

MADISON HEIGHTS CODE OF ORDINANCES – APPENDIX A

CITY OF MADISON HEIGHTS ZONING ORDINANCE

ORDINANCE NO. 252

AN ORDINANCE to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the City into districts and establishing the boundaries thereof providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

All land zones are hereby declared to be exclusive and restricted to the designated areas.

Pursuant to the authority conferred by Public Act No. 207 of the Public Acts of 1921 of the State of Michigan, and acts amendatory thereto, in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Madison Heights by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land; the undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewer, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

The City of Madison Heights Ordains:

Section 10.100. Short title

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

Section 10.200. Definitions.

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

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

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

- (1) *Alley*: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- (2) *Alterations*: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- (3) *Apartments*: The dwelling units in a multiple dwelling as defined herein:
 - (a) *Efficiency apartment*: Is a dwelling unit of not less than two hundred fifty (250) nor more than three hundred fifty (350) square feet of floor area consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.
 - (b) *One bedroom unit*: Is a dwelling unit containing a minimum floor area of at least four hundred fifty (450) square feet consisting of not more than three (3) rooms, including one bedroom in addition to kitchen and necessary sanitary facilities.
 - (c) *Two bedroom unit*: Is a dwelling unit containing a minimum floor area of at least six hundred (600) square feet, consisting of not more than four (4) rooms, including two (2) bedrooms, in addition to kitchen and necessary sanitary facilities.
 - (d) *Three or more bedroom unit*: Is a dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred fifty (150) square feet to the minimum floor area of six hundred (600) square feet in addition to the kitchen and necessary sanitary facilities.
- (4)
 - (a) *Motor vehicle maintenance service facility*: A facility where routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service.
 - (b) *Motor vehicle repair facilities (light repairs)*: A facility where motor vehicle engine repair is conducted. Prohibited activities include, but are not limited to motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar heavy duty repair
 - (c) *Motor vehicle repair facilities (heavy repairs)*: A facility where all uses and activities permitted as a motor vehicle light repair facility and a motor vehicle maintenance service facility or where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted.
- (5) *Basement*: That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the bottom of

the joists supporting the ceiling. A basement shall not be counted as a story.

- (6) *Billboard: Billboard:* An outdoor sign, whether placed individually or on a T-type, V-type, back to back or double-faced display, erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located.
- (7) *Building:* Is any structure, either temporary or permanent. (This shall include tents, and awnings situated on private property.)
- (8) *Building, accessory:* Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
- (9) *Building, main:* Is a building in which is conducted the principal use of the lot on which it is situated.
- (10) *Building height:* Is the vertical distance. measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge, gable, hip and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
- (11) *Building line:* Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds eight (8) feet in width and projects more than two (2) feet beyond the foundation, the face of such projection shall form said building line. For the purposes of this Ordinance, a building line is the same as a front setback line.
- (12) *Commercial vehicle:* Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name or other business identification (except “for sale” signs if otherwise permitted in this ordinance), or which has attached to it, carries or transports, people, material or equipment used in the conduct of any business including taxi cabs and limousines.
- (13) *Court:* Is an open unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court extended to the front yard or front lot line or to the rear yard or rear yard lot line is an Outer Court. Any other court is an Inner Court.
- (14) *Club:* An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.
- (15) *District:* Is a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- (16) *Drive-in:* A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking

spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved rather than within a building or structure.

- (17) *Dwelling unit*: Is a building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- (18) *Dwelling, one-family*: Is a building designated exclusively for and occupied exclusively by one (1) family.
- (19) *Dwelling, two-family*: Is a building designed exclusively for occupancy by two (2) families, living independently of each other
- (20) *Dwelling, multiple-family*: Is a building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other (Refer to "apartments" definition for dwelling unit types.)
 - (a) *Apartment building*: A residential structure containing three (3) or more dwelling units, but not a row house or terrace.
 - (b) *Row house*: A two (2) story row of three (3) or more attached one (1) family dwellings, not more than two (2) rooms deep, each unit of which extends from the foundation or basement to the roof.
 - (c) *Terrace*: A one (1) or two (2) story row of three (3) or more attached one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one (1) floor.
- (21) *Erected*: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and like, shall be considered a part of erection.
- (22) *Essential services*: Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; or wireless cellular or personal communications service (PCS) telecommunications antenna towers.
- (23) *Family*:
 - (a) One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit, i.e., biological family.
 - (b) Any collective number of individuals living together in one house under one head, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity,

sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature, i.e., functional family.

- (24) *Floor area*: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- (25) *Floor area, usable*: For the purposes of computing parking requirements, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, or patients or as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
- (26) *Gasoline service station*: Is a place for the dispensing, sale, or offering for sale of motor fuels directly to the users of motor vehicles, the sale of minor accessories, the repair of motor vehicles when performed within a completely enclosed building. The outside storage of any vehicles, motorized or not, other than those vehicles being used for transportation by the employees and management and those vehicles waiting immediate service or repair may be permitted provided such use is approved under section 10.319(3), and such other activities whose external, physical effects could extend beyond the property line. Prohibited activities include, but [are] not limited to, the following: Vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, upholstery work and auto glass work
- (27) *Garage, private*: An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of motor vehicles, but not for commercial servicing or repair.
- (28) *Grade*: Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.
- (29) *Greenbelt*: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
- (30) *Junkyards*: Is an open area where waste, used or reconditioned materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area used for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

- (31) *Kennel, commercial*: Any lot or premises on which four (4) or more dogs are confined or kept either for sale, breeding, boarding, training or sporting purposes or otherwise.
- (32) *Loading Space*: An off-street space on the same lot with a building, or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or material..
- (33) *Lot*: Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
- (34) *Lot of record*: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown or any part of such parcel held in record ownership separate from that of the remainder thereof.
- (35) *Lot area*: The total horizontal area within the lot lines of the lot.
- (36) *Lot, corner*: A lot where the interior angle of two (2) adjacent sides as the intersection of the two (2) streets in less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- (37) *Lot, interior*: Any lot other than a corner lot
- (38) *Lot lines*: The lines bounding a lot as defined herein.
 - (a) *Front lot line*: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, that line separating said lot from that street which is designated as the front street in the plat or in an application for a building permit or zoning compliance approval.
 - (b) *Rear lot line*: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot
 - (c) *Side Lot line*: Any lot lines other than the front lot line or rear lot line.
 - (1) *Exterior lot line or side street lot line*: A side lot line separating a lot from a street.
 - (2) *Interior lot line*: A side lot line separating a lot from another lot or lots.

- (39) *Lot coverage*: The part or percent of the lot occupied by buildings, including accessory buildings.
- (40) *Lot depth*: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
- (41) *Lot, double frontage*: Is any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
- (42) *Lot width*: The horizontal distance between the side lot lines measured at the two (2) points where the building line, or setback, intersects the side lot lines.
- (43) *Master plan*: Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City of Madison Heights, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Plan Commission and/or the City Council.
- (44) *Major thoroughfare*: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. For purposes of this Ordinance, major thoroughfares shall be considered to be section line roads and roads of one hundred twenty (120) feet right of-way or more.
- (45) *Mezzanine*: Is an intermediate floor in any story occupying an area not to exceed one-third (1/3) of the floor area of such story.
- (46) *Motel*: A series of attached, semidetached or detached rental units containing bedroom, bathroom and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.
- (47) *Nonconforming building*: A building, or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance nor to the use regulations of the district in which it is located
- (48) *Nonconforming use*: A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.
- (49) *Nursing or convalescent home*: Is a structure with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire

- (50) *Off-street parking lot*: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
- (51) *Open front store*: A business establishment, other than a drive-in or gasoline service station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.
- (52) *Parking space*: Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
- (53) *Principal structure*: A structure or building wherein a use for which the district is designated is conducted and/or which is used for occupancy.
- (54) *Public utility*: Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
- (55) *Setback*: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.
- (56) *Sign*: Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.
- (57) *Story*: Is the 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 story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content is below the height level of the adjoining ground.
- (58) *Story, half*: Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two thirds (2/3) of the floor area in the story directly below, and

the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches.

