access.

- (a) Any lot created after the effective date of this chapter shall have frontage upon a public street right-of-way or legally recorded access easement at least 60 feet in width, unless a private road of lesser width has been approved by the city commission.

(Ord. of 10-6-03)

Sec. 78-211. Temporary buildings and structures.

Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.
- (2) No temporary building or structure shall be used as a dwelling unit.
- (3) A building permit for such building or structure shall be issued by the building official prior to installation.
- (4) Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building official for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

(Ord. of 10-6-03)

Sec. 78-212. Home occupations.

A home occupation, defined as an occupation or profession carried on in the home by resident members of the household where such use is clearly incidental and secondary to the principal use of the dwelling as a residence, shall meet the following criteria:

- (1) That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- (2) That the character or appearance of the residence shall not change and that the home occupation shall not generate more traffic from cars or trucks than normally associated with a residential dwelling.
- (3) That no article shall be sold or offered for sale on the premises, except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- (4) The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except that there may be one unlighted wall sign, that is not an

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awning, changeable copy or channel letter sign, not to exceed three square feet in area. Home occupations shall not be permitted freestanding signs.

- (5) 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, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (6) That there shall be no exterior storage of materials or equipment.
- (7) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals, or matter at any time.
- (8) That no hazard of fire, explosion, or radioactivity shall exist at any time.
- (9) That only members of the household occupying the dwelling shall be employed in the dwelling or accessory building.

(Ord. of 10-6-03; Ord. No. 2012-04, § 10, 11-5-12; Ord. No. 2020-01, 3-2-20)

Sec. 78-213. Mechanical equipment.

Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, located on the roof and any part of a building shall comply with the following standards:

- (1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
- (2) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.

(Ord. of 10-6-03)

Sec. 78-214. Essential public services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this chapter. Essential services shall be subject to site plan review, article XVII, unless waived by the building official.

(Ord. of 10-6-03)

Sec. 78-215. Condominium development standards.

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership.

- (1) *General requirements.*
 - a. Each condominium lot shall be located within a zoning district that permits the proposed use.
 - b. Each condominium lot shall front on and have direct access to a public street or a private street approved by the planning commission. Approval for a private street may be conferred by the planning commission in conjunction with article XX, site plan review.

-
- c. All condominium project plans shall conform to the plan preparation requirements, design, layout, and improvements standards and all other requirements as established in the City of Plymouth Subdivision Regulations.
 - d. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.
- (2) *Site plan approval required.* Approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.
- a. *Approval process.*
 - 1. A site plan pursuant to the standards and procedures set forth in article XX of this chapter shall be submitted to the planning commission for review.
 - 2. The applicant shall submit the condominium documents and master deed to the city staff and consultants for review. The condominium documents shall be reviewed with respect to all matters subject to regulation by the city including without limitation; ongoing preservation and maintenance of drainage, stormwater retention, wetlands, woodlands, and other natural features; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.

All review comments shall be submitted to the building official who shall compile the findings prior to consideration of the site plan for approval by the planning commission.
 - 3. Following receipt of preliminary approval, the applicant shall also submit to the building official plans in sufficient detail for the city, along with appropriate consultants, to determine compliance with applicable laws, ordinances and design standards for construction of the project.

All review comments shall be submitted to the building official who shall compile the findings prior to consideration of the site plan for approval by the planning commission.
 - 4. Upon completion of the review of the condominium documents and plans and receipt of the recommendations and findings from city staff and consultants, the site plan shall be submitted to the planning commission for review in accordance with article XX of this chapter.
 - 5. If the site plan, condominium documents and/or plans conform in all respects to applicable laws, ordinances and design standards, approval shall be granted by the planning commission.
 - 6. If the site plan, condominium documents and/or engineering plans fail to conform to the ordinance or development standards, final approval shall be denied by the planning commission.
 - 7. In the interest of insuring compliance with this article and protecting the health, safety and welfare of the residents of the city, the planning commission, as a condition of approval of the site plan, may require the applicant to deposit a performance guarantee as set forth in the zoning code for the completion of improvements associated with the proposed use.
 - b. *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the city:
 - 1. A copy of the recorded condominium documents (including exhibits).
 - 2. A copy of any recorded restrictive covenants.

-
3. A copy of the site plan on laminated photostatic copy or mylar sheet.
 4. Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey".
- c. *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
 - d. *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved site plan or any conditions of approval of a site plan shall be reviewed and approved by the city staff or consultants and planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the original site plan.

(Ord. of 10-6-03)

Sec. 78-216. Wireless communication.

(a) *Purpose and intent.*

- (1) It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the city to provide for such authorization in a manner which will protect the public health, safety, and welfare and retain the integrity of neighborhoods and the character and aesthetic quality of the community at large. This policy is consistent with the Federal Telecommunications Act of 1996 and PA 110 of 2006, as amended (MCL 125.3514).

(b) *Authorization.* Wireless telecommunication facilities may be permitted within the City of Plymouth as either a permitted use subject to administrative review, permitted use subject to site plan approval, or as a special use according to the following regulations:

- (1) Wireless communication equipment as a permitted use subject to administrative review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review by the building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (c), General regulations, with the certification to identify any items of noncompliance. The wireless facility shall also comply with the following:

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
- b. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or ten percent of its original height (as first erected without any later additions), whichever is greater.
- c. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- d. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

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(2) *As a permitted use subject to site plan approval.* In the I-1 and I-2 zoning districts, a wireless communication facility shall be a permitted use subject to the standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:

- a. A proposed collocation upon a wireless communication support structure which has been approved by the city for such collocation but which is not permitted by administrative review under subsection (b)(3).
- b. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.

(3) *As a special use.*

- a. A collocation on an existing structure which does any of the following: increases the height of the support structure by more than 20 feet or ten percent of its original height, increase the width of the support structure or increases the area of the equipment compound greater than 2,500 square feet.
- b. Subject to the standards and conditions set forth in this section, new wireless communication facilities shall be considered as a special use in any areas outside of the I-1 and I-2 zoning districts.
- c. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of I-1 and I-2 districts and that existing structures are not available for collocation in other parts of the city, such wireless communication facilities shall be considered elsewhere in the city as a special land use, subject to the following:
 1. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.
 3. Locations outside of the I-1 and I-2 districts may only be considered at the following locations, subject to application of all other standards contained in this section:
 - i. Municipally-owned sites.
 - ii. Other governmentally owned sites.
 - iii. Religious or other institutional sites.
 - iv. Public or private school sites.
 - v. Public utility sites.
 4. If sites are not available in the I-1 or I-2 district, or on parcels identified above in subsection 2(c)(iii), other locations where there is a demonstrated need for service can be considered.
 5. All other criteria and standards set forth below in Subsection c. and d. are met as follows:

(c) *General regulations.*

- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

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

Table 216-1
Support Structure Height Limits by Zoning District

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

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

2. The setback of the support structure and accessory structures shall be 200 feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be 100 feet or a distance equal to one hundred and 125 percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.
3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
4. The city shall review and approve the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.
5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics

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Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.

- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which shall be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:

- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate capacity to accommodate call volume. The city may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.
- b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(d) *Application requirements.*

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

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

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

(e) *Procedures.*

- (1) *Review and administrative actions on special land use and site plan approval applications.*
 - a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in

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subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.

- b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.
- c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.
- d. Upon a special use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (e)(2) below.
- e. If the applicant has disclosed professional opinions supporting the application and the building official or planning commission has determined that independent professional review for the city of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by a written notice from the building official as a professional review cost to be paid in accordance with the notice.

(2) *Decisions on special use and site plan approval applications.*

- a. The planning commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.
- b. For all special use, site plan applications, and applications subject to administrative review, other than new wireless communications support structures, the planning commission shall approve or deny the application not more than 60 days after it is administratively complete.

(3) *Post-approval costs, fees, and administrative actions.* Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities, shall be issued subject to and conditioned on all of the following:

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

(f) *Removal.*

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon cessation of operation.

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

Sec. 78-217. Projections into setbacks.

Projections into setbacks shall be permitted as follows:

Projection...	...Into Front Yard Setback	...Into Side Yard Setback	...Into Rear Yard Setback
<i>At or Below Grade:</i>			
Egress window/areaway recess*	Not permitted	3 feet from face of structure (interior dimension)	3 feet from face of structure (interior dimension)
Stairs from basement	Not permitted	Not permitted	4 feet (interior dimension)
Patios	4 feet, but no closer than 10 feet from the front property line	Not permitted	10 feet from property line
<i>Above Grade but Below Roof:</i>			
Air conditioning condensers	Not permitted	4 feet	4 feet
Architectural features, as defined	4 inches	4 inches	4 inches
Awning/canopy	3 feet	Not permitted	3 feet
Balcony	4 feet	Not permitted	4 feet
Bay window (limited to 8 feet in width; maximum 2 per side)	2 feet	Not permitted	2 feet
Cantilevered floor area (Box Out)	2 feet	Not permitted	2 feet
Cellar door	Not permitted	Not permitted	8 feet
Chimney (limited to 8 feet in width)	1 foot	Not permitted	1 foot
Deck**	Not permitted	Not permitted	12 feet, but limited to three feet high
Generators	Not permitted	Not permitted***	10 feet from property line
Porch, uncovered	6 feet	Not permitted	12 feet, but limited to three feet high
Porte cochere (excluding gutters)	Not permitted	2 feet from property line	Not permitted
<i>Roof Area:</i>			
Cornices, eaves, overhangs, brackets, soffits (excluding gutters)	2 feet	2 feet	2 feet
Dormers	¹ Not permitted	Not permitted	Not permitted

*Areaway construction can project above grade no more than 12 inches.

**The portion of a deck which occupies the rear yard setback shall not be converted into any enclosed habitable spaces.

***Generators may project up to four feet into the side yard setback only if one or more of the following conditions are met, as determined by the community development director:

1. The location of windows and/or doors on the rear exterior wall do not provide the clearance dimension required by the adopted mechanical code.
2. The location of trees with a 12-inch DBH or greater do not provide reasonable placement on or near the rear exterior wall.
3. The location of built structures and mechanical equipment such as but not limited to egress windows, exterior or basement stairs, air conditioning condensers, cellar door, chimneys, decks, terraces, pools, porches, do not provide reasonable placement on or near the rear exterior wall. The location of the gas meter shall not be considered mechanical equipment.

(1) Projections containing floor area, including decks, shall be included in the lot coverage calculation. See Sections 78-43 and 78-53 for the front porch exclusion from lot coverage.

(Ord. of 10-6-03; Ord. No. 16-02, § 2, 7-18-16; Ord. No. 2024-01, 3-18-24)

Sec. 78-218. Foundation walls.

- (1) The exposed foundation wall between the average of finished grades at the center of all walls of the building and the highest portion of the first floor shall not exceed 36 inches from the average grade plane. In case walls are parallel to and within five feet of a sidewalk, the above ground level (average grade plane) for that wall shall be measured at the sidewalk, unless otherwise defined herein. This height limit shall not include areas for walk out basements, window wells or other portions of exposed foundation wall which cannot be reasonably lowered or covered as determined by the building official.
- (2) Elevation measurements of the top of the basement footings shall be provided to the building official by a licensed engineer or surveyor before a backfill inspection can be conducted to confirm that the actual elevations meet the submitted plans.

(Ord. No. 16-06, § 2, 10-17-16)

Sec. 78-219. Grading, drainage and building grades.

- (1) The ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designated that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. Where property is developed adjacent to existing properties previously developed, existing grades of adjacent properties shall have priority. Grades around houses or structures shall meet existing grades in the shortest possible distance, as determined by the building official, but under no circumstances shall exceed 1:4 slopes or 25 percent grades.
- (2) To minimize impacts on contiguous, previously developed, single-family residential property and ensure compatibility for new projects in established residential neighborhoods, the first story elevation height of new structures shall be consistent with the first floor elevation height of contiguous residences, in conformance with other requirements of this ordinance. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the building official's satisfaction, that additional fill is not detrimental to surrounding properties in terms of compatibility and drainage.
- (3) A certificate of occupancy will not be issued until final grades are approved by the city building official. A certificate of grading shall be completed by the applicant. When possible, the certificate of grading should show landscaping areas. The building official shall require a certified copy of the grading plan to be submitted by a registered civil engineer or land surveyor.

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(Supp. No. 67)

(Ord. No. 16-06, § 2, 10-17-16; Ord. No. 23-01, 1-17-23)

ARTICLE XIX. SIGNS³

Sec. 78-220. Intent.

The intent of this article is to regulate the location, size, materials, construction, manner of display, maintenance, and removal of signs, except those expressly exempted from regulation by this ordinance. This ordinance has the following objectives:

- (a) Minimize any potential harmful effects on the public health, safety and welfare by ensuring that signs are structurally sound and adequately maintained, minimizing the potential for unsafe traffic conditions due to signage that unreasonably distracts drivers or emulates official traffic signs, keeping signage out of pedestrian and vehicle travel ways, and minimizing glare or vision impairment from sign lighting.
- (b) Protect the constitutionally guaranteed right of free speech.
- (c) Recognize the legitimate needs of business, industry and other activities, through appropriate guidelines, in attaining their identification and informational objectives and promote economic development in the city.
- (d) Preserve the aesthetic quality of roadways and zoning districts by:
 - (1) Preventing visual clutter and blight.
 - (2) Protecting views.
 - (3) Preventing proliferation of signs.
 - (4) Avoiding glare, light trespass, and skyglow through the appropriate selection of light fixtures, light location and direction.
- (e) Preserve the character of unique districts by establishing time, place, and manner regulations that reflect the unique qualities of the area, including, but not limited to, historical, aesthetic, natural, and cultural characteristics.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-221. Signs exempt.

The following signs are exempt from the requirements in this article:

- (a) Flags;
- (b) Legal notices, identification information, or directional signs erected or permitted by governmental bodies or agencies;
- (c) Building or unit addresses;

³Ord. No. 2020-01, adopted March 2, 2020, repealed art. XIX in its entirety and enacted new provisions to read as herein set out. Former art. XIX, §§ 78-220—78-223, 78-225—78-231, pertained to similar subject matter and derived from Ord. No. 2017-02, adopted Jan. 16, 2017.

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- (d) Religious symbols or paintings which do not display lettering and do not advertise a business, product or service;
 - (e) Decorative holiday displays.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-222. Signs permitted.

The following signs are permitted, subject to compliance with the requirements in this article:

- (a) Awning sign;
- (b) Banner sign;
- (c) Manual changeable copy sign;
- (d) Channel letter sign;
- (e) Directional sign;
- (f) Directory sign;
- (g) Flag sign;
- (h) Ground sign;
- (i) Hanging sign;
- (j) Marquee sign;
- (k) Menu board or order board sign;
- (l) Monument sign;
- (m) Neon sign;
- (n) On-premises sign;
- (o) Projecting sign
- (p) Sidewalk sign;
- (q) Temporary sign;
- (r) Wall sign;
- (s) Window sign.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-223. Signs not permitted.

Any type of sign not expressly permitted in section 78-222 is not allowed in any district. Examples of signs that are not permitted include, but are not limited to, the following.

- (a) Abandoned sign;
- (b) Bench sign;
- (c) Feather flag sign;
- (d) Festoon sign;

(Supp. No. 67)

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- (e) Flashing, animated or moving signs, except signs which display of the current time or temperature;
 - (f) Electronic or digital changeable copy signs, except signs which display the current time or temperature;
 - (g) Inflatable sign;
 - (h) Nonconforming sign;
 - (i) Off-premises sign;
 - (j) Pole sign;
 - (k) Roof sign;
 - (l) Vehicle business sign;
 - (m) Any device erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse vehicular traffic;
 - (n) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit;
 - (o) Any sign that, as determined by the building official or his or her designee, is deemed unsafe, constitutes a hazard, is structurally unsound or not in good repair;
 - (p) Any sign unlawfully installed, erected or maintained.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-224. General conditions.

The following conditions shall apply to all signs erected or located in any use district that are visible from a public right-of-way, private road, public park or residentially zoned property. Where signs are located in the Ann Arbor Road Corridor (ARC) district (section 78-169), if any regulations covered by this section and section 78-169 conflict, section 78-169 shall control and prevail.

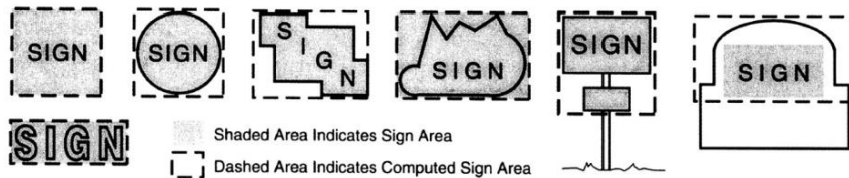
- (a) *Location:*
 - (1) Only signs established or permitted by city, county, state or federal government may be located in or project into the public road right-of-way or public property, unless specifically provided otherwise herein.
 - (2) Signs shall be placed so as not to obstruct the clear vision or movement of pedestrians, cyclists, or motorists.
 - (3) All signs shall be on-premises signs.
- (b) *Illumination:*
 - (1) No sign shall be illuminated by other than electrical means.
 - (2) All signs whether internally or externally illuminated shall not interfere with the vision of pedestrians, cyclists, or motorists.
 - (3) The light from illuminated signs shall not directly shine into adjacent or abutting properties.
 - (4) Illuminated signs adjacent to residentially zoned property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along the adjacent property line.

- (5) No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color.
- (6) When signs are externally illuminated, the light source shall be shielded and not visible from a public street or adjacent property.
- (7) The illumination provisions above shall not apply to sign lighting systems owned or controlled by any public agency for the purpose of directing traffic.
- (8) Neon lighting or similar lighting technologies is prohibited outside of the sign.
- (9) Signs affixed or applied to awnings and canopies shall not be back-lit.

(c) *Measurement:*

- (1) *Sign area.* Sign area shall be computed as follows:

- a. The sign area is measured by enclosing the entire area within a rectangle or square of the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame, tower, or other material or color or internally illuminated area forming an integral part of the display or used to differentiate such sign. Such signs shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. The graphics below illustrate the measurement of area of various shaped signs:



- b. *Wall sign.* Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign including any framing or borders. Awning signs, channel letter signs, hanging signs, marquee signs, and projecting signs shall be included in the calculation of a wall sign.
- c. *Individual letters.* Where a sign consists of individual letters and/or logo affixed directly to a building without a supporting structure, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
- d. *Ground sign.* The area of a ground sign shall include the entire area of the sign upon which copy, lettering, drawings or photographs could be placed, excluding the base of the sign. Any sign with a solid base that is greater than 30 inches tall as measured from the average grade shall be calculated as part of the sign area.
- e. *Two or more faces.* Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face, if the two faces are of equal area, or as the area of the larger face, if the two faces are of unequal area.
- f. *Cylindrical sign.* The area of a cylindrical freestanding sign shall be computed by multiplying the circumference of the cylinder by its height.

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- (2) *Sign height.* The height of a sign shall be computed as the distance from the base of the sign at average grade directly adjacent to sign base to the highest point of the sign structure, including any supportive or decorative appendages of the sign. Average grade shall be construed to be the lower of:

- a. Existing average grade prior to construction; or
- b. The newly established average grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purposes of locating the sign.