- (59) *Street*: Is a public or private road, including, but not limited to, public and private roads that are dedicated or platted, or private access easements; all measurements with reference to which shall commence at the right-of-way line.
- (60) *Structure*: Anything constructed or erected and designed for a permanent location on the ground, except screening and retaining walls and pavement.
- (61) *Temporary building or use*: Is a structure or use permitted by the City Council to exist during periods of construction of the main building or use, or for special events.
- (62) *Trailer coach (mobile home)*: Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
- (63) *Trailer court*: Any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes, are located.
- (64) *Use*: Is the purpose for which land or a building is designed, arranged or intended, or for which land or a building is or may be occupied.
- (65) *Use, accessory*: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.
- (66) *Use, main*: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.
- (67) *Wall, (fence)*: A completely obscuring structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
- (68) *Yard(s)*: Is an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with an existing or proposed building, group of buildings, or structure, which open space lies in the area between the building, group of buildings, or structure and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance or defined below.
 - (a) *Front yard*: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or street and the nearest point of the closest structure. Where the lot does not abut a public or private street and is served by a private easement, the front lot line shall be the lot line abutting the easement.

- (b) *Rear yard*: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.
- (c) *Side yard*: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

(69) *Zoning exceptions and variances*:

- (a) *Exception*: Also known as Special Exception, Special Use or Special Approval. A use permitted when the facts and conditions specified in this Ordinance as those upon which the exception is permitted are found to exist by the appropriate administrative officer or legislative body.

Exceptions in this Ordinance appear as Special Approvals. These land uses could not be conveniently allocated solely to one zoning district, the effects of such uses could not or cannot be definitely foreseen and/or the use itself could not have been foreseen. Any use not listed in a specific zoning district requires Special Approval.

The appropriate administrative or legislative body may require that specific conditions be complied with upon the grant of a special approval. Standards for determining if a special approval should be granted are set out in Section 10.805 of this Ordinance.

- (b) *Variance*: A modification of the literal provisions of the Zoning Ordinance granted where strict enforcement would cause undue hardship and/or practical difficulty owing to circumstances unique to the individual property for which the variance is granted.

A variance is not justified unless it can be shown that compliance with the Ordinance would create an undue hardship and/or practical difficulty due to unique circumstances applying to the property.

Section 10.201. Special approval use review procedures and requirements.

1. Purpose

The purpose of this section shall be to:

- A. Require Special Approval for all uses in all zoning districts that are listed as Uses Permitted after Special Approval.
- B. Establish review procedures for all Special Approval uses.
- C. Establish review standards for all Special Approval uses.
- D. Establish the City Council as the review and approval authority for Special Approval uses.

- E. Establish authority to impose conditions upon Special Approval uses.

2. Requirement Established

The City Council shall act as the Special Approval Board, and shall act on all special approval requests as provided in this ordinance. Special Approval shall be required for all uses in all zoning districts that are listed as uses permitted after Special Approval. All applications for special approval shall include a site plan prepared in conformance with the submission requirements outlined in Section 10.514 - Site Plan Review. All Special Approval use requests shall be subject to a public hearing prior to a final City Council decision.

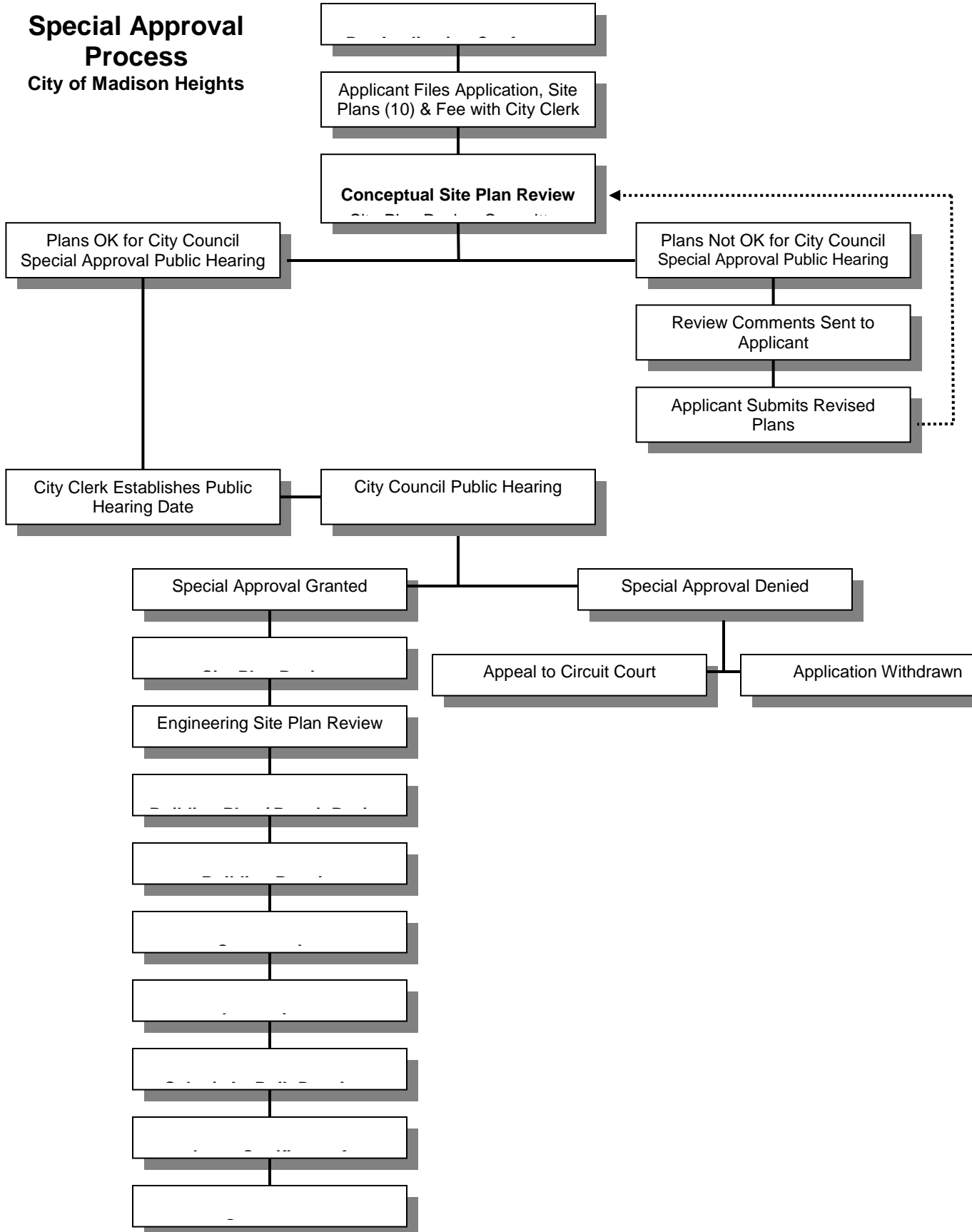
3. Submission and Review Process

All Special Approval uses in all zoning districts shall be reviewed in accord with the following procedural requirements and activity flow:

- A. Applicant requests preliminary meeting with Community Development Department staff to discuss proposal, design elements, ordinance requirements etc.
- B. Applicant submits application, fee and 10 copies of the proposed site plan to the City Clerk’s Office (Site plan must be reduced to 11” x 17”).
- C. Site Plan Review Committee reviews plan conceptually for general conformance with ordinance requirements and transmits conceptual review comments to applicant for revision.
- D. Applicant submits 10 copies of revised site plan to Community Development Department (Site plan must be reduced to 11” x 17”).
- E. Community Development Department notifies City Clerk when site plans are adequate for consideration by City Council. City Clerk then establishes public hearing date and notifies all adjoining property owners within 500 ft.
- F. City Council conducts public hearing on proposed Special Approval use.
- G. City Council approves, approves with conditions, or denies the Special Approval use request. The City Council may table a request to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues.
- H. If the City Council approves, or approves with conditions, the Special Approval use request, the City Clerk sends applicant a Special Approval Certificate and copy of the minutes of the meeting where the case was approved. The applicant then applies

for site plan review in accordance with Section 10.514 of this ordinance.

Special Approval Process City of Madison Heights



4. Review Standards and Criteria

The City Council shall consider the following standards and criteria in their review of all Special Approval use requests:

- A. Site plans submitted for Special Approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514 - Site Plan Review.
- B. All design standards or criteria imposed on specific Special Approval uses elsewhere in this ordinance shall be met.
- C. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - 1. Location of use(s) on site;
 - 2. Height of all improvements and structures;
 - 3. Adjacent conforming land uses;
 - 4. Need for proposed use in specified areas of the City;
 - 5. Conformance with future land use plans for the area as adopted by the Planning Commission.
 - 6. Compatibility with the permitted principal uses allowed in the zoning district where the Special Approval use is requested.
- D. Ingress/Egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
 - 2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - 4. Adequacy of sight distances;
 - 5. Location and access of off-street parking;
 - 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

- E. Screening shall be provided along all property lines, where Council determines such screening is necessary to minimize impact of the use on adjacent properties or uses;
- F. The use shall be properly served by utilities;
- G. The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources;
- H. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this ordinance;
- I. The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- J. The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- K. The City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
 - 1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.

4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within thirty (30) days after an order to correct is issued by the City shall be reason for immediate revocation of the Special Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- L. The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the City Council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

5. General Stipulations

- A. Application for Special Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Approval use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the City.
- B. Special Approval is valid for a period of one (1) year. Site plan approval and commencement of construction of approved improvements must occur within one (1) year of the City Council's Special Approval or the Special Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six (6) months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.
- C. The record of the City Council shall be the approved minutes for Special Approval use cases. Said record shall be made available to the applicant whether the Special Approval request is approved, approved with conditions, or denied and shall constitute notice of the City Council's decision regarding the Special Approval request.
- D. The City Council shall give notice of the time and place of the required public hearing as required by state law.
- E. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Approval, any conditions imposed by the City Council and the approved site plan.

- F. A special use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the City Council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, Planning Commission and City Council action, in regard to the rezoning of a site which is occupied or used under a special use permit.
- G. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the City Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the City Council. Each re-application will be treated as a new application.
- H. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The City Clerk shall maintain a record of changes granted in conditions.

Section 10.300. Zoning districts and map.

Section 10.301. Districts.

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

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-T Two-Family Residential District
- R-M Multiple-Family Residential District
- O-1 Office Building District
- B-1 Local Business District
- B-2 Planned Business District
- B-3 General Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

- P-1 Vehicular Parking District
- P-2 Vehicular Parking District
- H-M Mobile Homes District
- H-R High Rise District
- R-C Condominium Residential District
- N-P Natural Preservation District
(Ord. No. 828, § 1, 7-11-88)

Section 10.302. Boundaries.

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

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

Editor's note-The zoning map mentioned in this section is not included in this text, but is available in the Office of the City Clerk.

Section 10.303. Zoning of vacated areas.

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

Section 10.304. Zoning of annexed areas.

Any area annexed to the City of Madison Heights shall immediately upon such annexation, be automatically classified as an R-1 District until a zoning map for said area has been adopted by the City Council. The Plan Commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred to the Plan Commission by the City Council.

Section 10.305. District requirements.

All buildings and uses in any district shall be subject to the provisions of Section 10.500. "General provisions" and Section 10.600. "General exceptions".

Article I. R-1, R-2 and R-3 One-family Residential Districts

PREAMBLE: These residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.

Sec. 10.306. Principal uses permitted.

In a One-Family Residential District (R-1 through R-3) 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 for in this Ordinance.

- (1) One-family detached dwellings.
- (2) Publicly owned and operated parks, parkways and recreational facilities.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (4) Family day care homes providing care for six (6) or fewer unrelated children but only if said day care homes are licensed by the State of Michigan and are in compliance with all state regulations.

Section 10.307. Uses permissible on special approval.

Under such conditions as the City Council, after hearing, finds the use as not being injurious to the R-1, R-2 or R-3 District and environs, and not contrary to the spirit and purpose of this Ordinance, and subject further to the conditions imposed herein, the following may be permitted:

- (1) Reserved.
- (2) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (without storage yards) when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- (3) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (4) Private noncommercial recreational areas; institutional or community recreation centers; a nonprofit swimming pool, all subject to the following restrictions:
 - (a) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein one hundred (100) percent of the owners of property immediately abutting and sixty-five (65) per cent of the owners of property within three hundred (300) feet of any property line of the site herein proposed for development shall sign a petition indicating concurrence with said site. The petition shall be submitted to the Board of Appeals for its review.

- (b) The proposed site for any of the community-serving uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto the said major thoroughfare.
 - (c) Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.
 - (d) Buildings erected on the premises shall not exceed one (1) story in height except where due to topography; a lower level shall be permitted when said lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.
 - (e) Off street parking shall be provided so as to accommodate at least one-half of the member families and/or individual members. Bylaws of the organization shall be provided in order to establish the membership involved for computing parking requirements.
 - (f) Whenever a pool is involved, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile.
 - (g) Where storm sewers are nonexistent or capacity is not ample, adequate on site takeoff facilities shall be provided and shall be reviewed and approved by the City Engineer as being adequate.
- (5) Churches and other facilities normally thereto, provided that: The site shall be so located as to provide for ingress and egress from said site directly onto a thoroughfare having an existing or planned right-of-way of at least eighty-six (86) feet in width (such thoroughfare being a major thoroughfare or designated as a secondary thoroughfare on the Major Thoroughfare Plan). Provided however, that the City Council sitting as a special approvals board may waive the requirement that the site be located upon a thoroughfare having an existing or planned right-of-way of eighty-six (86) feet.
- (6) Public, parochial and private elementary, intermediate schools, and/or high schools offering courses in general education, not operated for profit.
- (7) Municipal office buildings or libraries when in character with the neighborhood.
- (8) The housing of aged persons fifty-five (55) years of age and older will be permitted in single family zoning districts provided that a maximum of two (2) aged persons shall be allowed, a minimum of seventy (70) square feet of bedroom space be provided for each aged resident, that the aged persons shall be considered to be a part, of the family as defined in Section 10.200. Definitions of the zoning ordinance, and that the dwelling unit wherein aged persons are housed under the provisions of this ordinance may be located in any portion of any single family district.

- (9) Parking of commercial vehicles on residential private property may be permitted within the R-1, R-2 and R-3 Residential Zoning Districts after public hearing and approval by the Zoning Board of Appeals. Approval shall be required for each commercial vehicle, trailer or truck over three-fourths ton capacity to be parked on residential private property within the R-1, R-2 and R3 Residential Zoning Districts. In considering each request, the Zoning Board of Appeals shall apply the following standards:
- (a) The Board shall establish and define the location upon the residential site for such vehicle to be parked.
 - (b) Such parking location shall be surfaced in accordance with Section 10.340 of the Zoning Ordinance.
 - (c) In considering such application the Board shall consider the potential effects of the noise, traffic and visual obstructions created by such parking.
 - (d) In general, prior to granting such a parking approval the Board shall make the determination that the parking of such vehicle will not constitute a nuisance to the surrounding neighborhood.

The Board shall have the right to impose such other restrictions as it may deem advisable for the welfare of the surrounding area.

After the granting of such permit and upon receipt of a written complaint from the Building Department, the Board may, after hearing, giving the petitioner an opportunity to appear before said Board, repeal said approval by majority vote to become effective no sooner than ten (10) days or longer than fifteen (15) days from the date of such repealing determination.

Section 10.308 Area and bulk requirements.

See Section 10.400. "Schedule of Regulations" limiting the height and bulk of buildings, and minimum size of lot by permitted land use.

Article II. R-T Two-Family Residential Districts

PREAMBLE: This residential district is designed to provide sites for two-family dwelling structures, and will generally serve as zones of transition between the higher density residential districts or nonresidential district and lower density single-family districts.

Section 10.309. 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 uses unless otherwise provided in this Ordinance:

- (1) All principal and special approval uses permitted and as regulated in R-1, R-2 and R-3 One-Family Residential Districts.
- (2) Two-family dwellings.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 10.310. Area and bulk requirements.

See Section 10.400. "Schedule of regulations" limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

Article III. R-M Multiple-Family Residential Districts

PREAMBLE: The R-M Multiple Family Residential District is designed to provide sites for multiple dwelling structures which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple dwelling is further provided to serve the limited needs for the apartment type of unit in an otherwise single-family residential community.

Section 10.311. Principal uses permitted.

- (1) One-family and two-family residential dwellings existing at the time of passage of this ordinance. Two-family dwellings (R-T) shall be permitted.
- (2) Multiple dwellings.
 - (a) Row house.
 - (b) Terrace.
 - (c) Efficiency apartment.
 - (d) Apartment.
- (3) Rental/management offices as accessory to a multiple dwelling unit project. A rental and/or management office shall include an office or area in a multiple-dwelling unit where rent is paid or received, rental contracts are signed or discussed and/or any business relating to the managing, handling, controlling or directing of the dwelling unit or the renting thereof is conducted. For the purposes of calculating parking requirements, each rental management office is to be designated as a two-bedroom unit,
- (4) Accessory buildings and uses customarily incident to any of the above-permitted uses.

Section 10.312. Use permissible on special approval.