In cases where the average grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the average grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot of record, whichever is lower.

- (3) *Sign setback.*

- a. Signs that are setback from property lines or public rights-of-way will be measured from the portion of the sign structure nearest to the specified line. For purposes of these measurements, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.
- b. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
- c. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

- (d) *Addresses.* For purposes of identification by emergency personnel (fire, police, EMS) all businesses, offices, industrial buildings, apartment complexes, or residences either multiple- or single-family, shall prominently display on the front side (facing the street) of their building or upon freestanding signs or entranceways to all buildings, their street address. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). If the residence or business cannot be seen from the street, an additional street address sign shall be displayed in an area where it can be seen from the street. In all residences with more than one unit, such as apartments, each individual unit shall be clearly marked.

- (e) Nothing in this article shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-225. Permanent signs.

The following regulations shall apply to all permanent signs, except where such signs are located in the Ann Arbor Road Corridor (ARC) district. In such cases, if any regulations covered by this section and section 78-169 conflict, section 78-169 shall control and prevail.

- (a) *Construction standards.*

- (1) All permanent signs shall be designed, constructed and installed in a stable and safe manner in accordance with the city's adopted building and electrical codes.
- (2) All electrical wiring associated with a freestanding sign shall be installed underground.

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- (3) All signs attached to a structure shall be designed so that the supporting framework is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.
- (b) *Awning sign.*
- (1) Signs affixed or applied to awnings or canopies are permitted in RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, I-1, I-2 and for multi-family residential and non-residential uses in the MU district.
- (2) Signs affixed to awnings or canopies shall be considered wall signs and subject to the regulations of wall signs and shall be included in the total amount of sign area permitted for the subject building.
- (c) *Changeable copy sign (manual).*
- (1) Manual changeable copy signs are permitted in RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, I-1, I-2 and for multi-family residential and non-residential uses in the MU district.
- (2) Manual changeable copy signs affixed to a building wall shall be considered wall signs and subject to the regulations of wall signs.
- (3) Manual changeable copy signs attached to or part of a completely self-supporting structure placed on or below the ground surface and not attached to any building or any other structure, shall be considered a freestanding sign and subject to the regulations of freestanding signs.
- (d) *Channel letter sign.*
- (1) Channel letter signs are permitted in RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, I-1, I-2 and for multi-family residential and non-residential uses in the MU District.
- (2) Channel letter signs shall be considered wall signs and subject to the regulations of wall signs.
- (e) *Directional sign.*
- (1) Directional signs are permitted in all zoning districts.
- (2) Directional signs shall not exceed two square feet per side, shall have a maximum of two sides, shall contain no advertising except the business name or logo, and may be illuminated in compliance with section 78-224.
- (3) Directional ground signs shall not exceed a height of six feet and one may be located at each driveway entrance.
- (f) *Directory sign.*
- (1) Directory signs are permitted in RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, I-1, I-2 and for multi-family residential and non-residential uses in the MU district.
- (2) Directory signs shall be oriented to pedestrian traffic. Directory signs shall not exceed four square feet and shall contain no advertising except the business or tenant names or logos.
- (g) *Ground sign.*
- (1) Location.
- a. Ground signs are permitted in all zoning districts.
- b. The ground sign shall be set back a minimum of five feet from the road right-of-way, and no closer than five feet from the edge of the principal entrance driveway and all property lines.
- (2) Number of sides. Ground signs shall have a maximum of two sides.

- (3) Number of signs.

Table 78-225-A. Ground Signs—Allowable Number

Uses	Number of Ground Signs Permitted	If lot of record meets the following standard:
In O-1, O-2, B-1, B-2, B-3, I-1, I-2, Non-Residential Permitted Uses in MU		
For all permitted and special land uses except multi-tenant business sites	One per lot of record	One additional sign may be permitted if lot of record exceeds 400 linear feet or at a secondary entrance if secondary entrance is not located on the same street as the primary entrance.
For multi-tenant business sites	One per multi-tenant business site	If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each frontage.
In R-1, RT-1, RM-1, RM-2, Residential Uses in MU		
For dwellings and home occupations	Not Permitted	
For subdivision, site condominium, multi-family development	One at primary entrance	One additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance.
In R-1, RT-2, RM-1, RM-2, Non-Residential Land Uses in MU		
For publicly owned libraries, parks, parkways and recreational facilities, arts councils, museums, and religious institutions and non-residential special land uses	One per lot of record for each non-residential land use.	One additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance.
In Planned Unit Developments (PUD)		
For all uses	Number of ground signs shall be determined by the intended use of the premises, subject to review and approval during the PUD process.	

- (4) Sign height and area. Maximum height and area requirements for ground signs shall be applied within each zoning district according to the following schedule.

Table 78-225-B. Ground Signs—Maximum Height and Area

District	Max. Height (ft.)	Maximum Area (sq. ft.) Per Side	Total (sq. ft.)
R-1	4	18	36
RT-1	4	18	36
RM-1	6	25	50
RM-2	6	25	50
MU (residential uses)	4	18	36
O-1	8	25	50

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O-2	8	25	50
B-1	8	25	50
B-2	15	25	50
B-3	15	25	50
I-1	6	25	50
I-2	6	25	50
For multi-tenant business sites	8	32	64
MU (non-residential uses)	8	25	50

- (5) Sign base. The support structure for a ground sign shall not exceed 25 percent of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process.

(h) *Hanging sign.*

(1) Location.

- Hanging signs are permitted in the B-1, B-2, and MU zoning districts for non-residential uses and shall be governed by the following regulations.
- The hanging sign must be located in the center third of the storefront/business site or over an entrance door.
- Hanging signs shall not be allowed above a street or alley where they could interfere with vehicular traffic.
- The maximum distance from the face of the building to the sign edge closest to the right-of-way shall be 30 inches or, if hanging under an awning, the depth of the awning, whichever is less.
- Hanging signs shall be spaced at least 20 feet apart.

(2) Number of sides.

- Hanging signs shall have a maximum of two sides.

(3) Number of signs.

- One hanging sign may be permitted for each first-floor business or tenant space with a separate means of ingress and egress.
- One hanging sign may be used in addition to a wall sign for each business site. However, hanging signs are not allowed at business sites which display a projecting sign, a freestanding sign, a nonconforming wall sign, or signs which exceed the current allowed square footage for wall signs.

(4) Sign height and area.

- Hanging signs must provide a clear vertical distance of eight feet from the sidewalk and ten feet from any driveway.
- The hanging sign may be a maximum of six square feet in area (per side) and shall be included in the total amount of wall sign area permitted for the subject building.

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- c. Signage, lettering, or numerals on a hanging sign shall not exceed eight inches excluding letters or digits used as part of a logo.
 - (5) Hanging signs shall not be internally illuminated.
 - (6) Changeable copy shall not be permitted as part of a hanging sign.
 - (7) All hanging signs shall be safely and securely attached by not less than two metal chains, metal brackets, or metal cables which are firmly secured to the structure. No excess chain shall be allowed. In no case shall any hanging sign be attached with wire, string, rope, wood, or secured by nails.
 - (i) *Marquee sign.*
 - (1) Marquee signs are permitted in B-2, B-3 zoning districts.
 - (2) One marquee sign is permitted per business site with a separate means of ingress and egress.
 - (3) A marquee sign may be used in addition to a wall sign for each business site. However, marquee signs are not allowed at business sites which display a hanging sign, projecting sign, freestanding sign, nonconforming wall sign, or signs which exceed the current allowed square footage for wall signs.
 - (4) The marquee sign shall not cover more than 50 percent of the front building facade that is above the front entry door, and the area of all faces of the marquee sign shall not total more than 42 square feet and shall be included in the total amount of wall sign area permitted for the subject building.
 - (5) The marquee sign may be positioned in one of two ways as follows:
 - a. The changeable copy portion surface of the sign shall be attached flat against, and not extending beyond, the vertical surface of the marquee structure.
 - b. Individual cut-out letters mounted on top of the edge of the marquee structure and parallel to it.
 - (6) No portion of a marquee sign shall be taller than the top of the marquee structure, or the eave line of the building to which the structure is attached.
 - (j) *Menu board or order board sign.*
 - (1) Menu board or order board signs are permitted in the O-1, O-2, B-1, B-2, B-3, and MU district to serve drive-through facilities.
 - (2) Menu board or order board signs shall be located on the interior of the lot or parcel and shall not be readable from the exterior of the lot.
 - (3) Menu board or order board signs shall only service the public using the drive-through facilities.
 - (4) The placement, size, content, coloring or manner or illumination of the sign shall not cause a traffic or pedestrian hazard or impair vehicular or pedestrian flow.
 - (5) The volume on the menu board or order board shall be maintained at the minimum level necessary so that it is audible to users, but to minimize extraneous noise traveling off site.
 - (k) *Projecting sign.*
 - (1) Location.
 - a. Projecting signs are permitted in the B-1, B-2, and MU zoning districts for non-residential uses.

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- b. A projecting sign may extend from the wall it is mounted to by no more than four feet, or one-third of the sidewalk width, whichever is less.
 - c. Projecting signs shall be spaced at least 20 feet apart.
 - d. Projecting signs shall not be allowed above a street or alley where they could interfere with vehicular traffic.
 - e. Projecting signs must provide a clear vertical distance of eight feet from the sidewalk and ten feet from any driveway.
- (2) Number of sides.
 - a. Projecting signs shall have a maximum of two sides.
 - (3) Number of signs.
 - a. One projecting sign may be permitted for each first-floor business or tenant space with a separate means of ingress and egress.
 - b. One projecting sign may be used in addition to a wall sign for each business site. However, projecting signs are not allowed at business sites which display a hanging sign, an awning sign, a ground sign, a nonconforming wall sign, or signs which exceed the current allowed square footage for wall signs.
 - (4) Sign height and area.
 - a. The projecting sign may be a maximum of eight square feet in area (each side) and shall be included in the total amount of wall sign area permitted for the subject building.
 - (5) Projecting signs shall not be internally illuminated.
 - (6) Changeable copy shall not be permitted as a part of projecting signs.
- (l) *Wall sign.*
- (1) Location.
 - a. Wall signs are permitted in O-1, O-2, B-1, B-2, B-3, I-1, I-2 and for non-residential uses in the MU district. See section 78-212, Home occupations and section 78-284, Bed and breakfast for sign requirements of those uses.
 - b. Wall signs shall be displayed flat against the wall of the building. No signs shall be painted directly on a roof or wall. Wall signs shall not extend more than 12 inches from the face of the building wall.
 - (2) Number of signs.
 - (a) One wall sign may be permitted for each business or tenant space with a separate means of ingress and egress.
 - (b) A wall sign may be used in addition to a projecting or hanging sign, or awning sign for each business site. Wall signs are not allowed at business sites which display a ground sign.
 - (c) One wall sign or awning sign shall be permitted on each facade, which has a separate public means of ingress and egress.
 - (d) PUD districts. Within all PUD districts, the number and size of wall signs shall be determined by the intended use of the premises, subject to the review and approval of the planning commission, during PUD plan review.
 - (3) Sign area.

- a. Within all non-residential zoning districts, the sign area of a combination of awning signs, channel letter signs, hanging signs, marquee signs, projecting signs, and wall signs may not exceed the maximum sign area per table 78-225-C below for each business site with a separate means of ingress and egress.

Table 78-225-C. Maximum Wall Sign Area per Business Site with Single Tenant

District	Maximum Area in sq. ft.
O-1	25
O-2	25
B-1	25
B-2	25
B-3	25
I-1	25
I-2	25
MU	25

Wall signs for multiple tenant shopping centers shall not exceed 25 square feet.

- (4) Channel letter sign. Channel letter signs are considered wall signs. Mounting regulations for channel letter signs, from wall to outermost face, are as follows:
- Channel letters with transformers mounted inside the letters shall not extend more than 12 inches from the building wall.
 - Channel letters with remote transformers shall not extend more than 12 inches from the building wall.
 - Channel letters mounted on a raceway (channel) shall not extend more than 12 inches from the building wall.
 - Channel letter signs must provide a clear vertical distance of eight feet from the sidewalk to bottom edge of the sign, but shall not extend over public or private roadways, or parking lots.

(m) *Window sign.*

- Window signs are permitted in O-1, O-2, B-1, B-2, B-3, I-1, I-2, and for non-residential uses in the MU district.
- Window signs are permitted in addition to any other type of sign.
- Window signs shall not occupy more than 25 percent of the glass surface of the window area in which the sign is located.
- Window signs shall be located only on the first floor front facade of the building. Buildings on a corner lot shall be permitted window signs on each road frontage.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-226. Temporary signs.

The following regulations shall apply to all temporary signs, except where such signs are located in the Ann Arbor Road Corridor (ARC) district or are defined as sidewalk signs. In such cases, if any regulations covered by this section and section 78-169 conflict, section 78-169 shall control and prevail.

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(a) *Temporary signs.* Temporary signs are permitted in all zoning districts according to the following:

(1) Location.

- a. Temporary signs shall be located only on the sign owner's property or on private property with the owner's permission.
- b. Temporary signs shall be located at least one foot inside the property line of the premises.
- c. Temporary signs shall not be located in any road right-of-way or other public land, and shall not obstruct visibility or movement of pedestrians, bicyclists, and motorists unless otherwise provided for in this section.
- d. Temporary signs shall not be attached to or located on a tree, shrub, or any other plant materials; a utility pole, traffic-control device or on any public land or right-of-way, either by nail, screw, wire, cord, tape or by any other manner whatsoever.

(2) Number of signs.

- a. Five signs shall be permitted per lot of record.

(3) Sign area.

Table 78-226-A. Maximum Sign Area, Number and Height—Temporary Signs

Maximum Area of All Temporary Signs Per Lot/Parcel/Business Site	Maximum Area of any Individual Sign	Maximum Height When Not Affixed to a Structure
Residential (R-1, RT-1, RM-1, RM-2 and residential uses in MU)		
18 s.f.	6 s.f.	4 feet
Non-residential (O-1, O-2, B-1, B-2, B-3, I-1, I-2 and non-residential uses MU)		
40 s.f.	20 s.f.	6 feet

- a. The sign area of a temporary sign shall be measured as described in section 78-224.
- b. Temporary sign area permitted for multi-tenant, non-residential buildings (i.e. commercial buildings) shall be allocated amongst tenants by the property owner.

(4) Display time.

- a. The maximum display time of temporary signs is 60 days unless modified by subsections (i), (ii), (iii), or (iv) below. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least 30 days before the display of any new temporary sign on the same lot of record.
 - i. When all or a portion of a building or land area on a lot of record is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. In all cases, the sign area limits in table 78-226-A apply.
 - ii. When a building is being constructed, and only after a building permit has been issued, the maximum display time for temporary signs shall be the duration of construction activities or until 51 percent of the units or square footage of the project is occupied. In all cases, the sign area limits in table 78-226-A apply.

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- iii. If a sale of a property owner's goods is being conducted, and only after the sale has been registered with the city, the displays advertising the sale may be posted no more than one day prior to the sale and must be removed within one day of the end of the sale.
 - iv. Acknowledging that there is a need for additional expression of speech prior to a scheduled election, the maximum total allowable area of all temporary signs shall be increased to twice that allowed in table 78-226-A, based upon the zoning district in which the property is located for a period of 60 days prior to and until three days after an election day on which there is at least one ballot item. The maximum area of an individual sign remains as stated in the table above during this period.
- (5) Reserved.
 - (6) Temporary signs shall have a maximum of two sides.
 - (7) Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
 - (8) Temporary signs shall not be illuminated in any manner whatsoever except incidentally by streetlights or house lights.
- (b) *Temporary sidewalk sign.*
- (1) Location.
 - a. Sidewalk signs are permitted in the B-1, B-2 and B-3 districts, and for non-residential uses in the MU district.
 - b. Sidewalk signs may be located, per the standards in this section and below, on sites that provide a minimum of six feet of unobstructed sidewalk abutting the principal building where the sign will be displayed.
 - c. Sidewalk signs may only be located on the sidewalk in front of the property where the business is located in a manner which is safe for and does not interfere with normal pedestrian traffic or vehicular access. Sidewalk signs shall be placed against the building wall unless placement by a curb line ensures more of an unobstructed pedestrian path like in the case of a tree or other streetscape elements.
 - d. Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.
 - e. Sidewalk signs shall be moved indoors after accumulation of one or more inches of snow and shall not be placed back on the sidewalk until the entire sidewalk on the side of the street where the business is located is clear of snow.
 - (2) Number of sides.
 - a. Sidewalk signs shall have a maximum of two sides.
 - (3) Number of signs.
 - a. One sidewalk sign is allowed for each business that has frontage along a sidewalk and an individual means of ingress and egress, up to a maximum of two signs per multi-tenant building. A single sign may contain advertising for more than one business in the multi-tenant building.
 - (4) Sign height and area.

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- a. The maximum height of a sidewalk sign shall be four feet, and the maximum width two feet.

(5) All sidewalk signs shall be constructed of a weatherproof material and shall be kept in good repair.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-227. Sign permits.

- (a) A sign permit is not required for the following types of signs:
 - (1) Street address signs.
 - (2) Name plates identifying the occupant or address of a parcel of land not exceeding two square feet in area.
 - (3) Window signs not exceeding two square feet in area indicating the hours of operation for a business, and whether a business is open or closed.
 - (4) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
 - (5) For sale signs attached to vehicles.
 - (6) Flags bearing the official design of a nation, state, municipality, educational institution or non-profit organization.
 - (7) Traffic safety and control signs erected by or on behalf of a governmental body, or other municipal signs such as the following: legal notices, railroad crossing, danger and other emergency notices as may be approved by the municipality.
 - (8) Signs related to a special event approved by the City of Plymouth City Commission.
 - (9) Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices published in accord with section 508 of Public Acts 300 or 1949, as amended.
 - (10) Park and playground signs.
 - (11) One or more temporary freestanding and wall signs on a residential lot of record with a total area of 18 square feet or less, or business site with a total area of 40 square feet or less.
 - (12) Any sign required by the municipality to be posted.
 - (13) Community entrance and streetscape signs erected by the municipality.
 - (14) A change of copy or change of sign face only.
 - (15) Signs not visible from a public right-of-way, public park, or residentially zoned property.
 - (16) Permanent wall signs that are two square feet in size or smaller affixed to a single-family residence.
- (b) It shall be unlawful for any person to erect, re-erect, alter or relocate any sign unless a sign permit has been first obtained from the building official, except as provided elsewhere in this article. Any permanent sign located in the historic district must also obtain approval from the historic district commission. Any permanent sign that makes use of electricity must also obtain an electrical permit from the building official.
- (c) Site plan review. For new development projects subject to site plan review under the provisions of article XX, the final site plan must provide enough information to determine if the proposed signage meets ordinance requirements.