Under such conditions as the City Council, after hearing, finds the use as not being injurious to the R-M District and environs and not contrary to the spirit and

purposes of this ordinance, subject further to the conditions imposed herein, the following may be permitted:

- (1) A dwelling constituting a home for children or others than those residing therein; for the aged, indigent or physically handicapped; a rest or convalescent home (feeble minded, insane or drug or liquor addicts excluded) when located on a lot containing not less than two (2) acres with a minimum of five hundred (500) square feet for each occupant therein, and provided that no building is located nearer than twenty-five (25) feet to any lot line.
- (2) General hospitals when the following conditions are met:
 - (a) A site plan layout showing the building location, drives, service areas, parking areas, landscape screening areas, walls and other physical features shall be submitted for review to the Plan Commission, whose recommendation shall be forwarded to the City Council hearing on such request.
 - (b) All hospitals shall be developed on sites consisting of at least two (2) acres in area for the first thirty (30) beds or less, plus one-half acre for each additional ten (10) beds thereafter.
 - (c) The proposed site shall have at least one (1) property line abutting a major thoroughfare or expressway service drive and ingress and egress to the site shall be directly from said thoroughfare.
 - (d) Minimum front, side and rear yards of fifty (50) feet shall be provided. Where buildings of over three (3) stories are allowed, all yards shall have a minimum dimension of one and one-half (1 1/2) times the height of such building.
 - (e) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height.
- (3) Accessory buildings and uses customarily incident to any of the above-permitted uses.

Section 10.313. Area and bulk requirements.

See Section 10.400. "Schedule of Regulations," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

Article IV. O-1 Office Building Districts

PREAMBLE: The O-1 Office Building Districts are designed to accommodate office uses, office sales and basic personal services.

Section 10.314. Principal uses permitted

- (1) Office buildings for any of the following occupations: Executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales; subject to the limitations contained below in Section 10.316. Required conditions.
- (2) Medical office, including out patient clinics.
- (3) Hospitals, subject to the yard and location requirements of Section 10.312, subsection (3).
- (4) Banks, savings and loan associations and similar uses.
- (5) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
- (6) Churches.
- (7) Other uses similar to the above uses.
- (8) Business or trade schools.

Section 10.315. Uses permissible on special approval.

Under such conditions as the City Council, after hearing, finds the use as not being injurious to the O-1 District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) A pharmacy, stores limited to medical supplies, corrective garments or bandages, optical company, tailor, seamstress, beauty parlors or barber shops, or restaurant may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.
- (2) Funeral homes.
- (3) Transformer stations and substations, and gas regulator stations (without storage yards) when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- (4) Accessory dwelling units in accordance with the provisions of Section 10.318(9).

Section 10.316. Required conditions.

- (1) 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 twenty-five (25) per cent of the usable floor area of either the first or second story, or in the basement.
- (2) The outdoor storage of goods or materials shall be prohibited.

- (3) Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited

Section 10.317. Area and bulk requirements.

See Section 10.400. "Schedule of regulations" limiting height and bulk of buildings and minimum size of lot by permitted land use.

Article V. B-1 Local Business Districts

PREAMBLE: The B-1 Business Districts are designed to meet the day-to day convenience shopping and service needs of persons residing in adjacent residential areas.

Section 10.318 Principal uses permitted

- (1) 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, notions and hardware.
- (2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, tailor shops, beauty parlors or barbershops.
- (3) Office uses included in Section 10.314, subsections (1) and (4).
- (4) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.
- (5) Restaurants primarily devoted to serving food on the premises, which may include drive-through lanes and/or alcoholic beverages, provided that there is no entertainment or outdoor seating on the premises.
- (6) Other uses similar to the above uses.
- (7) All uses shall be 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 premises where produced.
 - (b) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- (8) Accessory structures and uses customarily incident to the above permitted uses.
- (9) Accessory Dwellings in accordance with the following criteria.
 - a. Dwelling units shall have a minimum area of eight hundred (800) square feet.

- b. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this ordinance.
- c. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.
- d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).
- e. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application.
- f. Where accessory dwelling units are proposed for the second floor of a structure, a maximum building height of thirty feet and a third story to permit two story dwelling units is permitted. The third story shall be part of the dwelling unit located directly underneath.

Section 10.319. Uses permissible on special approval.

Under such conditions as the City Council, after hearing, finds the use as not being injurious to the B-1 District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) Publicly owned buildings; public utility buildings; telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.
- (2) Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:
 - (a) One hundred forty (140) feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.
 - (b) The lot shall contain not less than fourteen thousand (14,000) square feet of lot area.
 - (c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

- (d) All buildings shall be set back not less than forty (40) feet from all street right-of-way lines.
- (e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.
- (f) Driveway widths entering the filling station shall have a maximum width of thirty-five (35) feet. Curb openings for each driveway shall not exceed fifty (50) feet in length.
- (g) Curb cuts shall be no closer than ten (10) feet to any adjoining property and shall be no closer than thirty five (35) feet to any corner of the intersecting street right-of-way lines. Any two (2) driveways shall be separated by an island at least twenty (20) feet long.
- (h) The angle of intersection of any driveway shall not be less than sixty (60) degrees unless acceleration or deceleration lanes are provided.
- (i) Curbs in accord with standard City specifications shall be constructed on all streets adjacent to the gasoline filling station site.
- (j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of five hundred (500) feet between the entrance of each establishment.
- (k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than seventy-two (72) hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.
- (l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than seventy two (72) hours on the premises. Further, all

vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.

- (m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than seventy-two (72) hours on the premises. All repair work of any nature shall be done within an enclosed building only.
- (3) Rental of equipment and/or storage of equipment, trucks, camping trailers, and similar items at gasoline service stations subject to the following.
 - (a) Such use shall only take place on a site which is paved and drained to the specifications of the City Engineer in areas in excess of the amount required for building, required setback, parking, loading and unloading space.
 - (b) Such use area shall be screened from view from all adjacent residential districts by a six-foot masonry wall with appropriate openings and gates to control egress and ingress.
- (4) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment.
- (5) Video arcade businesses and indoor and/or outdoor recreational businesses.
- (6) Massage establishments that meet the business licensing requirements of the Code of Ordinances.
 - (a) A massage establishment shall not be located within one thousand (1,000) feet of a property line of another massage establishment or within one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

Section 10.320. Area and bulk requirements.

See Section 10.400. "Schedule of regulations" limiting height and bulk of buildings and minimum size of lot by permitted land use.

Article VI. B-2 Planned Business District

PREAMBLE: The B-2 Planned Business Districts are designed to cater to the needs of a larger consumer population than is served by the Local Business District, and are

generally characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

Section 10.321. Principal uses permitted.

- (1) Any retail business or service establishment permitted in B-1 Districts, except gasoline service stations and/or automobile repair facilities and/or automobile service centers, subject to the regulations applicable in the following Sections 10.322 and 10.323.
- (2) All retail business, service establishments or processing uses as follows:
 - (a) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - (b) Service establishments provided that the principal use of the space is an office, showroom or retail adjunct.
 - (c) Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
- (3) Accessory structures, uses and signs customarily incident to the above permitted uses.
- (4) Open air business uses when developed in planned relationship with the B-2 District as follows:
 - (a) Retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, and other home garden supplies. Said retail area may not occupy any required setback.
 - (b) Recreational space providing children's amusement park, shuffleboard, miniature golf and other similar recreation, when part of a planned development, and when located at the exterior end of the B-2 District but not at the intersection of two (2) major thoroughfares. All such recreation space shall be adequately fenced on all sides with a four (4) foot fence.
- (5) Bowling alley, when located at least one hundred (100) feet from any front, rear or side yard line of any residential lot in a residential district.
- (6) [Repealed.]

Section 10.322. Uses permissible on special approval.

Under such conditions as the City Council, after hearing, finds the use as not being injurious to the B-2 District and environs and not contrary to the spirit and purposes of the Ordinance, the following uses may be permitted.

- (1) The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and

10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith.