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- (d) Sign permit applications. To apply for a sign permit, an applicant must fill out and submit the relevant sections of the city's building permit application form. The completed and signed application form shall be submitted to the community development department for review and include the following:
- (1) A scaled drawing of each proposed sign, as well as any existing signs that will remain, showing:
 - (i) The dimensions of the sign(s), including total area of the sign(s);
 - (ii) The height of the sign(s);
 - (iii) The design of the sign(s);
 - (iv) The writing, emblems and figures on the sign(s) (to measure "sign area"); and
 - (v) The type of material used for the sign(s) and support system(s).
 - (2) A scaled drawing of any electrical connections.
 - (3) A scaled drawing of the site or building, showing the placement of all signs, both existing and proposed. This drawing shall include all the dimensions of the site and/or building.
 - (4) Consenting signature of the property owner.
 - (5) The sign permit fee paid in accordance with the current fee schedule, as amended.
- (e) Sign permit review and approval. Permits for the erection of signs shall only be issued to property owners and/or assignees qualified to carry on such work. The building official shall issue permits for signs defined in section 78-21 and permitted in article XIX. Any sign which is not explicitly defined in section 78-21 and permitted in article XIX must be approved by the zoning board of appeals before a permit is issued.
- (f) Permit expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within one year of the date of issuance.
- (g) Sign maintenance. No permit shall be required for ordinary maintenance, repainting, or cleaning of an existing sign. No permit is required for change of message of a sign without change of the structure.
- (h) Inspections. All newly erected signs shall be inspected by the building official. Signs for which a permit is required shall be inspected periodically by the building official for compliance with this article and other relevant ordinances.
- (i) Correction of defects. If the building official, or his/her designee, finds that any sign is unsafe, insecure, improperly constructed or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-228. Removal of signs.

- (a) *Removal of abandoned signs.* Abandoned or obsolete signs shall be removed by the owner, agent or person having use of the land, building or structure. Upon vacating an establishment, facility or land, the proprietor shall be responsible for removal of all abandoned or obsolete signs.
- (b) *Removal of signs in violation of the ordinance or unsafe signs.* The building official, or his or her designee, shall order the removal of any sign erected or maintained in violation of this article except for legal, nonconforming signs. Notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance with the ordinance. Failure to remove the sign or to comply with this notice shall be a civil infraction. The city shall also remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to

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present an immediate threat to the safety of the public. Any cost of removal incurred by the city shall be assessed to the owner of the property on which such sign is located.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-229. Nonconforming existing signs.

- (a) *[Existing signs to remain.]* Any sign lawfully existing at the time of the adoption of this amendment which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community.
- (b) *Continuance.* Nonconforming signs shall not:
 - (1) Be expanded or changed to another nonconforming sign;
 - (2) Be relocated, or altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the signs structural or basic parts;
 - (3) Be enhanced with any new feature including the addition of illumination;
 - (4) Be re-established after damage or destruction if the estimated expense of reconstruction exceeds 60 percent of the appraised replacement cost as determined by the building official.
 - (5) Be repaired if such repair involves any of the following, except if such repair brings the sign into conformance with this article:
 - (i) Expense which exceeds 50 percent of the sign's appraised value as determined by the building official;
 - (ii) Necessitates the replacement of both the sign frame and sign panels;
 - (iii) Replacement of the sign's primary support pole(s) or other support structure;
 - (iv) For signs without framework supporting the sign panels, requires replacement of the sign panels;
 - (v) Be replaced;
 - (vi) Be re-established after the activity, business, or use to which it related has been discontinued for 90 days or longer.
- (c) *Permitted modification.* The following modifications may be permitted:
 - (1) A change solely in the wording of the copy; and
 - (2) Routine repair to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this amendment.
- (d) *Elimination of nonconforming signs.* The municipality may acquire by purchase, condemnation, or by other means any nonconforming sign which it deems necessary to preserve the health, safety, and welfare of the community's residents.
- (e) *Electronic changeable copy signs.* An electronic changeable copy sign that was established lawfully at the adoption of this amendment shall not change messages more than eight times per day.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-230. Variances.

The zoning board of appeals (ZBA) shall have authority to vary the restrictions relating to signage upon finding that practical difficulties exist, and that the strict application of this article would place the applicant at a substantial and significant disadvantage with respect to other signs controlled by the article. Comparisons to existing nonconforming signs shall not be considered by the zoning board of appeals.

(Ord. No. 2020-01, 3-2-20)

Sec. 78-231. Violations and penalties.

It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move or convert any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article. It shall be unlawful to erect, construct, enlarge, alter, move or convert any sign regulated by this article, except a sign which is permitted by the provisions of this article. Any person violating any of the provisions of this article shall be guilty of a civil infraction pursuant to section 78-382 of this chapter.

(Ord. No. 2020-01, 3-2-20)

Secs. 78-232—78-239. Reserved.***ARTICLE XX. SITE PLAN REVIEW*****Sec. 78-240. Purpose.**

It is the intent of this article to require site plan review approval prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this chapter.

(Ord. of 10-6-03)

Sec. 78-241. General procedures.

Site plan review shall be conducted by the planning commission with the assistance of the building official and administrative, consulting and technical personnel as may be deemed necessary to properly evaluate a proposed plan. A site plan shall be submitted for review in accordance with the provisions of this chapter and such other rules and procedures established by the city.

(Ord. of 10-6-03)

Sec. 78-242. Submitted for approval.

A site plan shall be submitted to the city for approval of:

- (1) Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 78-271. In those instances where a change in use is proposed that

does not require an increase in parking demand, such use shall only require the review of the building official provided, however, the building official may request the review of the planning commission.

- (2) Any use in an RM, OS, B, I or P district lying contiguous to, or across a street from, a single-family residential district.
- (3) Any use or change of use, except single-family or two-family residential.
- (4) All residentially related uses permitted in a single-family district such as, but not limited to, [churches](#) [religious institutions](#), schools and public facilities.
- (5) Site plans for all subdivisions, site condominiums, cluster housing and multiple-family developments involving more than one building.
- (6) Special land uses in all zoning districts.
- (7) Wireless communication towers.
- (8) Any proposal to build, expand, or decrease an off-street parking lot.
- (9) Any request to add a use on an existing site, including expansion in area, volume or intensity of an existing use.
- (10) Any other change in use or development that could affect compliance with the standards set forth in this chapter.
- (11) All uses not otherwise included within a specific use district.

The building official shall not issue a building permit for construction of, addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced, or expanded nor shall the building official issue a certificate of occupancy for such use, until a final site plan has been approved and is in effect.

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

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

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

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

Sec. 78-243. Uses exempt from site plan review.

- (a) No permit shall be issued for any construction, reconstruction, erection, and/or expansion except in accordance with a site plan approved by the planning commission, except as hereafter provided. A site plan approved by the planning commission shall not be necessary for issuing permits in the following circumstances:

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- (1) Construction, reconstruction, erection and/or expansion of a single- or two- family dwelling on a parcel zoned solely for residential purposes.
 - (2) All developments regulated by the Subdivision Control Act of 1967, as amended (MCLA 560.101 et seq.) and the City of Plymouth Subdivision Control Ordinance.
 - (3) Construction solely on the building interior that does not increase usable floor area or increase on site parking requirements.
 - (4) Construction or erection of signs; retaining walls; fences; buffer walls; refuse storage stations; sidewalks; antennas; lights; poles; and cooling, heating, or other mechanical equipment when located on a building or occupying a ground area of less than 100 square feet.
- (b) Site plans not required to be reviewed by the planning commission shall be reviewed by the building official. The building official shall review such plans in accordance with the same procedures, requirements, and standards used by the planning commission.
- (Ord. of 10-6-03)

Sec. 78-244. Planned unit developments, site condominiums and condominium subdivisions.

Site plans shall be required for planned unit developments, site condominiums and condominium subdivisions and shall be subject to the provisions of this article.

(Ord. of 10-6-03)

Sec. 78-245. Application and review procedures for site plan approval.

- (a) An application provided on a form provided by the city, along with the required fee and 14 copies of the site plan shall be submitted to the building official.
 - (b) ~~Planning commission review.~~ The planning commission, city staff and consultants shall review the site plan and provide comments on its compliance with the site plan approval standards and other sections of this chapter.
 - (c) Any applicants for site plan review may elect to submit a preliminary and final site plan concurrently in accordance with the requirements and procedures of this article.
- (Ord. of 10-6-03)

Sec. 78-246. Compliance required.

Every site plan submitted to the city shall be in accordance with the requirements of this chapter and the city's rules and procedures for site plan submittal and review. No site plan shall be approved until same has been reviewed by the building official and administrative and technical personnel for compliance with the standards of this chapter and other requirements of the city.

(Ord. of 10-6-03)

Sec. 78-247. ~~Exceptions~~Information required.

When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review

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checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

(Ord. of 10-6-03)

Sec. 78-248. Site plan review checklist.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

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		YES	NO	N/A
1.	Correct scale	[]	[]	[]
2.	Name of person preparing plan*	[]	[]	[]

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3.	Date, north point	[]	[]	[]
4.	Property line dimension	[]	[]	[]
5.	Street right-of-way widths	[]	[]	[]
6.	Existing utilities (sewer, water, gas, etc.)	[]	[]	[]
7.	Show adjacent property and buildings	[]	[]	[]
8.	Existing topography, trees and other features	[]	[]	[]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[]	[]	[]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[]	[]	[]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[]	[]	[]
12.	Number of dwelling units per building	[]	[]	[]
13.	Height of structure	[]	[]	[]
14.	Percent one room apartments (efficiencies)	[]	[]	[]
15.	Total number of rooms if multiple-family	[]	[]	[]
16.	Parking requirements met	[]	[]	[]
17.	Number of units and bedrooms each building	[]	[]	[]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[]	[]	[]
19.	Parking lot space dimensions	[]	[]	[]
20.	Loading and unloading space	[]	[]	[]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[]	[]	[]
22.	Utility connections (sanitary sewer, water, storm sewers)	[]	[]	[]
23.	On-site storm water retention	[]	[]	[]
24.	Fire hydrants (on- and off-site)	[]	[]	[]
25.	Sidewalks and elevations	[]	[]	[]
26.	Sedimentation and erosion control plan	[]	[]	[]
27.	Landscape plan showing plant materials to be used	[]	[]	[]
28.	Sign requirements met	[]	[]	[]
29.	Require walls and fences or greenbelts	[]	[]	[]
30.	Corner clearance	[]	[]	[]
31.	Service drive needed	[]	[]	[]
32.	Acceleration lanes and traffic pattern	[]	[]	[]
33.	Trash receptacle locations	[]	[]	[]
34.	Mail box locations	[]	[]	[]
35.	Air conditioner unit locations	[]	[]	[]
36.	Special site features (play areas, pools, etc.)	[]	[]	[]
37.	Handicapped facilities	[]	[]	[]
38.	Building elevation drawings	[]	[]	[]

*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

(Ord. of 10-6-03)

Sec. 78-249. Factors considered.

In the process of reviewing the site plan, the following shall be considered:

- (1) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- (2) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- (3) The planning commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- (4) In those instances where an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may require marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may require that money be placed in escrow with the city so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the city treasurer.

(Ord. of 10-6-03)

Sec. 78-250. Duration of approval.

All site plan approvals granted by the planning commission, pursuant to the requirements of this section, shall be for a period of one year from the date of approval. The building official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired.

(Ord. of 10-6-03)

Sec. 78-251. Approval of minor site development plans.

The city may approve minor site development plan applications when the change will have no effect on the movement of automobiles and persons to and from the property and will not require additional parking spaces, subject to concurrence of the city engineer, chairperson of the planning commission and the city planner. A minor site plan may be applied for any of the following site modifications:

- (1) The proposed addition constitutes less than 1,000 square feet or not more than 20 percent of the existing floor area.
- (2) The building modification or change of use does not require additional off-street parking.
- (3) The building or site modification does not encroach upon an existing parking lot or require the purchase of parking space credits.
- (4) The building or site modification is not adjacent to single-family (R-1) zoned properties.

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- (5) A building or site modification will not have a significant impact upon adjoining land uses.

(Ord. of 10-6-03)

Sec. 78-252. Grading.

Upon request, the building official may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil, the layout of footings and the construction of foundation walls prior to site plan approval, provided:

- (1) A grading plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
- (2) A soil erosion permit, when required, has been secured.
- (3) Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.
- (4) A resolution absolving the city of any liability has been submitted by the applicant and approved by the city.

(Ord. of 10-6-03)

Sec. 78-253. Fees.

Fees for review of expired site plan will be waived in those instances where no substantial change in conditions of the site plan or abutting uses has taken place or a change in zoning standards has been adopted since approval of the site plan. In those instances where conditions have changed, the fee for review of expired site plans or new site plans shall be the same as for the initial submittal.

(Ord. of 10-6-03)

Secs. 78-254—78-259. Reserved.

ARTICLE XXI. ACCESSORY BUILDINGS AND USES

Sec. 78-260. Regulations.

Accessory buildings, structures, and uses except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- (2) An accessory building shall not be erected in any front or required yard setback except as allowed by this article.
- (3) No accessory building, structure or use may be placed on a lot without a principal building.
- (4) The height of the accessory structure having a dormer(s), which occupies ten percent or more of the total roof area, shall be determined by measuring the average height between the eaves and the ridge of the dormer(s).

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- (5) No more than two detached accessory buildings in residential districts shall be permitted on any lot.
 - (6) No detached accessory building in residential districts shall be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.
 - (7) All accessory buildings, structures and uses combined shall cover no more than 35 percent of the area created by the required rear yard setback.
 - (8) No detached accessory building in any residential district shall exceed 1½ stories or 15 feet in height. The minimum eave height for an accessory building shall not be less than seven feet from the average grade plane.
 - (9) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot.
 - (10) For accessory buildings or structures in the required rear yard of a residential lot, the total combined length of all walls of such building(s) or structure(s) that parallel the rear lot line shall be no longer than 50 percent of the length of the rear lot line as follows:
 - a. If the 50 percent calculation results in a combined length of 30 feet or less, then the combined length allowed may be up to a maximum of 30 feet.
 - b. If the 50 percent calculation results in a combined length of more than 30 feet, then the combined length allowed is the result of the calculation, but in no instance may be more than 50 feet.

**Figure 1. Accessory Building Location for Corner Lots with
Front-Side Yard Situation**

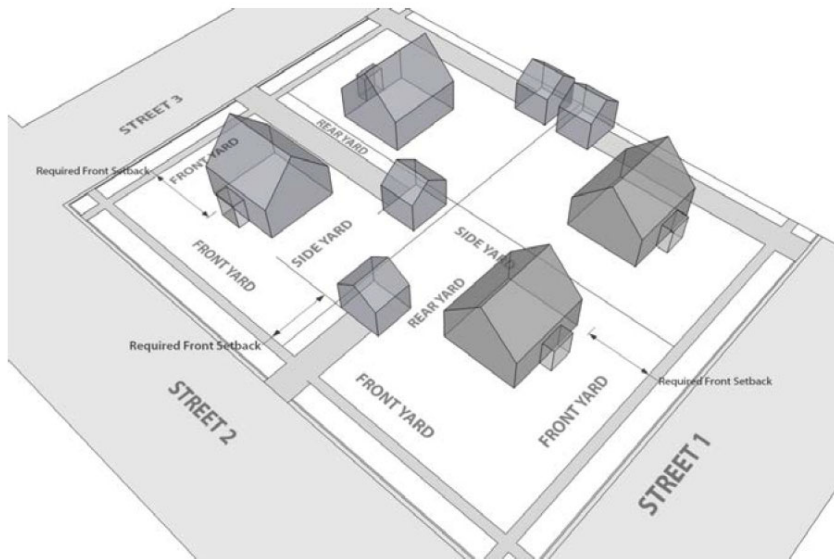


Figure 2. Accessory Building Location for Corner Lots with Side-Side Yard Situations

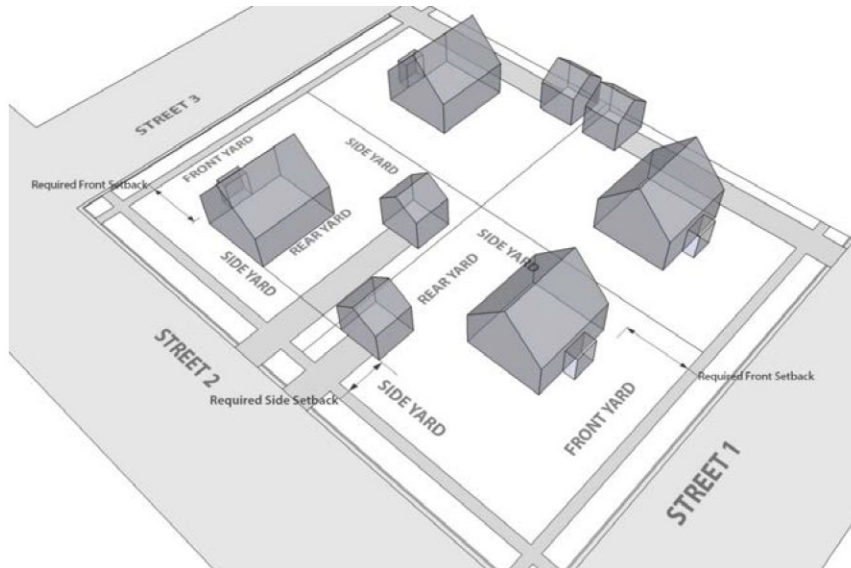
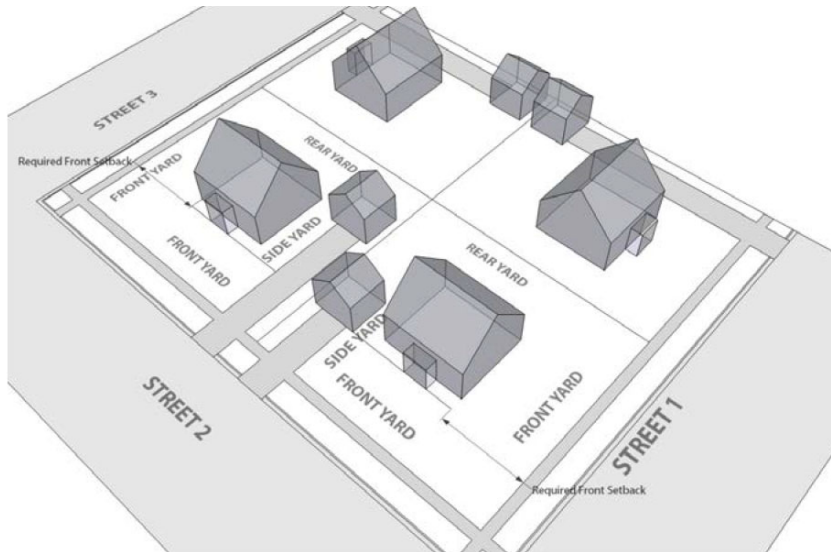


Figure 3. Accessory Building Location for Corner Lots with Front-Front Yard Situation



- (11) Accessory buildings within all other nonresidential districts shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.
- (12) Detached accessory buildings shall not be used as habitable space.
- (13) Detached accessory structures must be located a minimum of ten feet from the principle structure on site.
- (14) Private wind energy conversion systems shall be subject to regulations contained in section 78-261.
- (15) No detached accessory building in any residential district shall be constructed with an attached deck or balcony which exceeds 32 square feet.

(Ord. of 10-6-03; Ord. No. 2010-02, § 4, 4-5-10; Ord. No. 2012-04, § 12, 11-5-12; Ord. No. 2014-05, § 4, 6-2-14; Ord. No. 2014-05, § 4, 6-2-14; Ord. No. 16-06, § 3, 10-17-16; Ord. No. 2017-09, § 1, 1-2-18)

Sec. 78-261. Wind energy conversion systems.

- (a) *Intent.* It is the intent of the City of Plymouth to promote the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- (b) *Approval required.* Except where allowed as an accessory use or as a special use as listed in Article XII and XIII, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the city.

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

(Ord. No. 2010-02, § 5, 4-5-10)

Secs. 78-262—78-269. Reserved.

ARTICLE XXII. PARKING, LOADING REQUIREMENTS

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

- (a) There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.
- (1) Off-street parking for other than residential use and other than those spaces accommodated by payment in lieu of parking as approved by the city commission shall be either on the same lot or within 300 feet of the building it is intended to serve, measured by public right-of-way from the nearest point of the building to the nearest point of the off-street parking lot. Ownership of the parking lot must be the same as the building. Spaces may be leased from municipal lots or other lots controlled by the city or downtown development authority (DDA), provided such spaces are within 300 feet of the building and the lease is not in default. Rate and terms of the leased spaces shall be determined by the city commission. Default of a parking lease agreement will constitute a violation and enforcement by the city.

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- (2) Residential off-street parking spaces shall consist of parking spaces, driveways, garage, or combination thereof and shall be located on the premises they are intended to service, and subject to the provisions of section 78-273.
 - (3) Unless otherwise provided herein, off-street parking shall not be permitted in any required or non-required front yard, except for use of the driveway. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum five foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties. This requirement may be waived or modified by the planning commission for sites where there is limited land area available to meet the strict requirements of this section or for sites where it is possible to provide additional landscaping or screening to buffer parking from adjoining uses and a public road right-of-way.
 - (4) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
 - (5) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
 - (6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 - (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant a variance from the parking requirements of this chapter.
 - (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
 - (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type as noted in section 78-271 below.

Units and methods of measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- a. *Floor area:* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
 - b. *Employees:* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - c. *Places of assembly:* In stadiums, sports arenas, ~~churches~~ religious institutions and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - d. *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- (10) Parking requirements within the B-2 central business district.
 - a. Within the B-2 central business district only, parking required for principal uses permitted or special land uses permitted (Sections 78-101 and 78-102) shall be based upon a parking rate according to the following schedule:

Residential	Two (2) spaces for each dwelling unit
Retail	One space for each 500 sq. ft. of gross floor area
Office	One space for each 500 sq. ft. of gross floor area
Medical Office	One space for each 250 sq. ft. of gross floor area
Restaurant	One space for each 250 sq. ft. of gross floor area

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

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

- b. Uses other than those listed above shall meet the parking requirements of section 78-271.
- c. The planning commission or city commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable because of the level of current or future employment and/or the level of current or future customer traffic. The planning commission or city commission may also consider parking standards such as the Institute Of Transportation Engineers (ITE) or other documented parking standards or studies, including shared parking/collective parking arrangements and/or peak/non-peak parking demand. The planning commission or city commission may also consider prior arrangements or written agreements established before December 31, 2011, which satisfies required parking for the downtown or B-2 zoning district.
- d. Within the B-2 central business district only, for all buildings which include a mix of uses, the total number of parking spaces required by each separate use shall be divided by a sharing factor according to the following matrix:

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

(modified from SmartCode)

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

- e. In the interest of creating a viable central business district and to enhance the goal of separation of pedestrian and vehicular requirements, it is the goal of the City of Plymouth to encourage development of strategically located parking lots. These strategically located parking lots are

developed largely out of public support to discourage the indiscriminate location or small dysfunctional parking spaces and the creation of a compatible and aesthetic arrangement of land uses. In keeping with this policy, the provision of off-street parking requirements as herein provided may be waived or modified by resolution of the city commission.

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

- f. Requirements for off-street parking may be waived or modified as part of a planned unit development (PUD).
 - g. Parking within the B-2 zoning district shall comply with barrier free/accessible parking requirements of the State Construction Code.
 - h. Within the B-2 zoning district, a change of use or an intensification of land use which requires additional parking shall not be entitled to the non-conforming use status as provided in section 78-352 or section 78-353 and assumed parking exemptions. Such change of use shall be required to provide parking in accordance with this section.
- (b) Off-street parking for other than residential use and other than those spaces accommodated by payment in lieu of parking as approved by the city commission shall be either on the same lot or within 300 feet of the building it is intended to serve, measured by public right-of-way from the nearest point of the building to the nearest point of the off-street parking lot. When any required off-street parking is provided, not upon the same lot, but a lot within 300 feet of the building it is intended to serve, documentation meeting the requirements for recording at the register of deeds, shall be provided reflecting that the ownership of the realty (upon which parking is located) has given to the owner of the realty (upon which the building requiring the parking is located), a permanent right of use for the required number of parking spaces.

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

Sec. 78-271. Schedule.

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

Use			Number of Minimum Parking Spaces Per Unit of Measure
(1)	<i>Residential:</i>		
	a.	Residential, one-family and two-family	Two for each dwelling unit.
	b.	Residential within the B-2 central business district	One for each dwelling unit, plus one for each bedroom in excess of one per unit.
	c.	Residential, multiple-family	Two for each dwelling unit having two or less bedrooms and 2½ for each dwelling unit

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(Supp. No. 67)

			having three or more bedrooms, plus five for any office building or club house facility.
	d.	Housing for the elderly	One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided. A minimum of one visitor space shall be required for each six dwelling units.
	e.	Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
	f.	Rooming houses and rooming units	One for each bedroom or room which could be so used.
(2)	<i>Institutional:</i>		
	a.	Churches, temples, or places of worship. Religious institutions	One for each two seats or four feet of pews in the main unit of worship, plus any additional spaces needed for any day care, school, recreational facilities, meeting rooms, offices, and other uses determined by calculation by other section. An operations plan shall be submitted to support the amount of parking provided.
	b.	Hospitals	Two for each one bed plus parking for related uses.
	c.	Convalescent and/or nursing homes	One for each four beds.
	d.	Municipal recreation centers	Five spaces per 1,000 sq. ft. of floor area, plus parking required for outdoor facilities, or ½ parking space per person of permitted capacity whichever is greater.
	e.	Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements of the auditorium.
	f.	Senior high schools trade school, colleges and universities.	One for each one teacher, employee or administrator and one for each ten students, in addition to other applicable requirements, i.e. auditorium, etc.
	g.	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	h.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
	i.	Golf courses, including par-3, open to the general public, except miniature courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use, such as a restaurant or bar.
	j.	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	k.	Stadium, sports arena or similar place of outdoor assembly	One for each three seats six feet of benches, (bleachers), whichever is greater.

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	l.	Theaters and auditoriums	One for each three seats plus one for each two employees.
	m.	Nursery school, day nurseries or child care centers	One for each 150 square feet of usable floor area.
	n.	Library and museums	One for each 150 square feet of usable floor area.
	o.	Post office	One for each 100 square feet of lobby area plus one for each employee.
(3)	<i>Business and commercial:</i>		
	a.	Planned commercial or shopping center	One for each 100 square feet of usable floor area for the first 15,000 square feet.
			One for each 125 square feet for the next 15,001 to 450,000 square feet of usable floor area.
	b.	Club warehouse	One for each 150 square feet for that area in excess of 450,000 square feet of usable floor area.
			Six spaces per 1,000 square feet of usable floor area.
	c.	Auto wash (automatic)	One for each one employee. In addition, reservoir parking spaces equal in number to ten times the minimum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
	d.	Auto wash (self-service or coin-operated)	Four for each washing stall in addition to the stall itself.
	e.	Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber stations, and 1½ spaces for each additional station.
	f.	Bowling alleys	Five for each one bowling lane plus parking for accessory uses.
	g.	Dance halls, pool or billiard parlors, rolling skating rinks, exhibition halls and assembly halls without fixed seats	One for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	h.	Drive-in restaurant	One for each employee and one for each 25 square feet of usable floor area.
	i.	Drive-thru restaurant	One for each employee and five stack-up spaces for each drive through window or station.
	j.	Carry-out restaurant (with no eating on premises)	One for each employee and one for each 30 square feet of usable floor area with a minimum of six spaces.

	k.	Establishment for sale and consumption on the premises of beverages, food and refreshments	Outside of the downtown development district: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
			Within the downtown development district: Effective May 1, 1994: One for each 150 square feet of usable floor space; and effective January 1, 1997: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
	l.	Furniture and appliance or household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein).
	m.	Gasoline service stations (full service)	Two for each lubrication stall, rack or pit; and one for each gasoline pump stand; and one for each vehicle used as part of the equipment of the gasoline service station and one for each employee.
	n.	Gasoline filling stations (self-service)	1½ for each fuel nozzle. In addition, one parking space shall be provided for each 50 square feet of usable floor area in the cashier's and office areas. In no instance shall such a facility provide less than three parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
	o.	Convenience store, with or without gasoline service.	Four spaces per 1,000 square feet of usable floor area, plus spaces required for an auto service station activities or gasoline sales.
	p.	Custom workshops such as furniture refinishing or custom designed furniture manufacturing.	One space for each 800 square feet of gross floor area.
	q.	Dry cleaners.	Two spaces per each 1,000 square feet of usable floor area plus two stacking spaces for each drive-through lane.
	r.	Food stores.	One space for each 250 square feet of gross floor area.
	s.	Furniture/carpet store.	1½ spaces per 1,000 square feet of usable floor area.
	t.	Motor vehicle sales and service establishments.	One space for each 200 square feet of usable floor space of salesroom and two spaces for

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			each one auto service stall in the service room.
			The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose. Parking space is exclusive of the requirement for new vehicle storage and display.
	u.	Oil change facility.	A minimum of three spaces for employees, but not less than two for each lubrication stall, rack, pit, or similar service area. In addition, two waiting spaces for each service area shall be provided.
	v.	Swimming pool.	One space per each three persons of capacity authorized by the building code.
	w.	Video rental establishments.	15 spaces per 1,000 square feet of usable floor area, with a minimum of six spaces provided.
	x.	Ice skating or roller rink	One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is greater.
	y.	Laundromats and coin-operated dry cleaners	One for each two washing and dry-cleaning machines.
	z.	Miniature golf courses	Two for each one hole plus one for each one employee.
	aa.	Mini-storage rental units	One space for each employee and one space for each 50 storage rental units.
	bb.	Mortuary establishments	One for each 50 square feet of viewing room floor area.
	cc.	Motel, hotel or other commercial lodging establishments, including bed and breakfast inn.	One for each one occupancy unit plus one for each one employee plus one space for each three seats used for food, beverage, banquet and/or meeting room area.
	dd.	Retail stores except as otherwise specified herein	One for each 200 square feet of usable floor space.
	ee.	Public utility structures	One for each employee on the maximum work shift.
	ff.	Indoor tennis or racquetball facility	Four for each court plus spaces as required for each accessory use such as a full service bar or restaurant.
	gg.	Amusement arcade	One for each one game table and one for each amusement device.
	hh.	Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses	One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one space per employee, or one space for each 1½ clothing lockers, whichever is greater.
(4)	Offices:		

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	a.	Branch bank, credit union or savings and loans.	One space per each 200 square feet of usable floor area plus two spaces per each 24-hour teller, plus two stacking spaces for each drive-up teller.
	b.	Business offices or professional offices, except as indicated in subsection (4)d of this section.	One for each 300 square feet of usable floor space.
	c.	Professional offices of doctors, dentists or similar professions	One for each 75 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area plus one for each one employee.
	d.	Courts (city, county, district or state)	One space for each two seats in court rooms, plus four spaces for each conference room, plus one space per employee.
(5)	<i>Industrial:</i>		
	a.	Industrial or research establishments and related accessory offices	Five plus one space for every 1½ employees in the largest working shift or one for each 450 square feet of usable floor area in those instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction.
	b.	Wholesale and warehouses establishments and related accessory offices (non-retail warehouse)	One for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.
(6)	<i>Handicapped (all districts):</i>		Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended.

(Ord. of 10-6-03)

Sec. 78-272. Space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in section 78-271 require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefore is issued. Applications for a permit shall be submitted with two sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- (2) Off-street parking space layout, standards, maneuvering lane.

Parking Lot Dimensions

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Parking Pattern in degrees	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of 1 Tier of Parking Spaces Plus Maneuvering Lane (feet)	Total Width of 2 Tiers of Parking Spaces Plus Maneuvering Lane (feet)
0° (Parallel parking)	12	8	23	20	28
30° to 53°	15	9	20	35	55
54° to 74°	15	9	20	35½	58
75° to 90°	20	9	20	40	60

The parking lot dimensions may be required to be increased in those instances where fire or safety apparatus is required to utilize the maneuvering lane.

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot shall be provided and approved by the city engineer and the chief of police, who shall have full power to regulate and determine the places of ingress and egress so that traffic on the streets and highways of the city shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of pedestrians passing any such parking lot, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the chief of police shall be established and maintained by the owner or lessee of the parking lot. All drives and parking areas shall be surfaced in a manner equivalent to that which is provided for the parking areas under section 78-147 et seq.
- (5) Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- (6) The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet, six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (7) The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city. All drives shall be surfaced in a manner equivalent to that which is provided for the parking areas under section 78-147. Screening and landscaping and lighting shall be provided in keeping with the requirements of sections 78-203 and 78-204. Plans for the layout of parking lot shall show a total dimension across two tiers of spaces and one aisle (maneuvering lane) of at least the standards as required in section 78-272.
- (8) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

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- (9) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
 - (10) The planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
 - (11) The parking area shall be so designed as to provide a landscape plan in accord with section 78-203.
 - (12) To facilitate adequate turning radius within parking lots, interior landscape islands shall be a maximum of 18 feet as measured from the center of the parking isle. Interior parking lot isles at the end of a "double row" of parking shall be no more than 36 feet in length total.
 - (13) Curbing or bumper blocks shall be provided where parking spaces abut landscaping or sidewalks. If sidewalks and integrated curbing are used, the sidewalk abutting a parking stall shall be a minimum of seven feet in width. No more than two feet of the seven-foot wide sidewalk may be counted towards the length of a parking stall in order to accommodate for the front overhang of vehicles.

(Ord. of 10-6-03)

Sec. 78-273. Residential driveways.

- (a) New driveways constructed for single-family residential access shall meet all the following standards:
 - (1) Shall be a minimum of nine feet wide and clear of encumbrances such as columns or curbs.
 - (2) Shall be a maximum of 24 feet wide at the property line.
 - (3) The edge of the driveway including any necessary curbs shall be located at least one foot off the side property line. The one-foot buffer area between the driveway edge and property line should be landscape area.
 - (4) One driveway is allowed per lot and one curb cut is allowed per driveway. A second curb cut is permitted only if connected to a public alley.
 - (5) Driveways that abut each other shall be relocated if possible.
 - (6) Any legal, non-conforming driveway may be repaved or reconstructed in the same location and in the same manner if it was established legally and with necessary permits.
 - (7) Parking is not permitted in any front yard except on a driveway.

(Ord. of 10-6-03; Ord. No. 16-02, § 2, 7-18-16; Ord. No. 23-01, 1-17-23)

Sec. 78-274. Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) Within an I-1 or I-2 district, all spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a

permanent, durable and dustless surface. All spaces in I districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area in Square Feet	Loading and Unloading Space Required
0— 1,400	None
1,401— 20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

- (2) All loading and unloading in the I-1 and I-2 districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard except as follows:
- I-1 districts.* Permit off-street loading and unloading at a front facade truck entrance to a structure, and in the front yard, when the front facade of the industrial operation portion of the structure is set back at least 65 feet from the front property line, and provided further that the office portion of the structure is constructed forward of the industrial operation so as to be situated between the minimum front yard setback line of 50 feet and the industrial operation.
 - I-2 districts.* Permit off-street loading and unloading as a front facade truck entrance to the structure, and in the front yard, when such front facade is set back sufficiently to permit truck maneuvering on the property behind a greenbelt screen planting berm or wall set back at least 40 feet from the front lot line and so constructed as to totally obscure the loading and unloading operation.

(Ord. of 10-6-03)

Sec. 78-275. Parking of mobile homes and recreational vehicles.

The parking of a mobile home or recreational vehicle not owned by a resident of the city for periods exceeding 24 hours on lands not approved for said vehicles shall be expressly prohibited, except that the City Police Department may extend temporary permits allowing the parking of such vehicles in a rear yard on private property, not to exceed a period of two weeks. All mobile homes or recreational vehicles owned by residents of the city and stored on their individual lots shall be allowed for periods exceeding 24 hours with no permit required, and shall be stored only within the confines of the rear yard, except for temporary loading and unloading, and shall further respect the requirements applicable to Article XXI, Accessory Buildings, section 78-260, Regulations, insofar as distance from principal structures, lot lines and easements are concerned. For the purpose of this article, the area occupied by the stored mobile home or recreational vehicle shall be computed as lot coverage and shall not exceed the maximum coverage permitted under section 78-190 and 78-191. All such vehicles parked or stored on lands not approved for storage or parking shall not be connected to sanitary facilities or any utilities, except for repair or servicing, and shall not be occupied.

Secs. 78-276—78-279. Reserved.

ARTICLE XXIII. SPECIAL USES

Sec. 78-280. Intent.

The intent of this article is to provide for specific regulations which apply to special land uses. The regulations set forth in the article are in addition to the standards and procedures set forth in the various zoning districts.

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

Sec. 78-281. Special uses.

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

(b) *Procedures.*

(1) The building official shall review the proposed application and site plan to determine if all required information has been supplied, and, forward the completed application, site plan, and supporting data to the city planning commission or city commission depending on the special use permit being requested. Any request for a special use permit made pursuant to section 78-297 of this chapter shall be approved by the city commission only.

(2) Upon receipt of the application for a special use permit, the planning commission or city commission, as specified, shall hold a public hearing in accordance with the notification requirements described hereafter.

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

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

(3) Upon conclusion of the public hearing procedures, the planning commission or city commission, as specified, may issue a special use permit. Upon approval of a special use, the planning commission or city commission, as specified, may consider the site plan. A copy of the planning commission's or city commission's decision, with any conditions or reasons for rejection, shall be sent promptly to the building official and to the applicant.

(c) *Basics of determinations.* The planning commission or city commission, as specified, shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:

(1) Will be harmonious and in accordance with the general objectives or any specific objectives of the City of Plymouth Master Plan.

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(Supp. No. 67)

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

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

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

Sec. 78-282. Adult regulated uses.

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

The permitted or special approval uses permitted in any given zoning district, and listed below, shall be subject, unless otherwise required by the planning commission, to all the following conditions and regulations regarding site development.

- (a) *Definitions for adult regulated uses.* The following uses are regulated by this subsection.