- (2) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment.
- (3) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities; provided, that:
 - (a) The minimum building size is three (3) bays.
 - (b) The service center building be set back a minimum of seventy-five (75) feet from all exterior property lines.
 - (c) Ingress and egress to the service center building site shall be from the shopping center proper
 - (d) No signs, parking areas, buildings, driveways, gasoline pumps or similar uses shall be permitted within the area of a fifty-foot radius as drawn from the intersection of two (2) right-of-way lines of adjoining streets.
 - (e) All requirements of the B-2 Planned Business District are complied with.
 - (f) The owner and/or operator of a motor vehicle light repair facility and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than seventy-two (72) hours on the premises. Further, all vehicles waiting for repair shall be parked within an enclosed area. All repair work of any nature shall be done within an enclosed building only.
 - (g) All owners and/or operators of tight repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than seventy-two (72) hours on the premises. All repair work of any nature shall be done within an enclosed building only.
 - (h) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of section 10.319(2).
- (4) Video arcade businesses and indoor and/or outdoor recreational businesses.
- (5) Massage establishments that meet the business licensing requirements of the Code of Ordinances.
 - (a) A massage establishment shall not be located within one thousand (1,000) feet of a property line of another massage establishment or

within one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

Section 10.323. Required conditions.

All uses shall be subject to the following:

- (1) 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.
- (2) All business, servicing or processing uses (except for off-street parking, loading, unloading, and those open-air uses indicated as being permissible) shall be conducted within completely enclosed buildings.

Section 10.324. Area and bulk requirements.

See Section 10.400. "Schedule of regulations" limiting height and bulk of buildings and minimum size of lot by permitted land use.

Article VII. B-3 General Business Districts

PREAMBLE: The B-3 General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve the passer-by traffic.

Section 10.325. Principle uses permitted in B-3 general business districts.

- (1) Any retail business or service establishment permitted and as regulated in O-1 and B-2 Districts as Principal Uses Permitted and Uses Permissible on Special Approval except establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment; gasoline service stations; automobile repair facilities; and automobile service centers.
- (2) Funeral homes.
- (3) Private clubs or lodges.
- (4) New car auto office, sales or showroom and accessory parking areas, exclusive of undercoating, bumping and paint shops.
- (5) Governmental office or other governmental use; public utility offices, exchanges, transformer stations and service yards but not including outdoor storage.
- (6) Business schools or private schools.
- (7) Restaurants primarily devoted to serving food on the premises, which may include drive through lanes and/or alcoholic beverages, provided that there is no entertainment or outdoor seating on the premises.
- (8) Other uses similar to the above uses.
- (9) Accessory structures and uses customarily incident to the above permitted uses. Accessory dwelling units are permitted in accordance with the provisions of Section 10.318(9).

Section 10.326. Uses permissible on special approval.

Under such condition as the City Council, after hearing, finds the use as not being injurious to the B-3 District and environs, and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) Outdoor sales space for exclusive sale of secondhand automobiles, house trailers, or new or used boats subject to the following:
 - (a) The lot or area shall be provided with a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accord with the provisions of Section 10.340.
 - (b) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - (c) No major repair or major refinishing shall be done on the lot.
- (2) Motel, subject to the following:
 - (a) Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - (b) Reserved.
 - (c) Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
- (3) Business in the character of a drive-in, or so called open front store, subject to the following:
 - (a) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street in the major thoroughfare plan must be maintained.
 - (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) street right-of-way lines.
- (4) Commercially used outdoor recreational space for children's amusement parks, carnivals, miniature golf courses, subject to the following:
 - (a) Children's amusement park must be fenced on all sides with a four (4) foot wall or fence.
 - (b) Carnivals may be allowed for periods not to exceed two (2) weeks, subject to renewal by the Board of Appeals.
 - (c) Adequate parking shall be provided off the road right-of-way without exception and shall comply with the requirements of Section 10.339, 10.340 and 10.341, except where such use is temporary only

- (5) Trampoline facilities and similar devices may be located in the B-3 District subject to the following requirements:
 - (a) Fencing shall be provided on all sides of the area used for trampoline activity. Said fence shall be no less than six (6) feet high and shall be constructed to discourage climbing on such fences during hours when the trampoline facility is not open for business.
 - (b) Trampolines shall be located on the lot to provide the following minimum distance measured from the outside of frames:
 - 1. At least six (6) feet at ends to nearest obstacle.
 - 2. At least four (4) feet on exposed sides to nearest obstacle.
 - 3. At least four (4) feet between rows of trampolines.
 - 4. In any row, at least three (3) feet between frames or three (3) feet of approved padding between trampoline beds.
 - (c) Pits shall not exceed four (4) feet in depth, without special permission, and shall be adequately drained. The construction of the pits, the framing and the padding shall be according to manufacturer's plans and specifications.
 - (d) The ground area surrounding the trampoline shall have a level surface of sod, or of pea gravel or equivalent type of material to prevent dust nuisance.
 - (e) All trampolines shall be equipped with protective padding.
 - (f) Automobile entrance and exit points shall not be provided from residential streets and such entrance and exit points shall not conflict with adjacent business uses.
 - (g) Off-street parking shall be provided at a ratio of one and one half (1 ½) spaces per trampoline to service those using trampolines and for spectators at the trampoline facility.
 - (h) No loudspeaker or public address system shall be used.
 - (i) In the event the trampoline facility is discontinued, all excavations shall be filled to the grade of the property prior to its use as a trampoline facility.
- (6) Veterinary offices and/or veterinary clinic, subject to the following conditions:
 - (a) That any building designed or constructed for use as a veterinary office or veterinary clinic shall only be permitted on special approval by the Council only in O-1, B-3 and M-1 zoned districts and shall be for the sole purpose of providing necessary medical

care and treatment for sick or diseased household pets during regular professional office hours, and that confinement of such animals on the premises shall be limited to occasional overnight treatment and shall not include extended hospital care or keeping of such animals.

- (b) That facilities for boarding animals and/or commercial kennels shall be strictly prohibited.
 - (c) That veterinary offices and clinics shall be contained in completely enclosed buildings which shall be completely soundproofed, air conditioned and so constructed as to prevent the emission of all noise and odor.
 - (d) That outdoor runs or exercise pens shall be strictly prohibited
 - (e) That such buildings shall be located no closer than forty (40) feet to any residential property.
 - (f) That in no case shall there be, in connection therewith, the disposal of rubbish or litter in such manner as to be noxious or offensive; harboring of vermin or decaying matter on the premises.
- (7) Gasoline Service Stations, subject to the requirements of Section 10.319, subsection (2), exclusive of item (c).
- (8) Auto washes:
- (a) When completely enclosed in a building.
 - (b) An attendant must be on duty and on the premises at all times that such auto wash is in operation. All other times, the building must be locked and safely secured.
 - (c) The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.
 - (d) All buildings to be used in connection with the auto wash shall be located at least twenty (20) feet away from any right-of-way line.
 - (e) Where multiple wash stalls are proposed all auto stacking lanes must be channeled with curbs to each wash stall so as to prevent cross traffic and the minimum stacking space shall be six (6) cars per stall. The minimum amount of stacking space to be provided in all car wash developments shall be equivalent to twenty (20) minutes of full and continuous operation.
 - (f) Buildings must be constructed so as to be enclosed on two (2) sides plus doors on the front and rear of each stall, capable of being locked.
 - (g) All lights used in connection with auto washes shall be shaded so as not to project upon or become a nuisance to adjacent properties.

- (h) All land used in connection with auto washes is to be paved and drainage provided in accordance with existing ordinances pertaining to parking lots.
 - (i) A chain-link-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two (2) feet along any street, four (4) feet side and back.
 - (j) Access points are limited to not more than two (2) twenty (20) foot drives. Such drives are to be a minimum of fifty (50) feet apart and ten (10) feet from the exterior lot lines and thirty-five (35) feet from any intersection right-of-way lines and shall not be constructed so that ingress and egress shall be through residentially zoned areas. Such access points must have the approval of the Madison Heights Police Department to effect that they will not interfere with vehicular traffic nor will they create a safety hazard.
 - (k) No steam hose for public use shall be located upon the premises in connection with such auto wash.
 - (l) All blowers shall be turned off when not in use in connection with the operation of the car wash.
 - (m) It shall be unlawful for any person, firm or corporation or any agent, servant or employee thereof, who while operating an auto wash, to permit or cause to be permitted upon the premises in which the said business is located, a nuisance, by allowing the health, safety or welfare of the community to be impaired.
 - (n) It shall be the duty of the licensee, manager, or person in charge of any auto wash, to keep the premises whereon said auto wash is located, together with the parking area and any adjacent area, free from rubbish, waste products and debris.
 - (o) It shall be unlawful for any patron of an auto wash or for any other person while parking on or adjacent to the premises to race the motor of any vehicle, to suddenly start or stop any unseemly noise, nuisance, or disturbance. which shall impair the peace, health or safety of the community.
 - (p) Construction of auto wash buildings shall not be permitted if said construction shall require standing or parking on public right-of-ways in connection with the operation of the auto wash.
 - (q) All operations must be carried on within the building area including but not limited to vacuuming washing and drying.
- (8a) Coin-operated auto washes:
- (a) A "coin-operated auto wash" shall mean any place open to the public where coin-operated machinery or devices are available for use by the patrons of such business for self-service washing of motor vehicles.