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- (1) *Adult entertainment business.* One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, or adult nightclub.
 - (2) *Adult book or supply store.* An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
 - (3) *Adult motion picture theater.* An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
 - (4) *Adult mini-motion picture theater.* An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
 - (5) *Adult novelty business.* A business which has a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
 - (6) *Adult personal service business.* A business which has as a principle activity a person, while nude or partially nude, providing personal services for a person on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
 - (7) *Adult night club.* A business with the principal activity of providing entertainment by nude or partially nude performers.
 - (8) *Principal activity.* A use accounting for more than 20 percent of a business' stock in trade, display space, floor space, live entertainment time or movie display time per year.
- (b) *Required spacing.* The establishment of the types of adult regulated uses listed in above, shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:
- (1) At least 1,000 feet from any other adult regulated use;
 - (2) At least 500 feet from all ~~churches, convents, temples and similar~~ religious institutions;
 - (3) At least 500 feet from all public, private or parochial nurseries, primary or secondary schools, playgrounds, licensed child care facilities, and hospitals;
 - (4) At 500 feet from any one-family or multiple-family residential district or use;
 - (5) At 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf, dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses frequented by children and teenagers.
- (c) *Special site design standards.*
- (1) Maximum size of the building shall be 3,000 square feet.
 - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.

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- (3) Adult regulated uses shall be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.
 - (4) The color of the building materials shall be subject to approval by the planning commission.
 - (5) A 4½ foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way. The planning commission may permit use of landscaping in place of a wall.
 - (6) No person shall reside in or permit any person to reside in the premises of an adult regulated use.
 - (7) No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.
 - (8) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof and shall be in accordance with this section.

(Ord. of 10-6-03)

Sec. 78-283. Drive-in or drive-through restaurants.

Drive-in or drive-through restaurants subject to the following conditions:

- (1) The main and any accessory building shall be setback 50 feet from any adjacent public right-of-way line or property line.
- (2) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

A six foot high obscuring wall, fence or landscaping shall be provided along any property line adjacent to a residential zoning district.

(Ord. of 10-6-03)

Sec. 78-284. Bed and breakfast.

Bed and breakfast operations shall further be subject to the following:

- (1) Such dwellings shall meet all applicable codes and ordinances of the city, county and state.
- (2) Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the city.
- (3) Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- (4) The dwelling shall be a building with not more than six sleeping rooms available for guests of the bed and breakfast dwelling.
- (5) There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
- (6) Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
- (7) Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.

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- (8) An approved fire extinguisher in the common hallway accessible to all occupants.
 - (9) Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
 - (10) Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number, vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request.
 - (11) One unlighted wall sign not exceeding six square feet in area may be provided. Such wall sign shall not be an awning, changeable copy or channel letter sign. Bed and breakfast operations shall not be permitted freestanding signs.
 - (12) Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.

Such bed and breakfast dwelling shall not be located within 200 feet as measured from the nearest property lines, of another such facility.

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

Sec. 78-285. Automobile service stations/automobile convenience marts.

Automobile service stations and auto convenience marts shall be subject to the following conditions:

- (1) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- (2) The minimum lot area shall be 20,000 square feet, and as nearly rectangular as possible, and so arranged that ample space is available for motor vehicles which are required to wait for services.
- (3) Automobile service stations shall only be permitted at the intersection of at least one major thoroughfare with a local street or street of more intense classification and at freeway interchanges.
- (4) Maximum number of automobile service stations at any intersection shall not exceed two which should be situated diagonally from each other.
- (5) Automobile service stations shall not be located within 500 feet of any school.
- (6) Automobile service stations shall not be situated at any intersection where the approach gradient of either street exceeds two percent.
- (7) All lighting shall be shielded from adjacent residential districts and street right-of-ways.
- (8) Pump islands shall be a minimum of 25 feet from any public right-of-way or lot line. Overhead canopies shall be setback at least 15 feet from the public right-of-way.

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- (9) Outside storage shall be limited to small quantities of oil and other supplies needed for servicing at the pumps. Retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall not be displayed or sold outside. Vehicles which are awaiting service shall remain on-site for not more than 72 hours. No outside storage of tires and other parts and accessories and partly dissembled or junked vehicles shall be allowed. All repair work shall be conducted completely within an enclosed building.
 - (10) Full service islands or attendant filling services shall be made available.
 - (11) Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.
 - (12) The exterior of the main building shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry finished building materials other than glass and metal. The canopies shall be designed within a minimum height of 12 feet, and a maximum height of 15 feet, and the building design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.
 - (13) The outdoor use of any electronic or enhanced sound or public announcement system shall be limited to the hours of 8:00 a.m. and 6:00 p.m. Such a system shall not be directed toward adjacent residentially zoned or used property, and shall generally not present an unreasonable disturbance to the neighborhood in which it is located.
 - (14) Landscaping shall be at least 15 percent of the site, and should be designed in such a manner as to provide proper screening of on-site vehicles and paved surfaces and provide beautification on the site. The landscaping should include acceptable live plant, shrub, and tree specimens that will mitigate the view of headlight glare and as permitted in section 78-203, landscape design standards.
 - (15) The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling/service operations, in order to protect surface water and groundwater quality.

(Ord. of 10-6-03)

Sec. 78-286. Garden centers, nurseries and commercial outdoor storage.

Garden centers, nurseries and commercial outdoor storage.

- (1) The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
- (2) All loading activities and parking areas shall be provided on the same premises off-street.
- (3) The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(Ord. of 10-6-03)

Sec. 78-287. Outdoor sales.

Outdoor sales space for the exclusive sale of new/used automobiles or house trailers subject to the following:

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- (1) All lighting shall be shielded from adjacent residential districts.
 - (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - (3) A four-foot, six-inch obscuring wall or fence must be provided when abutting or adjacent districts are zoned for residential use.
 - (4) No major repair or major refinishing shall be done on the lot.
 - (5) Minor repair or refinishing shall be done within a completely enclosed building.
 - (6) No loudspeakers for outdoor broadcasting shall be permitted.

(Ord. of 10-6-03)

Sec. 78-288. Motel and hotel.

Motel and hotel subject to the following:

- (1) Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
- (2) A four-foot, six-inch obscuring wall or fence must be provided where abutting or adjacent districts are zoned for residential use.
- (3) No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
- (4) Each unit shall contain not less than two 250 square feet of floor area.

(Ord. of 10-6-03)

Sec. 78-289. Commercial outdoor recreation space.

Commercially used outdoor recreational space for children's amusement parks, [or](#) miniature golf courses, [are](#) subject to the following:

- (1) Children's amusement park must be fenced on all sides with a four-foot, six-inch wall or fence.
- (2) Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot, six-inch wall or fence where adjacent to the use.

(Ord. of 10-6-03)

Sec. 78-290. Funeral homes.

Funeral homes provided that the plan shall provide for adequate off-street assembly area for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the building of a mortuary establishment

(Ord. of 10-6-03)

Sec. 78-291. Automobile car wash.

Automobile car wash subject to the following:

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- (1) All buildings shall have a front yard setback of not less than 40 feet.
 - (2) All washing facilities shall be within a completely enclosed building.
 - (3) Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than 100 feet from any residential district. Noise from vacuuming or blow drying equipment shall be controlled by appropriate enclosures or sound barrier walls. All noise from such equipment shall comply with the city's noise ordinance.
 - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accordance with sections 78-271 and 78-272.
 - (5) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
 - (6) All off-street parking and waiting areas shall be paved with concrete and dust free.
 - (7) All lighting shall be shielded and directed away from adjacent residential districts.
 - (8) A four-foot, six-inch completely obscuring wall shall be provided where abutting to a residential district.

(Ord. of 10-6-03)

Sec. 78-292. Amusement parks and arcades.

Amusement arcades which provide space for patrons to engage in playing mechanical amusement devices or similar activities subject to the following:

- (1) Locations for any such establishment shall be confined to major thoroughfares as defined in the future land use plan and shall have the entrance to both the business and parking area for such establishment on the business street. Access from a street other than a major thoroughfare shall be prohibited.
- (2) Locations for any such facility shall be no closer than 500 feet to the property line of any elementary, intermediate or high school.
- (3) No such business shall be located within 500 feet of the property line of a similar business.
- (4) No such business building shall be located within 500 feet of any front, rear or side yard line of any residential district.
- (5) Off-street parking areas shall be developed in accord with all of the provisions of section 78-271 et seq.

(Ord. of 10-6-03)

Sec. 78-293. Storage facilities for materials or equipment.

- (a) Open storage facilities for materials or equipment shall be screened.
- (b) That portion of the land used for open storage facilities for materials or equipment shall be totally obscured by a masonry wall, berm or greenbelt on those sides abutting residential, office or business districts, and on any yard abutting a public thoroughfare. The extent of such a wall, berm or greenbelt shall be determined by the planning commission on the basis of usage. Such a wall, berm or greenbelt shall not be less than six feet in height and may, depending upon land usage, be required to be eight feet in height and shall be subject further to the requirements of section 78-206.
- (c) Shrub planting shall be installed abutting the wall on those sides exposed to public view from a public street within six months from the date of issuance of a certificate of occupancy. All planting plans shall meet the

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requirements of section 78-203 and shall be subject to the approval of the planning commission. Planting areas shall be subject to yearly inspection for maintenance and for compliance with the intent of this section.

(Ord. of 10-6-03)

Sec. 78-294. Child care facilities.

(a) *Child care center.*

- (1) Child care centers may be permitted in all zoning districts, except single-family residential and industrial districts, subject to the following minimum standards:
 - a. Operator must be licensed by the Michigan Department of Social Services.
 - b. A compliance permit must be obtained from the building department before operation commences and compliance must be continuous, and the compliance permit must be renewed annually.
 - c. Site plan approval by the planning commission must be obtained.
 - d. Outdoor play areas shall be fenced, and such play areas shall be made and kept safe by the care-givers.
 - e. Maintenance of the property consistent with the visible characteristics of the neighborhood.
 - f. A child care center shall comply with all fire and traffic safety standards set by the Michigan Department of Social Services and the City of Plymouth as determined by the chief of police and fire chief.
 - g. Care-givers shall maintain control of noise to protect the surrounding neighborhood.
 - h. All day care centers shall be currently registered with the 911 dispatch center on forms provided by said center.
 - i. No person other than the licensee or his/her immediate family may reside on the licensed property. No one need reside on the premises.
 - j. License holder and all employees shall be subject to a background check and approval by the chief of police.
- (2) The fees to be charged in connection with applications for day care center permits and renewals thereof shall be established by resolution of the city council and shall be based on the cost of inspection and administration.
- (3) The child care center compliance permit shall be issued for a period of one year only. Written renewal request must be made 30 days prior to expiration. After the first year, a follow up 300-foot notice will be sent if there has been a substantiated written complaint. No subsequent annual notices will be sent, unless deemed necessary by the building official. An annual inspection will be made in November of each year to assure compliance with this chapter. After request and inspections are complete and there are no substantiated complaints on file, the zoning or code official can renew at that time. Permits are valid from November 1 to October 31 of each year.
- (4) No compliance permit for a day care center shall be issued or renewed if the applicant has failed to file an annual personal property statement with the city assessor covering the property used in connection with said day care center, as required by law, or has failed to pay the personal property tax assessed on said personal property.

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- (5) The city permit to operate may be revoked at any time conditions at the home become such that allowing continued operation could prove to be detrimental to the health, safety or welfare of the children. Appeals to this section will be before the zoning board of appeals as provided for in the Code.

(b) *Group day care home.*

- (1) Group day care homes may be permitted in single-family residential districts subject to the following minimum standards:
- a. A compliance permit must be obtained from the building department before operation commences and compliance must be continuous, and the compliance permit must be renewed annually.
 - b. A group day care home shall not be located closer than 500 feet to any of the following:
 1. Another licensed group day care home.
 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. Outdoor play areas shall be in rear yards only and such rear yards shall be made and kept safe by the care-givers.
 - d. Maintenance of the property consistent with the visible characteristics of the neighborhood.
 - e. Signage shall not be allowed.
 - f. A group day care home shall comply with all fire and traffic safety standards set by the Michigan Department of Social Services and the City of Plymouth as determined by the chief of police and fire chief. Parking shall be in accordance with section 78-270 in addition to residential parking requirement of two spaces.
 - g. Care-givers shall maintain control of noise to protect the surrounding neighborhood.
 - h. All group day care homes shall be currently registered with the 911 dispatch center on forms provided by said center.
 - i. License holder shall be the owner of the premises and shall reside thereon.
 - j. License holder and employees shall be subject to a background check and approval by the chief of police.
- (2) The fees to be charged in connection with applications for home group day care permits and renewals thereof shall be established by resolution of the city council and shall be based on the cost of inspection and administration.
- (3) No compliance permit for a group day care home shall be issued or renewed if the applicant has failed to file an annual personal property statement with the city assessor covering the property used in connection with said group day care home, as required by law, or has failed to pay the personal property tax assessed on said personal property.

The group day care compliance permit shall be issued for a period of one year only. Written renewal request must be made 30 days prior to expiration. After the first year, a follow up 300-foot notice will be sent if there has been a substantiated written complaint. No subsequent annual notices will be sent, unless deemed necessary by the building official. At the time of renewal an annual inspection will be made to assure compliance with the ordinance. After request and inspections are complete and if there are no substantiated complaints on file, the zoning or code official can renew the permit.

(Ord. of 10-6-03)

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(Supp. No. 67)

Sec. 78-295. Adult foster care facilities.

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

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

(Ord. of 10-6-03)

Sec. 78-296. Religious institutions.

- (a) The following regulations shall apply to all religious institutions, ~~including churches, synagogues, temples,~~ and any associated structures utilized for educational purposes:
 - ~~(1) Lot width. The minimum lot width for religious institutions shall be 200 feet.~~
 - ~~(2) Lot area. The minimum lot area for religious institutions shall be three acres.~~
 - ~~(3) Parking setback.~~ Off-street parking shall be prohibited in the required front setback area, ~~and within 15 feet of the rear or side property line.~~
 - ~~(4) Building setback.~~ Religious institutions shall comply with the following building setback requirements:
 - Front yard: ~~25~~50 feet
 - Side Yards: ~~15~~30 feet
 - Rear yards: ~~35~~50 feet
 - ~~(5) Frontage and access.~~ Religious institutions shall be located on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation ~~streets which have a paved road having an existing or proposed right-of-way at least 86 feet.~~
 - ~~(6) Landscaping.~~ Religious institutions shall comply with the landscaping requirements set forth in this chapter.
 - ~~(7) Sole use of site.~~ Religious institutions and associated educational facilities shall be the sole use of the site ~~and shall not be located in a multi-tenant building.~~

(Ord. of 10-6-03)

Sec. 78-297. Rooftop dining.

Rooftop dining is subject to the following:

- (a) Rooftop dining requires a special land use permit which is to be approved and issued by the City of Plymouth City Commission. This permit is subject to annual review by the city commission. Permits for establishments serving alcohol shall be reviewed at the same time the establishment's liquor license is reviewed by the local liquor license review committee. A recommendation for the approval, renewal, renewal with conditions, denial, or postponement of action on the permit will be then forwarded to the city commission by the liquor license review committee. When this permit applies to restaurants not serving alcohol the annual review of the permit will be reviewed by the city commission who shall take one of the following actions: approve, approve with conditions, renew, renew with conditions, deny, or postpone. This review will take place annually at the same time the city commission conducts the annual liquor license review process. The city may revoke the special land use permit authorizing rooftop dining in accordance with the proceedings of subsection 78-281(g).
- (b) The rooftop seating area must be an extension of the interior dining that exists on same level, or a lower level or levels of the building.
- (c) No part of the rooftop dining operation shall exceed the height allowed in section 78-190 (height overlay district).
- (d) The open sides of the dining area must be enclosed by a wall, parapet, and/or fence that shall be 42 inches in height. In addition, a kick-plate/guard that allows for the passage of roof water for drainage while preventing dropped items from falling off the roof onto the area below shall be installed. Required kick-plate guards shall not have openings which allow passage of a sphere four inches (102 mm) in diameter from the walking surface to the required kick-plate/guard height of six inches.
- (e) A restaurant may have a rooftop dining area and an outdoor dining patio.
- (f) Rooftop dining area may operate between April 1 and November 1 and may be used only during operation hours of the applying establishment. Rooftop dining areas shall be allowed to begin service at 10:00 a.m. daily and service shall be permitted to continue until 11:00 p.m., Sunday through Wednesday and be closed and clear at 11:30 p.m. Establishments shall be allowed to continue service until 12:00 a.m. (midnight) on Thursday, Friday, and Saturday and be closed and clear at 12:30 a.m.
- (g) Live acoustic music on the rooftop dining area is allowed on Thursday, Friday and Saturday between April 1 and November 1 annually. Any music played through speakers on the rooftop dining area must be soundproofed so as to prevent sound from being heard at the street level of the building with the rooftop seating area and surrounding area.
- (h) The design, operation, and use of the rooftop dining area must be approved by and certified with a seal by a qualified, licensed structural engineer and that individual must certify that the rooftop is capable of the live load to be utilized by the establishment and the design of the load.
- (i) The rooftop dining area must comply with all city codes and ordinances, as well as all applicable state and federal laws. Its seating shall be limited to the space on the approved plans, and in no case more the 50 percent of the existing gross floor area of the restaurant, and in accordance with the capacity limits established by the fire department. No permanent components of the rooftop dining operation shall be visible from grade between November 1 and March 31 annually. Flooring, decking and other similar non-visible components are permitted to remain during this time period provided they are not visible from grade.

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- (j) Temporary roof structures, walls, pergolas lighting or other components and structures associated with the rooftop dining operation shall be removed on or before November 1 annually unless permitted in [subsection] (j).
 - (k) Any establishment that develops rooftop dining must provide 50 percent of the off-street parking required by section 78-270(a)(10)a.
 - (l) Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access may be allowed only as an emergency access for fire and life safety purposes.
 - (m) No televisions/monitors/screens shall be visible from the street level. No noise from televisions/monitors/screens shall be able to be heard at the street level.
 - (n) Rooftop dining lighting shall be directed away from adjoining properties and streets and designed to minimize glare.
 - (o) Any modifications to the plans submitted by the establishment for rooftop dining and approved by the city commission must be approved by the city commission before the same is made.

(Ord. No. 2014-02, § 3, 1-6-14; Ord. No. 2020-04, 9-21-20)

Ord. No. 2020-04, adopted Sept. 21, 2020, changed the title of § 78-297 from "Rooftop seating establishments serving alcohol" to read as herein set out.

Secs. 78-298—78-309. Reserved.

ARTICLE XXIV. PLANNED UNIT DEVELOPMENT

Sec. 78-310. Purpose.

The planned unit development (PUD) is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as site condominiums) and variety in design, layout, and type of structures constructed; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or existing buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

(Ord. of 10-6-03)

Sec. 78-311. General authority, criteria.

- (a) A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the planning commission and approval of the city commission.
- (b) Any land use authorized in this article may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

(c) The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:

- (1) Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - c. Long-term protection of historic structures or significant architecture worthy of historic preservation; or
 - d. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
- (3) The proposed planned unit development shall be consistent with the public health, safety and welfare of the city.
- (4) The proposed planned unit development shall not result in an unreasonable negative environmental impact or loss of a historic structure on the subject site or surrounding land.
- (5) The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.
- (6) The proposed planned unit development shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this article.
- (7) The proposed planned unit development shall be consistent with the goals and policies of the city master plan.
- (8) The proposed use or uses shall be of such location, size, and character as to be in harmony with the zoning district in which it is situated, and shall not be detrimental to the adjoining zoning districts.
- (9) A demonstration that the PUD is not proposed in an attempt by the applicant to circumvent the strict application of zoning standards.

(Ord. of 10-6-03)

Sec. 78-312. Residential design standards.

- (a) Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.

District	Maximum Density Permitted (Dwelling Units/Gross Acres)
R-1, one-family residential	One family unit per 7,200 square feet
RT-1, two-family residential	One family unit per 3,500 square feet
RM-1, multiple-family residential	(refer to section 78-191)

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(Supp. No. 67)

RM-2, multiple-family residential	(refer to section 78-191)
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- (b) An additional density of up to 25 percent greater than specified above may be allowed at the discretion of the planning commission based upon a demonstration by the applicant of design excellence and conformance to the standards listed in section 78-313.
- (c) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units as required in section 78-206.

(Ord. of 10-6-03)

Sec. 78-313. General design standards.

- (a) All regulations within the city zoning ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
- (b) Notwithstanding subsection (a) of this section, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the city commission upon the recommendation of the planning commission designed into the project plan for the purpose of achieving the objectives of this section.
- (c) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses.
- (d) The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- (e) The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (f) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the city. However, where warranted by overlapping or shared parking arrangements, the planning commission or city commission may reduce the required number of parking spaces.
- (g) All streets and parking areas within the planning unit development shall meet the minimum construction and other requirements of city ordinances, unless modified by city planning commission.
- (h) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (i) Effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including [MDEQ-EGLE](#) regulated and non [MDEQ-EGLE](#) regulated wetlands or floodplains.
- (j) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (k) There shall be underground installation of utilities, including electricity and telephone.
- (l) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- (m) Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled

development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

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

(Ord. of 10-6-03)

Sec. 78-314. Procedure for review.

- (a) *Pre-application conference.* prior to the submission of an application for planned unit development approval, the applicant shall meet with the building official, together with any staff and consultants the building official deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total size of the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the size of the area to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural features or historic features to be preserved.
- (b) *Preliminary plan.* Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept of the project, and explaining the manner in which the criteria set forth in the preceding design standards has been met. The applicant may request that the planning commission review the preliminary PUD plans under this subsection and final PUD plans under subsection (c) of this section concurrently rather than under two separately phased applications.
 - (1) *Information required.* The preliminary site plan for a PUD shall contain at a minimum the following information:
 - a. One copy of the preliminary PUD site plan, reduced in size to 8½ by 11 inches, on clear acetate or similar material suitable for use with an overhead projector.
 - b. Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics and scale.
 - c. Plans providing:
 - 1. The applicant's name;
 - 2. Name of the development;
 - 3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the state;
 - 4. Date of preparation and any revisions;
 - 5. North arrow;
 - 6. Property lines and dimensions;
 - 7. Complete and current legal description and size of property in acres;
 - 8. Small location sketch of the subject site and area within ½ mile; and scale of no less than one inch equals 1,000 feet;

9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site;
10. Lot lines and all structures on the property and within 100 feet of the PUD property lines;
11. Location of any access points on both sides of the street within 100 feet of the PUD site along streets where access to the PUD is proposed;
12. Existing locations of significant natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, [MDEQ EGLE](#) designated or regulated wetlands with supporting documentation and a tree survey indicating the location and diameter (in inches, measured four feet above grade) trees greater than 12 inches in diameter;
13. Existing and proposed topography at five-foot contour intervals, or two-foot contour intervals (two-foot intervals required for final site plan), and a general description of grades within 100 feet of the site;
14. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
15. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;
16. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments: the number, type and density of proposed housing units;
17. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
18. Size, type and location of proposed identification signs;
19. If a multiphase planned unit development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase;
20. Any additional graphics or written materials requested by the planning commission or city commission to assist the city in determining the appropriateness of the pud such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost;
21. An explanation of why the submitted planned unit development plan is superior to a plan which could have been prepared under strict adherence to related sections of this chapter.

(2) *Planning commission action.* The preliminary plan shall be noticed for public hearing before the planning commission in accordance with section 78-377. Following the hearing, the planning commission shall review the preliminary site plan and shall take one of the following actions:

- a. *Approval.* Upon finding that the preliminary plan meets the criteria set forth in the purpose and intent and this section, the planning commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall

confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the planning commission shall not bind the city commission to approval of the final plan.

- b. *Approval with changes or conditions.* The planning commission may grant conditional approval subject to modifications as performed by the applicant.
 - c. *Postpone.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this section, but could meet such criteria if revised, the planning commission may postpone action until a revised preliminary plan is resubmitted.
 - d. *Denial.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this section, the planning commission shall deny preliminary approval.
- (c) *Final plan.* Within six months following receipt of the planning commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of planning commission comments, the preliminary plan approval becomes null and void.
- (1) *Information required.* A final site plan and application for a PUD shall contain the following information:
 - a. A site plan meeting all requirements and standards of article XX.
 - b. A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this article.
 - c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.
 - (2) *Planning commission final action.* The planning commission shall review the final site plan and shall take one of the following actions:
 - a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this article and this section, the planning commission may grant final approval.
 - b. *Approval with changes or conditions.* The planning commission may grant conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in the purpose and intent of this article and this section.
 - c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the planning commission may postpone action until a revised plan is submitted.
 - d. *Denial.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the planning commission shall deny final approval.
 - (3) *City commission final action.* If the proposed development has been approved or approved with conditions, the planning commission recommendation shall be submitted to and reviewed by the city commission. The city commission shall take one of the following actions:

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- a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this article and this section, and any conditions placed by the planning commission, the city commission may grant final approval.
 - b. *Approval with changes or conditions.* The city commission may grant approval and attach additional conditions if the plan meets the criteria established in the purpose and intent of this article and this section.
 - c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this article and this section, the city commission may postpone action until a revised plan is submitted.
 - d. *Denial.* Upon finding that the planning commission has denied the application for final plan and that the application does not meet the criteria set forth in the purpose and intent of this article or this section, the city commission shall deny such application.
- (4) *Reasons for action.* All actions on the preliminary plan or final plan by the planning commission and the city commission shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion.

(Ord. of 10-6-03)

Sec. 78-315. Conditions.

- (a) Reasonable conditions may be required by the planning commission before the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Permit conditions may be drafted in writing specifying conditions of approval and use. Conditions may stipulate that the PUD may only be used for selective land uses provided the restraints advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land thus benefiting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this section and thus benefit the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare. A change of land use (as defined in section 78-21) during operation of the PUD will render the PUD null and void or will require application for a revised PUD.
- (b) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this article, and be related to the objective of ensuring compliance with the standards of this article. All conditions imposed shall be made a part of the written record of the approved planned unit development which shall include a site plan and written PUD permit conditions signed by the city and the applicant.
- (c) If the conditions set forth herein are not complied with, then the building official shall have the right to compel a show cause hearing by the planning commission or issue a violation pursuant to article XXIV of this chapter. At the show cause hearing, additional conditions may be imposed by the planning commission or the city may require submittal of a new PUD application.

(Ord. of 10-6-03)

Sec. 78-316. Phasing and commencement of construction.

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the city commission after recommendation from the planning commission.
- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant and in accordance with article II [this article] of this chapter. If construction is not commenced within such time, the planning commission shall take one of the following actions:
 - (1) The planning commission may approve a request from the property owner for an extension of the final PUD site plan for a specified period of time, not to exceed one year for each such extension. This request may be granted by the planning commission for good cause if the request is made prior to the expiration of the initial period or any extension thereof.
 - (2) The planning commission may approve on their own initiative an extension of the final PUD site plan for a specified period of time, not to exceed one year for each such extension. Such extension shall be granted no later than the first regular meeting following the expiration of the current approval period.
 - (3) If neither subsection (b)(1) or (2) of this section is taken, then the final PUD site plan shall be deemed to have expired, and the planning commission shall recommend to the city commission a rezoning of the affected property in accordance with article XXIV.

(Ord. of 10-6-03)

Sec. 78-317. Effect of approval.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD site plan and PUD permit conditions shall be recorded with the county register of deeds at the applicant's expense.

(Ord. of 10-6-03)

Sec. 78-318. Deviations from approved final PUD site plan.

Deviations from the approved final PUD site plan may occur only under the following conditions:

- (1) An applicant or property owner who has been granted final PUD site plan approval shall notify the building official of any proposed amendment to such approved site plan or PUD conditions.
- (2) Minor changes may be approved by the city building official upon certification in writing to the planning commission that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the original approval by the planning commission. In considering such a determination, the building official shall consider the following to be a minor change:

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- a. For residential buildings, the size of structures may be reduced, or increased by five percent provided that the overall density of units does not increase;
 - b. Square footage of nonresidential buildings may be decreased, or increased by up to five percent or 10,000 square feet, whichever is smaller;
 - c. Horizontal and/or vertical elevations may be altered by up to five percent;
 - d. Movement of a building or buildings by no more than ten feet;
 - e. Designated "Areas not to be disturbed" may be increased;
 - f. Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis;
 - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;
 - h. Changes of building materials to another of higher quality, as determined by the building official;
 - i. Changes in floor plans which do not alter the character of the use;
 - j. Slight modification of sign placement or reduction of size;
 - k. Relocation of sidewalks and/or refuse storage stations;
 - l. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design;
 - m. Changes required or requested by the city for safety reasons shall be considered a minor change.
- (3) Should the building official determine that the requested modification to the approved final PUD site plan is not minor or if a change in land use has occurred which is different than land uses previously approved, re-submittal to the planning commission shall be necessary and new public hearing and notification under section 78-377 shall be required.
 - (4) Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required.
 - (5) Any deviation from the approved PUD site plan, except as authorized in this section, shall be considered a violation of this article and treated as a misdemeanor, and subject to article XXIV of this chapter. Further, any such deviation shall invalidate the PUD designation.

(Ord. of 10-6-03)

Secs. 78-319—78-329. Reserved.

ARTICLE XXV. GENERAL EXCEPTIONS

Sec. 78-330. Area, height and use exceptions.

The regulations in this chapter shall be subject to the following interpretations and exceptions.

(Ord. of 10-6-03)

Sec. 78-331. Essential services.

It is the intent of this chapter to place essential services or property owned, leased, or operated by public agencies, including local, state, federal or any other public or governmental body or agency or public utilities under the provisions of this chapter, as follows:

- (1) Where such uses are specifically listed they shall be governed as indicated.
- (2) Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.
- (3) Property owned, leased, or operated by the State of Michigan or the United States shall be exempted from the provisions of this chapter only to the extent that said property may not be constitutionally regulated by the city.
- (4) Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review, or administrative site plan review, it being the intention of the city to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with the applicable regulations that do not affect the basic design or nature of operation of said services.

(Ord. of 10-6-03)

Sec. 78-332. Voting place.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Ord. of 10-6-03)

Sec. 78-333. Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, ~~church~~[church-religious institution](#) spires, flag poles, public monuments or wireless transmission towers excluding cellular telephone facilities; provided, however, that the zoning board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special use under section 78-281.

(Ord. of 10-6-03)

Sec. 78-334. Lot area.

Any lot existing and of record at the time this chapter became effective [February 11, 1992] may be used for any principal use, other than uses permitted on special approval for which special lot area requirements are specified in this chapter, permitted in the district in which such lot is located. This provision applies whether or not such lot complies with the lot area requirements of this chapter, provided that all requirements other than lot area requirements prescribed in this chapter are complied with; and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(Ord. of 10-6-03)

Sec. 78-336. Residential yard fences.

Fences or walls in residential districts may be constructed within a required rear or side yard, or along such property line as provided in accordance with City Code, Chapter 18, Article 10.

(Ord. of 10-6-03)

Sec. 78-337. Condominium.

- (a) Condominium ownership imposes, in any use district, problems which are separate and distinct from those under other established types of development, control and ownership. A single structure or a group of structures incorporates several different real estate and tax entities, thus creating new aspects of municipal responsibility and administration affecting the public health, safety and general welfare.
- (b) In order to adequately and properly protect the interests of the community, assure a desirable and stable environment in harmony with that of the surrounding area and provide the special amenities and safeguards considered essential to the characteristics of individual ownerships, condominiums shall be subject to the following:
 - (1) No condominium shall be developed, nor shall any existing structure be converted to a condominium in any use district until after a permit has been issued. Such permit shall be issued only upon the approval of the planning commission. As a basis for issuance of a permit, the complete plans, specifications and master deed shall be submitted, and shall be reviewed as to compliance with the following objectives:
 - a. Parking provisions shall be adequate to fulfill expected requirements, which may exceed otherwise prescribed criteria and may necessitate enclosed or covered parking in closer proximity to units.
 - b. Complete pedestrian circulation shall be provided within the development via corridors or adequate sidewalks, which shall connect with public sidewalks at convenient intervals.
 - c. Outdoor open space shall be provided to meet the health and recreational needs of the owners and, where individual open spaces are considered necessary, privacy of each shall be assured by effective screening.
 - d. Privacy of individually owned units shall be assured by orientation or other means to assure visual privacy from casual pedestrian traffic and from nearby units. In addition, protection against noise infiltration shall be assured by special and adequate acoustic treatment of walls, floors, ceilings, window openings and of utility lines (water and sewer) to eliminate or reduce to an acceptable level sound transmission into, between or from individual units.
 - e. Security of individual units shall be provided by adequately fire-rated vertical and horizontal partitions separating units.
 - (2) No condominium shall be permitted in any use district unless it complies fully with use, area, height, bulk and all other requirements of that district as provided by other sections of this chapter.
 - (3) A site plan prepared in accord with Article XX shall be submitted for the entire site proposed to be developed for review by the planning commission.

(Ord. of 10-6-03)

Secs. 78-338—78-349. Reserved.

ARTICLE XXVI. NONCONFORMANCE

Sec. 78-350. Intent.

- (a) It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.
- (b) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
- (c) Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (d) To avoid undue hardship, nothing in this chapter 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 chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal, it shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved and provided further that all work shall be done pursuant to a valid permit.

(Ord. of 10-6-03)

Sec. 78-351. Nonconforming lots and sites—Governing regulations.

- (a) Nonconforming lots shall be governed by the following regulations:
 - (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district a variance shall be obtained through approval of the zoning board of appeals.
 - (2) In other multi-family or non-residential zoning districts, uses permitted may be constructed on a nonconforming lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements shall be obtained through approval of the zoning board of appeals.

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- (3) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter. No portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this chapter.
- (b) Nonconforming sites shall be governed by the following regulations:
- (1) *Intent.* It is recognized that certain sites do not comply with the current paving, lighting, landscaping and other non-safety related site development requirements. This section is intended to:
- a. Allow for reasonable re-use, maintenance and improvements to these sites that will gradually improve compliance with these requirements.
 - b. Permit a proportionate amount of improvements to nonconforming sites relative to the amount of expansion or improvement proposed to the use or building.
 - c. Allow the needed flexibility in the regulations to encourage gradual site improvements and increased compliance with the intent of the zoning ordinance requirements.
- (2) *Required reviews.* This section provides for the conditions under which re-occupancy, improvement and modification to nonconforming sites may occur. It does not replace other reviews and requirements contained elsewhere in this chapter. Therefore, where improvements and modifications are proposed to nonconforming sites, they shall be subject to site plan review according to article XX.
- (3) *Standards for review.* Applications to improve or modify nonconforming sites shall be reviewed in accordance with article XX for new development, redevelopment, or change of use as listed in section 78-242. Such activity may only be permitted if all of the following standards are met:
- a. *General standards.*
 1. Expansions to nonconforming structures or buildings comply with section 78-353, nonconforming structures.
 2. Changes to nonconforming uses comply with section 78-354, nonconforming uses of structures and land.
 3. The applicant is proposing reasonable site improvements to the overall site in relation to the scale and construction cost of any proposed building improvements or expansion on site.
 4. The applicant has addressed safety related site issues on the overall site.
 5. The improvements or minor expansion will not increase noncompliance with other site requirements.
 - b. *Driveways.* Driveways that do not conform to current safety design standards, as determined by the city engineer, shall be removed or redesigned to the greatest extent possible. Where required to maintain reasonable access to sites, driveway designs shall be evaluated by the city engineer for conformance with safety standards.
 - c. *Sidewalks.* Whenever modifications or expansion to the building, parking lot or site are proposed, the sidewalks shall be installed along the site frontage and within the interior of the site to provide a safe passageway for pedestrians from the street to the principal building and use on site. Sidewalk designs shall be evaluated by the city engineer for conformance with safety standards.

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- d. *Parking.* Existing parking areas must be in good condition, as determined by the building official or city engineer, and any improvements necessary to provide a safe durable surface have been proposed. For projects involving new development, redevelopment, or change of use, parking areas that are nonconforming in terms of required number of spaces, landscaping, setbacks, lighting or other requirements of this section, shall be brought into full compliance with this section if any of the following occur:
1. The nonconforming parking area is expanded or altered by an area that is 50 percent or more of the original area.
 2. Twenty-five percent or more of the surface area of the parking area is reconstructed (existing pavement removed and replaced).
 3. Where full compliance is not possible due to existing site conditions, a variance may be requested from the zoning board of appeals.
 4. Whenever re-occupancy is proposed, or the parking area is not proposed to be expanded or reconstructed beyond the percentages noted in 1. and 2. above, then any necessary repairs shall be made to the existing parking lot pavement, as determined by the building official and/or city engineer.
- e. *Screening.* Whenever modifications are proposed, or any expansion to the building or site proposed, then required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.
1. Where existing screening walls are in disrepair, they shall be improved to a sturdy and attractive condition.
 2. All outdoor storage areas shall be screened from adjacent residential uses, and all waste receptacles shall be screened.
- f. *Landscaping.* For projects involving new development, redevelopment, or a change of use on sites that are nonconforming by reason of landscaping required by this section, either by required area, materials, or other requirements of this section, the site shall be brought into compliance with this section under the following conditions:
1. Whenever the size of the nonconforming site (building, parking and outdoor storage) is redeveloped or expanded by an area that is 50 percent or more of the original nonconforming area, all landscaping on the site shall be brought into compliance with this section; or
 2. Whenever 25 percent or more of the surface area of the landscaped area is redeveloped or reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscape area shall be brought into compliance with this section.
 3. Landscape buffer strips shall be installed between the right-of-way and parking lot per section 78-203.
- g. *Lighting.* To the greatest extent reasonable, lighting should be brought into compliance with section 78-204. At a minimum, existing lighting must be shielded to prevent off-site glare.

(Ord. No. 2017-10, § 1, 1-2-18)

Editor's note(s)—Ord. No. 2017-10, § 1, adopted Jan. 2, 2018, amended § 78-351 in its entirety to read as herein set out. Former § 78-351 pertained to nonconforming lots—governing regulations, and derived from Ord. of 10-6-03.