- (b) The requirements set out in Section 10.326(8) shall also apply to coin-operated auto washes except for the following paragraphs: (a), (b), (e), (f), (k), (l), (m), and (q).
- (c) The requirements set out in Section 10.326(8)(d) shall provide that all buildings to be used in connection with coin-operated auto washes shall be located at least thirty (30) feet away from any right-of-way line.
- (d) A coin-operated auto wash shall provide its customers a means of drying their motor vehicles.
- (e) It shall be unlawful for any person, firm, or any agent, servant or employee thereof, who owns, leases, or operates a coin-operated auto wash to permit or cause to be permitted upon the premises in which the business is located a nuisance by allowing the health, safety or welfare of the community to be impaired.
- (f) A sign must be installed in a conspicuous place which advises patrons of the name, address and telephone number of the owner, lease-holder, manager or other person responsible for the operation of said coin-operated auto wash, where prompt assistance can be obtained, or where prompt repayment may be secured in the event that the required coin or coins have been inserted in the machine or device and the machine or device has failed to become operative.
- (g) A public telephone shall be installed upon the premises in a conspicuous place and available at all times for use by the public.
- (9) The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804, and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith.
- (10) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment.
- (11) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of Section 10.319(2).
- (12) Video arcade businesses and indoor and/or outdoor recreational businesses.
- (13) Massage establishments that meet the business licensing requirements of the Code of Ordinances.
 - (a) A massage establishment shall not be located within one thousand (1,000) feet of a property line of another massage establishment or within one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

Section 10.327. Area and bulk requirements.

See Section 10.400. 'Schedule of regulations,' limiting the height and bulk of buildings and minimum size of lot by permitted land use.

Article VIII. M-1 Light Industrial District

PREAMBLE: The M-1 Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.

Section 10.328. Principal uses permitted-

- (1) Research and office uses.
- (2) Any of the following uses when conducted wholly within a completely enclosed building.
 - (a) Warehousing and wholesale establishments, and trucking facilities.
 - (b) The manufacture, compounding, processing, packaging or treatment of such products as: Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
 - (c) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - (d) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (e) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
 - (f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - (g) Laboratories-Experimental, film or testing.
 - (h) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

- (i) Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations. Water supply and sewage disposal plants, water and gas tanks and holders.
- (j) Retail sales of items that are sold at wholesale on the premises. Such retail sales shall be strictly incidental to the wholesale sales and the area devoted to such sales shall not exceed fifteen percent (15%) of the gross floor area. The retail sales area shall meet the parking requirements in Section 10.505(11)(v).
- (3) Kennels, commercial.
- (4) Business or trade schools.
- (5) Accessory buildings and uses customarily incident to the above permitted uses.
- (6) Bus passenger stations.

Section 10.329. Uses permissible on special approval

Under such conditions as the City Council, after hearing finds the use as not being injurious to the M-1, Light Industrial District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) Automobile or other machinery assembly plants subject to adequate control of noise and/or other nuisances.
- (2) Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential districts and provided further that such operation be conducted within a completely enclosed building.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.
- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district (such as, but not limited to, eating and drinking establishments or a bowling alley). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Open storage of all uses included in the definition of "junkyards," used machinery, and the residue or waste products from

any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

- (6) Motor vehicle heavy and light repair facilities and/or motor vehicle maintenance service facilities subject to the applicable requirements of Section 10.319(2).

Section 10.330. Required conditions.

Any use established in the M-1 District shall be operated so as to comply with the performance standards set forth hereinafter in Section 10.509.

Section 10.331. Area and bulk requirements.

See Section 10.400. "Schedule of regulations," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

Article IX M-2 Heavy Industrial District

PREAMBLE: The M-2 Heavy Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.

Section 10.332. Principal uses permitted.

- (1) Any principal use first permitted in an M-1 District.
- (2) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which shall conform with the performance standards set forth in Section 10.509 and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.
- (3) Any of the following uses provided that they shall be located not less than eight hundred (800) feet distant from any residential district; and three hundred (300) feet distant from any other district, and when authorized by the Board of Appeals.
 - (a) Blast furnaces, steel furnaces, blooming or rolling mills.
 - (b) Manufacture of corrosive acid or alkali, cement, lime, gypsum or Plaster of Paris.
 - (c) Smelting of cooper, iron or zinc ore.

- (4) Accessory buildings and uses customarily incident to the above permitted uses.

Section 10.332A. Uses permissible on special approval.

Under such conditions as the City Council, after hearing finds the use as not being injurious to the M-2 Heavy Industrial District and environs and not contrary to the spirit and purpose of this ordinance, the following uses may be permitted:

- (1) Automobile or other machinery assembly plants subject to adequate control of noise and/or other nuisances.
- (2) Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential districts and provided further that such operation be conducted within a completely enclosed building.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.
- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district (such as, but not limited to, eating and drinking establishments or a bowling alley). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District
- (6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Section 10.333. Required conditions.

Any use established in the M-2 District after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Section 10.509.

Section 10.334. Area and hulk requirements.

See Section 10.400. "Schedule of regulations," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

Article X P-1 Vehicular Parking District

PREAMBLE: The P-1 Vehicular Parking Districts are designed to accommodate the off street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.

Section 10.335. Uses permitted.

Premises in such districts 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 except that existing residential buildings shall be permitted as a conforming use.

Section 10.336. Limitation of use.

- (1) The parking area shall be accessory to, and for use in connection with, one or more business or industrial establishments, or in connection with one or more existing professional or institutional offices or institutions.
- (2) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day.
- (3) No commercial repair work or service of any kind on 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 area.
- (5) No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
- (6) Such parking lots shall be contiguous to an R-M, O-1, B-1, B-2, B-3, M-1 or M-2 District, and in all cases shall be adjacent successive lots from the above mentioned use districts, or the adjacent successive lots from either end. of a block where lots front on a street parallel to and at the rear of a business or industrial block There may be a private driveway or public street or public alley between such P-1 District and such R-M, O-1, B-1, B-2, B-3, M-1 or M-2 Districts.

Section 10.337. Entrance and exit

- (1) Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through R-M, O-1, B-1, B-2, B-3, M-1 or M-2 Districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.

- (2) Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district.

Section 10.338. Minimum distances and setbacks.

- (1) *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 so located with respect to the side lot line as would a residential dwelling located on side lot for the particular residential zone.
- (2) *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 said residential district, or a minimum of twenty-five (25) feet, or whichever is the greater. The required wall shall be located on this minimum setback line.

Section 10.339. Screening and landscaping.

- (1) The parking area shall be provided with a continuous and completely obscuring screening wall or fence, in accordance with the provisions of Section 10.513. This wall or fence shall be provided on all sides where the next zoning district is designated as a residential district. Whenever such wall is required, all land between said wall and boundaries of the P-1 District 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 thirty (30) foot intervals, six (6) feet from said wall. The planting shall be maintained in a healthy growing condition neat and orderly in appearance.
- (2) All planting plans shall be submitted to the Plan Commission for approval as to suitability of planting material and arrangement thereof, in accordance with Section 10.510 of this Ordinance.

Section 10.340. Surface of parking area

The parking area shall be provided with pavement having an asphaltic or Portland cement binder approved by the City Engineer so as to provide a permanent, durable, and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.

Section 10.341. Lighting.

Lighting faculties shall be provided and shall be so arranged as to reflect the light away from all residential districts.

Section 10.342. Approval and modifications.

- (1) The Board of Appeals, upon application by the property owner of the parking area, may modify the yard and wall requirement where, in unusual circumstances no good purpose would be served by compliance with the requirements of this section.
- (2) In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- (3) In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the Board of Appeals for the protection of the residence district abutting such parcel or parcels in which the parking area is to be located.

Article X(A). P-2 Vehicular Parking District

PREAMBLE The P-2 Vehicular Parking Districts are designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries for the parking of passenger vehicles, delivery vans and trucks.

Section 10.342A. Requirements.