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(Supp. No. 67)

Sec. 78-352. Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- (3) If such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) Nonconforming use status shall not apply to the following:
 - a. Retail use (One space per 500 sq. ft.) converted to restaurant or medical office (one space per 250 sq. ft.).
 - b. Office use (one space per 500 sq. ft.) converted to restaurant or medical office (one space per 250 sq. ft.).

For the above listed conversions, the proposed use shall comply with the parking requirements of subsection 78-270(a)(10).

(Ord. of 10-6-03; Ord. No. 2012-02, § 7, 1-3-12)

Sec. 78-353. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than 60 percent of its market value, it shall be reconstructed only in conformity with the provisions of this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (4) Nonconforming structure status shall not apply to the following:
 - a. Retail use (One space per 500 sq. ft.) converted to restaurant or medical office (one space per 250 sq. ft.).
 - b. Office use (one space per 500 sq. ft.) converted to restaurant or medical office (one space per 250 sq. ft.).

For the above listed conversions, the proposed use shall comply with the parking requirements of subsection 78-270(a)(10).

(Ord. of 10-6-03; Ord. No. 2012-02, § 8, 1-3-12)

Sec. 78-354. Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six consecutive months or for 12 months during any two year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- (5) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. of 10-6-03)

Sec. 78-355. Repairs and maintenance.

- (a) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 60 percent of the market value of the building, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased.
- (b) In calculating whether the cost of repair work exceeds 60 percent of the market value of the building, the cost of roofing, plumbing, electrical wiring or siding shall not be included.
- (c) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. of 10-6-03)

Sec. 78-356. Uses under exception provisions not nonconforming uses.

Any existing use for which a special exception or a use permitted subject to special conditions is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(Ord. of 10-6-03)

Sec. 78-357. Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

(Ord. of 10-6-03)

Secs. 78-358—78-369. Reserved.

ARTICLE XXVII. ADMINISTRATION AND ENFORCEMENT⁴

Sec. 78-370. Building official to enforce zoning provisions.

The provisions of this chapter shall be administered and enforced by the building official or by such deputies of his department as the building official may delegate to enforce the provisions of this chapter.

(Ord. of 10-6-03)

Sec. 78-371. Duties of building official.

- (a) The building official shall have the authority to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (b) The building official is under no circumstances permitted to make changes in this chapter nor to vary the terms of this chapter in carrying out his duties as building official.
- (c) The building official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such covenants or private agreements which may occur upon the granting of such permit.

(Ord. of 10-6-03)

Sec. 78-372. Plot plan.

The building official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved on the lot and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.

⁴Cross reference(s)—Administration, Ch. 2.

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- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed. One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved. The second copy shall be retained in the office of the building official.
 - (5) Any guarantee required under this chapter shall be deposited with the city treasurer prior to the issuance of permits, i.e., temporary occupancy requires a bond.

(Ord. of 10-6-03)

Sec. 78-373. Permits.

The following shall apply in the issuance of any permit:

- (1) *Not to be issued.* No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- (2) *New use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (3) *New use of building.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (4) *Required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the city building code, state housing law, or this chapter, except for minor repairs or changes not involving any of such features.

(Ord. of 10-6-03)

Sec. 78-374. Certificate of occupancy.

- (a) No land, building, structure, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:
 - (1) *Not to be issued.* No certificates of occupancy pursuant to the building code of the city shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this chapter.
 - (2) *Required.* No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
 - (3) *Existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
 - (4) *Guarantees.* Guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond shall be provided in a form acceptable to the city. The amount of such guarantee shall

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(Supp. No. 67)

cover all improvements not normally covered in the building permit, e.g., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion of work completed on the different elements after inspection of work and approval of the building official. Any partial release of funds shall be less than 90 percent, ten percent which shall be retained by the city until all work has been completed and subsequently inspected and approved by the building official.

- a. If more than one bond or guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement and the ten percent holdback may be released upon satisfactory completion of such phase of construction and approval of the building official.
 - b. In instances where all improvements, as required in this section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the building official, particularly with respect to any delay to another construction season. The building official, in evaluating the adequacy of the financial guarantees, may request any necessary input from the city engineer, planner, and landscape architect. If the estimated cost has changed, then a revised guarantee, acceptable to the city, shall be filed with the treasurer covering such improvements.
- (5) *Temporary certificates.* Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter. A surety bond shall be obtained to bring all items in line with the site plan and building code.
- (6) *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (7) *Certificates for dwelling accessory buildings.* Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (8) *Applications for certificates.* Application for certificate of occupancy shall be made in writing to the building official on forms furnished by the department, and such certificate shall be issued within ten days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.
- (b) If such certificate is refused for cause, the applicant therefore shall be notified in writing of such refusal and cause thereof, within the ten-day period.

(Ord. of 10-6-03)

Sec. 78-375. Final inspection.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the building official immediately upon the completion of the work authorized by such permit, for a final inspection.

(Ord. of 10-6-03)

Sec. 78-376. Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this chapter, shall be collected by the city treasurer in advance of issuance. The amount of such fees shall be established by resolution of the city commission and shall cover the cost of inspection and the supervision resulting from enforcement of this chapter.

(Ord. of 10-6-03)

Sec. 78-377. Public hearings.

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

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

newspaper, which shall not be required to indicate the property subject to the request under subsection (a)(2) of this section, and notice shall not be required to be mailed to individual properties under subsections (b)(2) and (b)(3) of this section.

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

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

Sec. 78-378. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings, or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

(Ord. of 10-6-03)

Sec. 78-379. Zoning commission.

The city planning commission is hereby designated as the commission specified in Section 4, of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, to perform the duties of such commission as provided in the statute in connection with the amendment of this chapter.

(Ord. of 10-6-03)

~~Sec. 78-380. Changes and amendments.~~

All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

Notification for public hearings shall be in accordance with section 78-377.

Petitions for zoning ordinance amendments or conditional zoning amendments shall be submitted to the building department on standard forms provided by the third Tuesday of each month, before the next regularly scheduled planning commission meeting. If the planning commission or building department determines that the application is administratively complete, the planning commission shall set a date for a public hearing to receive public comment. The standard forms shall be completed in the manner prescribed and such documents, as

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(Supp. No. 67)

required by the ordinance, shall be filed with the building department. A fee schedule, as provided by resolution of the city commission, shall be levied against each petition to covers the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative to said petition. The building department shall transmit the application to the planning commission.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

(Ord. of 10-6-03; Ord. No. 2012-04, § 15, 11-5-12)

Sec. 78-381. Fees, petition for amendment.

Consideration of an amendment to this chapter may be initiated upon presentation of a petition for amendment by the owner of real estate affected. Such petition shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of petitions for a change or amendments applying to a specific piece of property, where such petition was denied in the first instance.

(Ord. of 10-6-03)

Sec. 78-382. Violations and penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than \$500.00 and the cost of prosecution or, in default of the payment thereof, by imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. of 10-6-03)

Sec. 78-383. Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter [February 11, 1992] and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

(Ord. of 10-6-03)

Sec. 78-384. Rights and remedies are cumulative.

The rights and remedies provided in this chapter are cumulative and in addition to any other remedies provided by law.

(Ord. of 10-6-03)

Sec. 78-385. Planning commission approval.

- (a) In cases where the planning commission is empowered to approve certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the planning commission for the proper consideration of the matter.
- (b) The planning commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- (c) The planning commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this chapter.
- (d) Any approval given by the planning commission, under which premises are not used or a building permit issued within 12 months or when such use or work has been abandoned for a period of 12 months, shall lapse and cease to be in effect.
- (e) The planning commission shall not have the power to change the zoning classification of any property, nor to grant exceptions or variances from any terms or requirements of this chapter.

(Ord. of 10-6-03)

Sec. 78-386. Vested right.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are

hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. of 10-6-03)

Sec. 78-387. Conditional rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
- (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
- a. A scaled map or drawing of the property.
 - b. Existing and proposed uses, buildings, and structures.
 - c. Proposed parking arrangements and on-site circulation.
 - d. Relationship of the site to adjoining parcels.
 - e. Proposed landscape screens, walls, or buffers.
 - f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.
- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.
- The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the

pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

(1) *Other required approvals by the City of Plymouth.*

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.

(2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.

- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.
- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
- (1) Be prepared in a form recordable with the county register of deeds;
 - (2) Contain a legal description of the land to which it pertains;
 - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;

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- (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
 - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
 - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
 - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission,

the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.

- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(Ord. No. 2012-04, § 16, 11-5-12)

Sec. 78-388. Required signage.

- (a) *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

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(Supp. No. 67)

(Ord. No. 2012-04, § 17, 11-5-12)

Sec. 78-389. Traffic impact study.

- (1) A traffic impact study shall be required for projects that would be expected to generate 100 directional vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineer's (ITE) Trip Generation Manual. The ITE data may be supplemented by actual trip generation data from similar establishments in Michigan. Any supplemental data must be reviewed and approved by the city prior to use in the study analyses.
- (2) The requirement for a traffic study may be appealed to the city zoning board of appeals. Such appeals shall be made in writing and shall be submitted at least ten days prior to a regular meeting of the zoning board of appeals. The appeal may be to waive the requirement or eliminate the need for some of the information required. To receive such a modification, the applicant shall demonstrate that the impacts will be relatively minor and/or the existing infrastructure has ample capacity available.
- (3) An applicant is required to comply with the following procedures and submit the following items of information for a traffic study:
 - (a) The applicant is required to contact the city building official and the traffic engineering consultant prior to preparation of a traffic impact study to discuss available data, extent of study area and inclusion of other projects or growth factors as part of the background conditions.
 - (b) Existing conditions, including daily and peak-hour traffic volumes on adjacent street(s), intersections within the vicinity that are expected to be impacted and a description of any sight distance limitations along the site's frontage.
 - (c) Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of nonholiday weeks. Additional counts, i.e., on a Saturday for a proposed commercial development, may also be required. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day, construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher-than-average volume conditions, i.e., regarding weather or seasonal variations for the area under study. Traffic data between one and two years old will not be accepted unless the applicant can document that volumes have not changed more than two percent. Traffic data older than two years old will not be accepted.
 - (d) Forecasted trip generation of the proposed use shall be provided for the a.m./p.m. peak-hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the Institute for Traffic Engineers (ITE) Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan. For rezoning requests when such change represents a departure from the future land use map, the study should contrast the trip generation of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the building official.
 - (e) All traffic impact studies will include an analysis of background conditions for the year that the project is to be completed (or in phases if applicable). Background traffic includes historic annual percentage increases and/or acknowledges the traffic impacts of other uses approved or in the review process, but not yet constructed, which may affect traffic operations for roadways and intersections near the subject site, as determined by the city. This may include projects in adjacent communities.

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- (f) The projected traffic generated shall be distributed onto the existing street network to identify expected turning movement volumes at site driveways and nearby intersections and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution shall also be included. The expected trip distribution shall be approved by the building official prior to continuation of the analyses. The assignment of forecasted site traffic shall be clearly illustrated in graphic form in the study report.
 - (g) Capacity analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. "Before" and "after" capacity analyses shall also be performed at all street intersections where the expected project traffic will comprise at least five percent of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the city, Michigan Department of Transportation, or Wayne County Department of Public Services staff. The "after" analysis shall include a scenario with no improvements and separate analysis for various mitigation options or packages of improvements. Any proposed change to signal timing should include documentation of acceptance by Wayne County staff.
 - (h) Traffic crash data at analyzed intersections covering the past three years shall be summarized in collision diagrams if the segment of roadway adjacent to or near the subject site has experienced crash problems. In addition, data charts including times of day, days of week, crash types, months of year, alcohol or drug involvement, weather, pavement, and light conditions shall be submitted. Raw crash data shall be used for the analysis.
 - (i) The location and design of proposed access for a driveway or new street intersection shall be provided with a map and narrative description. In addition, analysis shall include any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet and other data to demonstrate that the design and number of proposed driveways are the fewest necessary. The driveway(s) shall provide safe and efficient traffic operation and be in accordance with the standards of this chapter. Proposed driveway design shall include location of signs, signals, and/or pavement markings.
 - (j) The potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Wayne County Department of Public Services.
 - (k) The fire department shall approve the size and location of fire lanes and emergency vehicle access.
 - I. The city may require analysis using a corridor simulation software (i.e., SYNCHRO) rather than an isolated intersection capacity analysis. If such analyses are required, submittals shall include electronic copies of the simulation files.

(Ord. No. 2012-04, § 18, 11-5-12)

Secs. 78-390—78-399. Reserved.

ARTICLE XXVIII. ZONING BOARD OF APPEALS

Sec. 78-400. Creation and membership.

- (a) There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Section 5 of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

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- (b) The board shall consist of five regular members and two alternate members appointed by the mayor, by and with the consent of the city commission for three year terms. Each member of the zoning board of appeals must be a resident of the city. Appointed members may be removed for cause by the city commission only after consideration of written charges and a public hearing. An alternate member may be called to sit on the board as a regular member by the chairperson, vice-chairperson or recording secretary in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - (c) Should any vacancy occur among the members of the zoning board of appeals by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given by the recording secretary to the city clerk. Should any vacancy occur among the officers of the zoning board of appeals, the vacant office shall be filled in accordance with the provisions of the rules of procedures, such officer to serve the unexpired term of the office in which such vacancy shall occur.

(Ord. of 10-6-03)

Sec. 78-401. Meetings.

- (a) *Procedure.* All meetings of the zoning board of appeals shall be held at the call of the chairman and at such times as the board may determine. All hearings conducted by the board shall be open to the public, and shall be governed by Robert's Rules of Order.
- (b) *Quorum.* At any meeting of the zoning board of appeals a quorum shall consist of three members of the board. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. Only when just four members are present shall the appellant be given the option to delay until a board of more than four members can hear his appeal.
- (c) *Order of business.* The order of business at meetings shall be as follows:
 - (1) Roll call;
 - (2) Approval of the minutes of the previous meetings;
 - (3) Public hearings;
 - (4) Deliberations and determinations;
 - (5) Old business;
 - (6) New business.
- (d) *Speaking.* No member or other person shall speak until duly recognized by the chairperson, and he shall immediately cease speaking if ruled out of order. Speakers other than members, after being recognized, shall commence by identifying themselves by name and address.
- (e) *Annual meeting.* The annual meeting of the zoning board of appeals shall be the first regular meeting in the month of January each year. Such meetings shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the board.
- (f) *Regular meeting.* Regular meetings of the zoning board of appeals shall be held in the city hall at 7:00 p.m. on the first Thursday of each month. At such meetings, the board shall consider all matters properly brought before it. A regular meeting may be canceled or rescheduled by the board at a prior meeting or by a majority of the members of the board with sufficient public notice of such change. Pursuant to the requirements of section 78-404 limiting the number of appeals to not more than five at any board meeting, a second meeting will be held on the fourth Thursday of the month whenever more than five appeals have been received as

required in section 78-405. If a quorum of board members is not present at the regular meeting, the meeting shall be rescheduled to the fourth Thursday of the month.

- (g) *Special meetings.* Special meetings of the zoning board of appeals shall be held at a time and place designated by the officer calling the same, and shall be called by the chairperson, vice-chairperson, or recording secretary with the permission of a majority of the members of the board, which permission may be obtained by telephone. Sufficient notice thereof as required by law or the rules of procedures shall be given by the recording secretary.
- (h) *Adjourned meetings.* The zoning board of appeals may adjourn a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for such meeting if the time and place of its resumption is stated at the time of adjournment and is not changed after adjournment.

(Ord. of 10-6-03)

Sec. 78-402. Voting.

At all meetings of the zoning board of appeals, each member attending shall be entitled to cast one vote. Voting to pass pursuant to law, shall be by roll call. All other action shall be by voice vote, except when a majority of the members present prefers a roll call or ballot vote. The concurring vote of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of $\frac{2}{3}$ of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance.

(Ord. of 10-6-03)

Sec. 78-403. Disclosure.

If any member of the zoning board of appeals shall have a personal interest in a matter when brought before the board, he shall disclose his interest and be disqualified from voting upon the matter, and the recording secretary shall so record in the minutes that no vote was cast by such member. Personal interest includes matters brought before the board by family members, business associates, or close friends of a board member. A conflict of interest arises when the personal interest of a board member creates a situation in which one cannot execute public duties without affecting private interest, thus denying the public the fair, impartial, and objective judgment to which it is entitled.

(Ord. of 10-6-03)

Sec. 78-404. Appeals.

In addition to all other matters properly brought before the board of zoning appeals, the board shall hear and decide appeals from, and review any order, requirement, decision or determination made by the building official in his enforcement of this chapter. The building official shall appear in person to present information to the board when the work has been started before the appeal was brought to the board. All appeals to the board from any order, requirement, decision or determination made by the building official shall be made not later than ten days after the start of construction or alterations or a change in use authorized by any permit or certificate issued by the building official or within 30 days of any action, order, requirement, decision or determination made by the building official.

(Ord. of 10-6-03)

Sec. 78-405. Schedule of hearings.

All appeals to the board of zoning appeals from any order, requirement, decision or determination made by the building official, shall be heard, if scheduling permits, at the next regular meeting of the board, if an application for appeal and grounds therefore has been submitted to the building official and the board on or before the third Tuesday of the previous month during regular business hours the recording secretary shall, at least ten days prior to any scheduled hearing, mail all notices that are required.

(Ord. of 10-6-03)

Sec. 78-406. Notice.

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

(Ord. of 10-6-03)

Sec. 78-407. Fees.

The city commission may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. At the time the notice for appeal is filed, such fee shall be paid to the city treasurer.

(Ord. of 10-6-03)

Sec. 78-408. Jurisdiction.

The board of zoning appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter nor to permit any use in a district in which it is not permitted, but does have power to act on those matters where this chapter provides for an administrative review, interpretation or exception and to authorize a variance as defined in this section and laws of the state.

(Ord. of 10-6-03)

Sec. 78-409. Exceptions.

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

- (1) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

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- (2) Permit the erection and use of a building or use of premises for public utility purposes; provided the board shall seek the review and recommendation of the planning commission prior to taking any action.
 - (3) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - (4) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - (5) Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.

(Ord. of 10-6-03)

Sec. 78-410. Findings of fact.

Following the hearing of any appeal to the board of zoning appeals, the board shall make a finding of fact upon which they shall base their decision. A finding of fact shall consist of the facts and circumstances relied upon by the board in its determination of an appeal, and shall be based upon the evidence presented to the board. The findings of fact and the decision thereon shall be recorded in the minutes of the meeting.

(Ord. of 10-6-03)

Sec. 78-411. Variance.

Upon an appeal, the board of zoning appeals is authorized to grant a variance from the strict provisions of this chapter, whereby extraordinary or exceptional conditions of such property, and the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the board must ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

- (1) *Use variance.* The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result, and that all four of the following requirements are met:
 - a. That the property could not be reasonably used for the purposes permitted in that zone;
 - b. That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
 - c. That the use requested by the variance would not alter the essential character of the area; and
 - d. That the alleged hardship has not been created by any person presently having an interest in the property.

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- (2) *Non-use variances.* The applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulty will result to the applicant and:

- a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
- b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
- c. That the plight of the landowner is due to the unique circumstances of the property; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

(Ord. of 10-6-03)

Sec. 78-412. Decision.

The board of zoning appeals shall adopt a decision on all matters properly brought before it within 90 days from the date of the filing of the appeal.

(Ord. of 10-6-03)

Sec. 78-413. Conditions to appeals.

Unless otherwise specified by the board of zoning appeals, all variances granted shall become null and void if not exercised within one year from the date of granting. Also, unless otherwise specified by the board, all variances granted are granted in accordance with the site plan submitted to the board for consideration.

(Ord. of 10-6-03)

Sec. 78-414. Reconsideration.

Following any decision adopted by the board of zoning appeals, a motion to reconsider may be made at any time during the same meeting, or within five days thereof. The motion may be made only by a member who either voted with the prevailing side or did not vote, and shall be filed in writing with the recording secretary. It may be seconded by any member. No decision shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. The applicant or aggrieved person who originally appealed to the board shall be given a notice if a motion to reconsider is made and filed in writing with the recording secretary.

(Ord. of 10-6-03)

Sec. 78-415. Rehearing.

Any person having an interest affected by this chapter may, upon a change in circumstances or the existence of new evidence for the board of zoning appeals to consider, file for a rehearing which the board may hear if it decides that there has in fact been a change in circumstances or that new evidence does exist.

- (1) Such requests shall be submitted to the building/engineering department in writing, concisely stating the grounds for a rehearing and any new evidence or change of circumstance.

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- (2) Such rehearings shall require a renote at least ten days prior to any scheduled hearing as outlined under section 78-405.

(Ord. of 10-6-03)

Secs. 78-416—78-419. Reserved.

ARTICLE XXIX. P-OS PARKS AND OPEN SPACE DISTRICT

Sec. 78-420. Intent.

The P-OS, parks and open space district, is intended to preserve, protect, and establish public parks, parkways, playgrounds, open space, natural features, and areas for active and passive recreation throughout the City of Plymouth.

(Ord. No. 2020-02, 4-20-20)

Sec. 78-421. Principal uses permitted.

In a parks and open space district, no building or land shall be used and no structure or building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Publicly owned and operated parks, parkways, and recreational lands and facilities.
- (2) Open space areas for passive recreation and educational activities, including but not limited to, walkways, bicycle paths, trails, benches, community gardens, outdoor stages, and open-air venues.
- (3) Active recreation including but not limited to sports fields and courts, and skate parks.
- (4) Playgrounds and play structures.
- (5) Cemeteries and structures associated with interment.
- (6) Essential public services.
- (7) Other uses which are similar to the above uses, as determined by the planning commission.
- (8) Accessory structures, such as picnic pavilions, historical or cultural monuments, and storage facilities, when customarily incidental to the above permitted uses.
- (9) Parking areas when customarily incidental to the above permitted uses.

(Ord. No. 2020-02, 4-20-20)

Sec. 78-422. Special land uses.

None.

(Ord. No. 2020-02, 4-20-20)

Sec. 78-423. Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations which limits the height and bulk of buildings and minimum size of lot, organized by permitted land use.

	Minimum Size Lot Per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (sq. ft.)	Maximum % Lot Area Covered By All Buildings	Maximum Floor Area Ratio
	Area in sq. ft.	Width	In stories	In feet	Front	Least one	Total of two	Sides			
Zoning District											
Parks and Open Space	N/A	N/A	1.5	15	-	-	-	-	N/A	-	N/A

(Ord. No. 2020-02, 4-20-20)

ARTICLE XXX. – AMENDMENTS

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Sec. 78-424. In general.

(a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

~~Notification for public hearings shall be in accordance with section 78-377.~~

(b) ~~Petitions~~ Applications for zoning ordinance amendments ~~or conditional zoning amendments~~ shall be submitted to the ~~community development building~~ department on standard forms provided by the ~~third Tuesday of each month, before the next regularly scheduled planning commission meeting. If the planning commission or building~~ community development department determines that the application is administratively complete, ~~the planning commission shall set a date for~~ a public hearing ~~shall be set~~ to receive public comment. ~~Notification for public hearings shall be in accordance with section 78-377. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department.~~ A fee schedule, as provided by resolution of the city commission, shall be levied against each ~~application petition~~ to ~~covers cover~~ the costs of administering the application, advertising public hearings, consultant review, and other incidental costs ~~relative related~~ to said ~~application petition~~. ~~The building department shall transmit the application to the planning commission.~~

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(c) ~~(a)~~ *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more adjacent parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

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The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

Sec. 78-425. Rezonings and Map Amendments.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.

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- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
 - (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
 - (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
 - (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
 - (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
 - (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
 - (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

Sec. 78-426. Conditional Rezonings

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
 - (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:

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- a. A scaled map or drawing of the property.
 - b. Existing and proposed uses, buildings, and structures.
 - c. Proposed parking arrangements and on-site circulation.
 - d. Relationship of the site to adjoining parcels.
 - e. Proposed landscape screens, walls, or buffers.
 - f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.

- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

- (1) *Other required approvals by the City of Plymouth.*

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.

- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.

- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.

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- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
- (1) Be prepared in a form recordable with the county register of deeds;
 - (2) Contain a legal description of the land to which it pertains;
 - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
 - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
 - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
 - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:

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- (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
 - (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
 - (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
 - (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
 - (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

Sec. 427. Text Amendments

Consideration of an amendment to this chapter may be initiated upon presentation of an ~~an application petition~~ for amendment by the owner ~~or lessee~~ of real estate affected. Such ~~petition-application~~ shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of ~~application petitions for a change or~~ amendments applying to a specific piece of property, where such petition was denied in the first instance.

Main document changes and comments

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Billboard shall mean:

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

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Church, synagogue, temple, mosque, or similar religious facility

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Religious Institution

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one-story,

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

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

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

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

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

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Churches		
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Religious institutions		
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non-commercial		
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personal use		
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non-profit		
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major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation.		
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major thoroughfare as designated on the major thoroughfare plan.		
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The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article.		
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shall be at least 80 feet wide, and		
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to the zoning board of appeals		

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as determined by the zoning board of appeals

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e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.

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e.

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g

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who may impose any reasonable restrictions or requirements

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(7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:

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

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on major

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collector

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, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation

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on major or collector thoroughfares as designated in the city's master plan

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buildings and		
Page 32: Deleted	Hall, Haley	7/24/2025 8:47:00 AM
Churches		
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Religious institutions		
Page 32: Added	Hall, Haley	9/16/2025 11:54:00 AM
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Page 33: Deleted	Bolhuis, Greta	9/17/2025 5:15:00 PM
non-commercial		
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personal use		
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non-profit		
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collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation		
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thoroughfare as designated on the major thoroughfare plan		
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The front yard setback shall be 25 feet. The side yard setback shall be 6 feet when a lot line is interior and shall be 15 when abutting a street. The rear yard setback shall be 35 feet. The Planning Commission may modify the setback requirement where, in unusual circumstances, no good purpose would be served by compliance with the requirements of the article.		
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at least 80 feet wide, and shall be		

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to the zoning board of appeals		
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as determined by the zoning board of appeals		
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e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.		
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e. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.		
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, who may impose any reasonable restrictions or requirements		
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Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:		
a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.		
b. No building shall be closer than 80 feet to any property line.		
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on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation		
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on major or collector thoroughfares as designated in the city's master plan		
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buildings and		
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, and		

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shall not be permitted on a lot or lots of record		
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principal arterial – other as designated by the Michigan Department of Transportation		
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major thoroughfare		
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principal arterial – other as designated by the Michigan Department of Transportation		
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major thoroughfare.		
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principal arterial – other as designated by the Michigan Department of Transportation		
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major thoroughfare.		
Page 39: Added	Bolhuis, Greta	9/17/2025 5:27:00 PM
, or assisted living facilities.		
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, not to exceed a height of two-stories, when the following conditions are met:		
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a.		
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The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square-foot requirement is over and above the building coverage area.		
b. No building shall be closer than 40 feet from any property line.		
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or assisted living		
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facilities shall be constructed		

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provided for

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adult dependent housing facilities

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the elderly unit types permitted in subsection (3)a of this section

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1.	Density	Same as RM-1
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3.	Building and height setbacks and percent coverage of site	Same as RM-1
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Proposed housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.

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

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Churches

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Religious institutions

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300

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Churches		
Page 41: Added	Hall, Haley	7/24/2025 8:49:00 AM
Religious institutions		
Page 62: Deleted	Bolhuis, Greta	7/25/2025 2:36:00 PM
Uses prohibited		
Page 62: Added	Bolhuis, Greta	7/25/2025 2:36:00 PM
Fire department approval required		
Page 66: Deleted	Hall, Haley	7/24/2025 8:50:00 AM
Churches, temples, and similar places of worship,		
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Religious institutions		
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church		
Page 68: Added	Hall, Haley	7/24/2025 8:51:00 AM
religious institution		
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church		
Page 68: Added	Hall, Haley	7/24/2025 8:52:00 AM
religious institution		
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church		
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religious institution		
Page 83: Deleted	Hall, Haley	7/24/2025 8:54:00 AM

Churches, temples

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Religious institutions

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Churches

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Religious institutions

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church

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religious institution

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church

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religious institution

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All goods produced on the premises shall be sold at retail on the premises where produced.

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structures,

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and signs

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the Michigan Department of Environmental Quality MDEQ

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Environment, Great Lakes, and Energy EGLE

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churches

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religious institutions

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churches

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religious institutions

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Residential fences

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General Fence Requirements

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subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and

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further

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If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail.

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and purpose of this section to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.

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, however, that the following provisions be construed harmoniously with the fence ordinance where possible.

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(1) General fence requirements and provisions.

- . No fence, border or wall shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border, or wall.
- . Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.
- . All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that is adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No

temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.

- . It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.
- . It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.
- . Any persons desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.
- . The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placement of permanent stakes located by a licensed surveyor. Such lot lines shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.
- . Borders may be planted in any yard area subject to the following provisions:
 - (0) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
 - (0) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.
 - (0) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.
- . All posts thereof shall be of materials designed to withstand rusting, rotting, and other weather-related deterioration for a period of not less than ten years.
- . Fences shall be setback a minimum of one foot away from the sidewalk line.
- . Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.

IF there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.

a.

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Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground,

and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

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List 2

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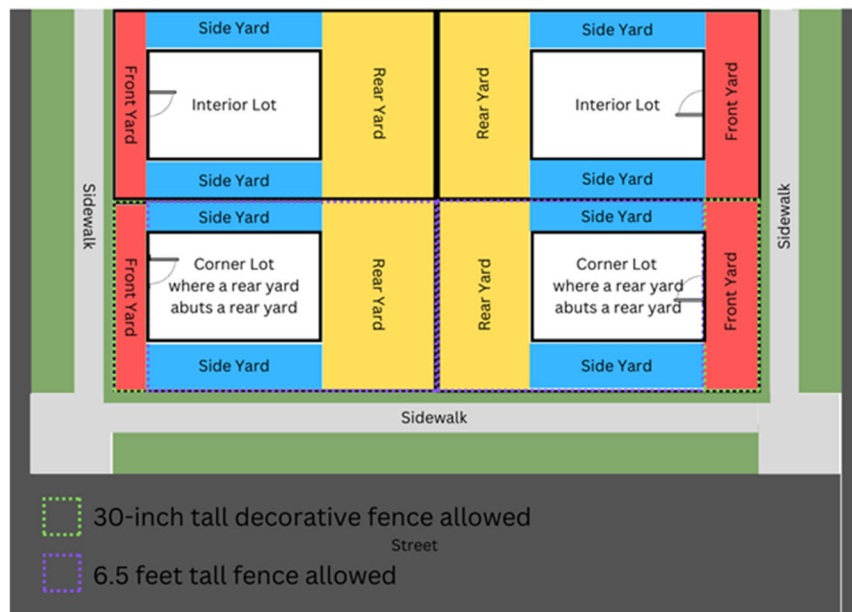
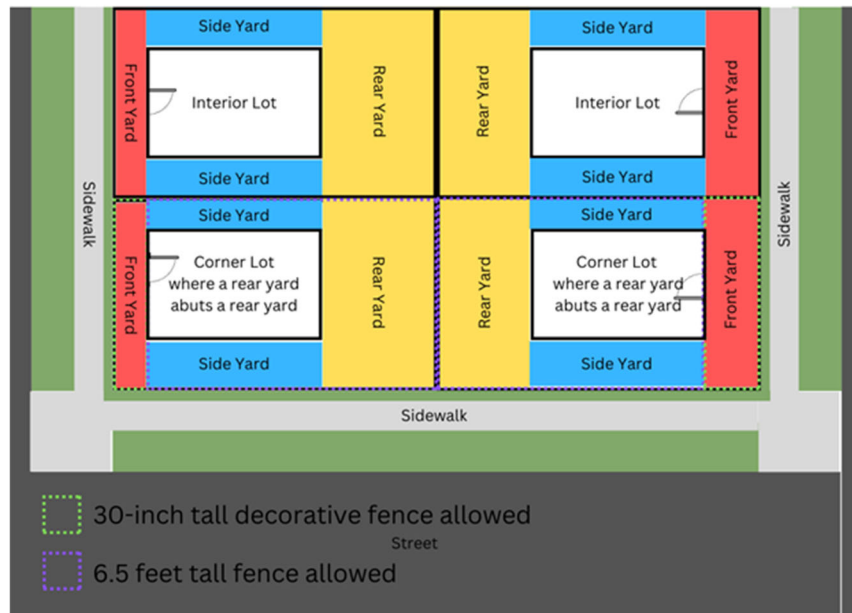


Figure 2.



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Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.

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Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.

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Industrial fences

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Fences and Walls

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industrial

(1)

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residential

(1)

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(1)

- Fences on all lots of record which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot of the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

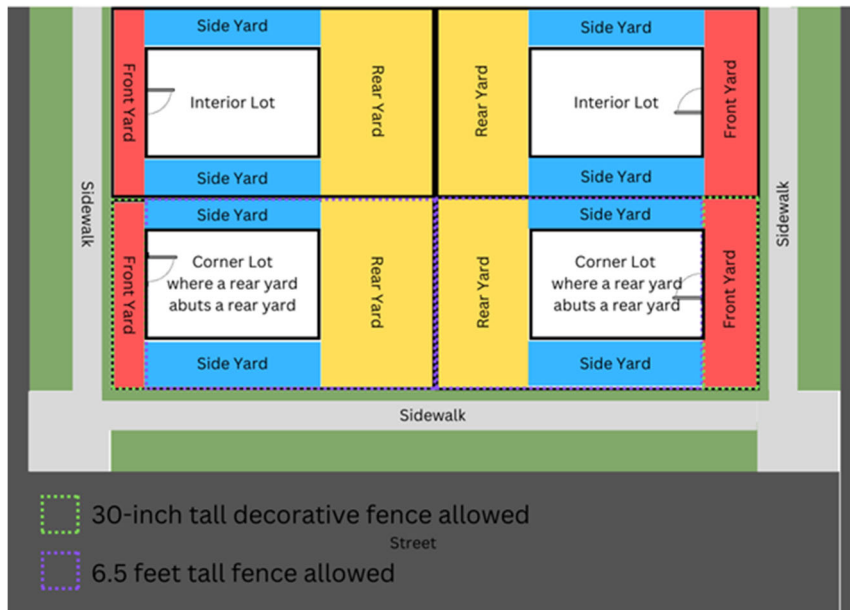
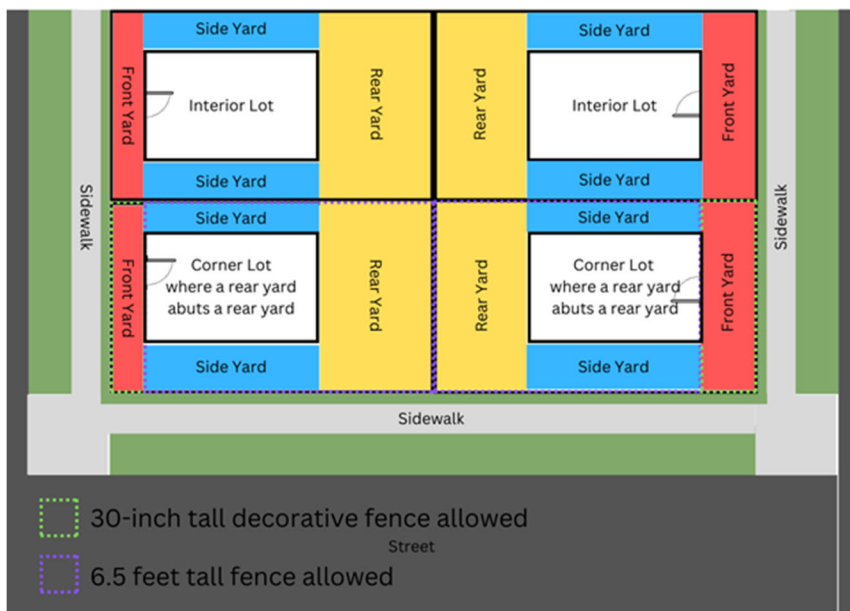


Figure 2.



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Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.

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

(2) Fences are permitted in business districts as follows:

Fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.

a.

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- (2) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.

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(3) Fences are permitted in industrial districts as follows:

- Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.
- Fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.

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churches

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religious institutions

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Planning commission review.

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Exceptions

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Information required

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When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.

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The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

Page 179: Added

Hall, Haley

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The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

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religious institutions		
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Churches, temples, or places of worship.		
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Religious institutions		
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churches, convents, temples and similar		
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or		
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are		
Page 210: Added	Bolhuis, Greta	9/17/2025 5:29:00 PM
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, including churches, synagogues, temples,		
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(1) <i>Lot width</i> . The minimum lot width for religious institutions shall be 200 feet.		
(2) <i>Lot area</i> . The minimum lot area for religious institutions shall be three acres.		
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<i>Parking setback</i>		
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required		
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and within 15 feet of the rear or side property line.

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Building setback

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Frontage and access

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major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation

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streets which have a paved road having an existing or proposed right-of-way at least 86 feet

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Landscaping

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Sole use of site

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and shall not be located in a multi-tenant building

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EGLE

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church		
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religious institution		
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Sec. 78-380. Changes and amendments.		
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Notification for public hearings shall be in accordance with section 78-377.		
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Petitions		
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Paragraph 1, Don't add space between paragraphs of the same style, Numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"		
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Applications		
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or conditional zoning amendments		
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community development

(a)

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building

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by the third Tuesday of each month, before the next regularly scheduled planning commission meeting

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If the planning commission or building

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community development

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the planning commission shall set a date for

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shall be set

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- (a) Notification for public hearings shall be in accordance with section 78-377. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department. A fee schedule, as provided by resolution of the city commission, shall be levied against each application petition to covers cover the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative related to said application petition. The building department shall transmit the application to the planning commission.

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The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department.

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The building department shall transmit the application to the planning commission.		
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