Each and every condition and requirements of all of the sections of the P-1 Vehicular Parking District are hereby incorporated into the P-2 Vehicular Parking District except those hereafter set forth which are contrary thereto:

- (1) *Limitation of use.* The parking areas shall be used solely for parking of licensed vehicles including, and not limited to, passenger cars, delivery vans and trucks.
- (2) *Minimum distances and setbacks:*

Sideyards: Where the P-2 District is contiguous to side lot lines of premises within residentially zoned districts, the required wall may be located on the side lot line.
- (3) *Time limit* There shall be a six-month time limit for parking of individual vehicles; violation of such time limitation shall be a misdemeanor.
- (4) *Classification limit* There shall be classification limit to passenger vehicles, one-ton vehicles or vehicles of gross vehicle weight in excess of twelve thousand (12,000) pounds.

Article XI. H-M Mobile Homes District

PREAMBLE: The H-M Mobile Homes Districts are designed to provide sites for mobile homes or trailer coaches which will generally serve as zones of transition between the nonresidential industrial districts and multiple family or the lower density single family

districts. The H-M District is further provided to serve the limited needs for the trailer type of unit in an otherwise single family residential community

Section 10.343. Principal uses permitted

No building or land, except as otherwise provided in this Ordinance shall be erected or used except for one or more of the following specified purposes:

- (1) Mobile homes or trailer coaches, subject to the conditions outlined in Section 10.344.
- (2) Publicly owned and operated parks, parkways and recreational facilities.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 10.344. Required conditions.

Trailer courts may be permitted subject to the following requirements and conditions:

- (1) *Greenbelt required* Where such District abuts a Residential District, said trailer area must then provide a twenty (20) foot greenbelt between the abutting Residential District and the H-M District, and must further provide for a twenty (20) foot greenbelt between itself and any abutting M-1 Industrial District.
- (2) *Setback* No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a main public highway, or twenty (20) feet to the mobile home park property line
- (3) The trailer court shall have access to a major thoroughfare by abutting directly thereon.
- (4) *Rezoning, notice required.* Prior to the rezoning of a site to H-M a public hearing shall be held; notification of said hearing shall be given by the applicant by registered mail, return receipt requested, of the proposal for said rezoning and the date, time and place of public hearing to all parties living within one thousand (1,000) feet of the proposed site.
- (5) All trailer court developments shall further comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended [MSA § 5.278(31) et seq.].
- (6) The parking of a trailer coach for periods exceeding twenty-four (24) hours on lands not approved for trailer courts shall be expressly prohibited, except that the Building Inspector may extend temporary permits allowing the parking of a trailer coach in a rear yard, on private property, not to exceed a period of two (2) weeks. All trailer coaches owned by residents of the City and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements applicable to Accessory Buildings, Section 10.504, insofar as distances from principal structures, lot lines, and easements are

concerned. All trailer coaches parked or stored, shall not be connected to sanitary facilities and shall not be occupied. [Superseded by section 18.2 of the Code of Ordinances.]

Section 10.345. Area and bulk requirements.

See Section 10.400. "Schedule of regulations," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

Section 10.400. Schedule of regulations

Madison Heights Zoning Ordinance – FOR REFERENCE ONLY – Official copy at Clerk’s office.
As amended through 2/2/17.

Madison Heights Zoning Ordinance – FOR REFERENCE ONLY – Official copy at Clerk’s office.
As amended through 2/2/17.

Notes to Section 10.401:

- (a) The side yard abutting upon a street shall not be less than ten (10) feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.
- (b) Where no basement is provided, an additional one hundred (100) square feet of floor area shall be provided for utilities (i.e., washer, dryer and workspace); provided, that the required area will not be located in more than two (2) locations with one (1) utility area not less than seventy-five (75) per cent of the total required. In the event of a divided utility area, the furnace and hot water heater shall be located in the smaller area.
- (c) No building shall be erected on a lot or parcel of land which has an area of less than seventy-two hundred (7,200) square feet or has a width of less than sixty (60) feet. The following minimum lot sizes and floor areas shall be met:
 - Four bedroom unit*-Seventy-two hundred fifty (7,250) square feet minimum lot size, and one thousand (1,000) square feet minimum floor area per unit.
 - Three bedroom unit*-Sixty-two hundred fifty (6,250) square feet minimum lot size, and eight hundred fifty (850) square feet minimum floor area per unit.
 - Two bedroom unit*-Forty-two hundred fifty (4,250) square feet minimum lot size, and seven hundred (700) square feet minimum floor area per unit.
 - One bedroom and efficiency unit*-Thirty-two hundred fifty (3,250) square feet minimum lot size, and five hundred fifty (550) square feet minimum floor area per unit.

In addition, sixty-four (64) contiguous square feet shall be provided for each unit for utility room space.
- (d) Reserved.
- (e) Where the front yards of fifty (50) per cent or more of the principal structures in any block in existence at the time of passage of this ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structures.
- (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 a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential street.
- (g) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.

- (h) Planned developments involving five (5) acres or more under one (1) ownership shall be subject to the approval of the zoning board of appeals, after public hearing, regarding modifications with respect to height regulations.
- (i) Parking shall be prohibited within the required front yard setback. Parking shall be permitted in the front yard, in areas in excess of the required setback, after site plan approval of the parking layout, points of access and means of screening. The setback shall be measured from the nearest side of existing or proposed right-of-way lines as outlined in the city's master plan and master right-of-way plan.
- (j) No building shall be closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (k) Those uses allowed in the M-2 District under Article IX, Section 10.332, subsection (3) shall meet all setback requirements of that section.
- (l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to the M-1 or M-2 districts, the side yard may be reduced to the minimum permitted by the adopted building code.
- (m) An open area shall be provided on each mobile home lot to ensure privacy, adjacent natural light and ventilation to each home, and to provide sufficient area for outdoor uses essential to the mobile home. Eighty (80) per cent of the mobile home site shall contain a minimum area of at least three thousand (3,000) square feet. All such mobile home sites shall be computed exclusive of service drives, facilities and recreation space.
- (n) The sum of the side yards at the entry and non-entry side of a mobile home stand shall not be less than twenty (20) feet; provided, however, there shall be a side yard of not less than fifteen (15) feet at the entry side of the mobile home stand and a side yard of not less than five (5) feet at the non-entry side of the mobile home stand.
- (o) Reserved.
- (p) All existing housing units now constructed and/or approved for construction prior to the adopting of this ordinance which meet the following requirements for minimum floor area per unit shall be considered a conforming use of the land:
 - R-1 Residential District-1,300 square feet (b)*.
 - R-2 Residential District-1,050 square feet (b)*.
 - R-3 Residential District-750 square feet (b)*

The provision for utility areas in units which have no basement shall apply with respect to the addition of one hundred (100) square feet of floor area.

- (q) This ordinance shall not be applicable to buildings which are owner-occupied in the City of Madison Heights and because of condemnation by

a governmental unit the owner desires to move the building into a like zoning district for his own use. Provided further, that said building shall conform to all other requirements of the building code of the city and the requirements outlined in paragraph (p) above.

- (r) It shall be unlawful for any person, firm or corporation to park or store motor vehicles, recreational equipment, as defined in the Madison Heights Code at section 18-29, or other motorized equipment, in any front yard setback of a residential district (R-1 through R-3); provided, however, that currently licensed motor vehicles, exclusive of recreational equipment, in an operating condition may be parked on an improved driveway within the side yard setback or on an improved driveway extending from the street to a garage or upon an improved driveway commonly known as a "U" driveway as long as such improved driveway is in compliance with the other provisions of this ordinance; said "U" driveways may be permitted only where an inside radius of twenty-five (25) feet or greater is provided. The total driveway shall not occupy more than thirty-three (33) percent of the required front yard setback area.

No paved surfaces of any type whatsoever, including, but not by way of limitation, surfaces consisting of concrete, asphalt or Portland cement binder, will be permitted in front of the main building except a paved surface which constitutes a sidewalk and/or service walk for the purpose of pedestrian travel and which is not intended to be driven upon or parked upon. Anyone violating this section will be required to remove said paved surface from the front of the main building within sixty (60) days from the date of notification by the Community Development Department that a violation exists. Further, the front yard setback shall be restored to conform in appearance to the surrounding area. Failure to comply with this ordinance will result in criminal prosecution. If a paved surface exists in violation of this ordinance on the effective date of the ordinance and is later altered and/or removed, the paved surface shall be completely removed or not replaced and the property shall be brought into conformity with this ordinance. Ord. No. 879, § 1, 5-28-91)

- (s) The distance between houses located on adjacent lots shall not be less than the following:

- R-1 Districts-15 feet.
- R-2 Districts-14 feet.
- R-3 Districts-12 feet.

- (t) In residential districts, all new buildings shall hereafter be constructed of brick or other stone or masonry materials which are harmonious with the neighborhood and approved by the Building Official except as noted below.

1. An area not to exceed ten (10) per cent of the face of any first story wall as well as all gable ends, dormers and second stories of single-family dwellings may be covered with maintenance free materials such as, but not limited to, aluminum or vinyl siding.
2. If not less than sixty-five percent (65%) of the lots and frontage on both sides of the street in any block where the proposed

improvement is contemplated, being the same side as the proposed improvement and the block facing the proposed improvement, contains structures made of material other than brick or other masonry material, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be constructed of maintenance free materials and shall be substantially similar in type and style to the existing structures so as to be in harmony with the character of the neighborhood; provided, however, that nothing herein shall prevent any residential block from being upgraded. The Building Official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals. If, however, the Building Official, in his discretion, determines that the harmony or character of the neighborhood may be altered by granting such a variance, he shall submit the application to the Zoning Board of Appeals, upon payment of the proper application fee. In all multiple-family residential districts, all sites are required to have architectural review of building materials by the plan review committee.

3. Additions to residential structures shall be constructed of the same material(s) as the principal structure. Where the applicant desires to use alternate, maintenance free building materials, the Building Official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals.

(u) In all office, commercial and industrial districts, all first story exterior walls shall be of brick, decorative block or other decorative masonry or stone veneers except as noted below.

1. Where a building wall is located such that it will not be readily subject to damage from vehicles or passersby, other damage resistant, maintenance free materials may be substituted for masonry veneer on not more than twenty-five percent (25%) of said wall. The appropriateness and performance characteristics of all such materials shall be approved by the Site Plan Review Committee. Such approval shall be separate from, and in addition to, site plan approval
2. Glass may be substituted for any wall material without limitation.

Section 10.402. Subdivision open space plan.

The intent of this section is to permit one-family residential subdivisions to be planned as a comprehensive unit allowing, therefore, certain modifications to the standards as outlined in the "Schedule of Regulations" to be made in R-1 and R-2 One-Family Residential Districts when the following conditions are met:

- (1) Lot dimensions in R-1 and R-2 One-Family Residential Districts may be reduced in accord with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for such district under Section 10.401.
 - (a) All calculations of density for residential development shall be predicted upon the R-1 and R-2 One-Family Districts having the following gross densities (including roads):

R-1 = 3.41 dwelling units per acre
R-2 = 4.54 dwelling units per acre
 - (b) Lot widths shall be not less than required in the "Schedule of Regulations."
 - (c) Lot depth shall be not less than one hundred five (105) feet.
 - (d) Minimum yard setbacks shall be provided as required in the "Schedule of Regulations."
 - (e) Where lots have a rear yard abutting land dedicated to the common use of the subdivision as indicated in the following paragraph 2, lot depths may be reduced to a minimum of one hundred (100) foot depth and rear yards may be reduced to a minimum of twenty (20) feet.
- (2) For each square foot of land gained, under the provisions of item (1) above, of this Section 10.402, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in the "Schedule of Regulations" equal amounts of land shall be dedicated to the City of Madison Heights. These dedications shall be either rights in fee or easement and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements of the City Council of the City of Madison Heights.
- (3) The area to be dedicated for public park, and recreation purposes only, shall in no instance be less than two (2) acres and shall be in a location and shape approved by the Plan Commission in reviewing the proposed subdivision plat. Said land shall be so graded and developed as to have natural drainage, and shall provide access for the common use of the subdivision by means of streets or pedestrian easements.
- (4) In approving the application of the "Subdivision Open Space Plan" technique, the Plan Commission must be cognizant of the following objectives:
 - (a) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, topography and similar natural assets.
 - (b) To encourage developers to use a more creative approach in the development of residential areas;

- (c) To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles on the site;
- (d) To encourage the provisions of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreation facilities.
- (5) This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the City Council and the subdivider or developer.
- (6) Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of the proposed plat for approval as required by the State Plat Act and the Subdivision Regulations of Madison Heights.
- (7) Under this "Subdivision Open Space Plan" the developer or subdivider shall dedicate the total park (see item (2)) at the time of filing of the area final plat on all or any portion of the plat.

Section 10.500. General provisions.

Section 10.501. Conflicting regulations.

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

Section 10.502. Scope.

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

Sec. 10.502(A). Regulated Uses.

1. Purpose of Ordinance.

In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the Planning Commission and City Council have received information from the Community Development Department, the City Assessor, and the

Police Department, including information associating blight and increased crime with sexually-oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, Council has received further information that certain types of adult businesses, including tattoo parlors, pawnbrokers, and used goods businesses have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight. The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

2. Definitions.

As used in this section:

- (a) **ADULT ARCADE:** Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
- (b) **ADULT BOOK STORE OR ADULT VIDEO STORE:** Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:
 - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
 - (2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

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

content as x-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding anymore restrictive definition set forth herein.

- (c) **ADULT CABARET:** Means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:
 - (1) Persons who appear in a state of nudity, or
 - (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 - (3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas".

- (d) **ADULT MOTEL:** Means a hotel, motel, or similar commercial establishment which:
 - (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or
 - (3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
 - (4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

- (e) **ADULT MOTION PICTURE THEATER:** Means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."

- (f) **ADULT RETAIL STORE:** Means an establishment which sells or offers for sale any types of items, materials, gimmicks, or

paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."

- (g) **ADULT THEATER:** Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical is areas
- (h) **ESCORT:** Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- (i) **ESCORT AGENCY:** Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (j) **ESTABLISHMENT:** Means and includes any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (k) **MASSAGE PARLOR, SAUNA AND/OR SPA:** Means a massage parlor, sauna and/or spa as defined in Chapter 7 of the Madison Heights Code of Ordinances.
- (l) **NUDE MODEL STUDIO:** Means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.
- (m) **NUDITY OR STATE OF NUDITY:** Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.
- (n) **PAWNBROKER:** Means pawnbroker businesses as defined in Chapter 7 of the Madison Heights Code of Ordinances.
- (o) **PERSON:** Means any individual, proprietorship, partnership, corporation, association or any other legal entity.

- (p) **POOL OR BILLIARD HALL:** Means a place providing pool or billiard tables for use on the premises to the public as defined in Chapter 4 of the Madison Heights Code of Ordinances.
- (q) **SEMI-NUDE:** Means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.
- (r) **SEXUAL ENCOUNTER CENTER:** Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.
- (s) **SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. above.
 - (5) Any activity intended to arouse, appeal to, or gratify a person's lust, passions or sexual desires.
- (t) **REGULATED USES:** Means any of the following:
 - (1) "Adult arcades";
 - (2) "Adult book stores and adult video stores";
 - (3) "Adult cabarets";
 - (4) "Adult motels";
 - (5) "Adult motion picture theaters";
 - (6) "Adult Retail Store";

- (7) "Adult theaters";
- (8) "Escort agencies";
- (9) "Massage parlors, saunas or spas
- (10) "Nude model studios";
- (11) "Pawnbrokers";
- (12) "Pool and/or Billiard Halls";
- (13) "Sexual Encounter Centers".
- (14) "Tattoo parlors or uses";
- (15) "Used Good Uses";
- (16) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web.
- (17) Other sexually oriented business described herein or as determined by City Council.

(u) **SPECIFIED ANATOMICAL AREAS:** Means and includes any of the following:

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

(v) **TATTOO PARLORS OR USES:** Means a business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or ingraining with pigment or by raising scars.

(w) **USED GOOD USES:** Means businesses engaged with a substantial portion of their business comprising the sale of used goods, including but not limited to second hand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401, et seq. and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.

3. Location of Regulated Uses.

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

4. Miscellaneous requirements.

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

Section 10.503 Nonconforming lots, uses and structures.

All nonconforming lots, uses, structures, or combination of nonconforming uses of land or structures shall conform with the provisions of this Section.

1. Intent

- A. It is the intent of this Ordinance to permit legal nonconforming lots, uses, or structures 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 Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

- C. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities 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. A nonconforming use of a structure, land, or of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

2. Nonconformities under Construction

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved.

3. Nonconforming Lots of Record

- A. In any Zoning District in which a single family dwelling is permitted, a single family dwelling may be erected on any substandard lot of record if the lot is in single ownership at the effective date of this Ordinance and is not in single ownership with other lots having continuous frontage. However, if two or more contiguous lots under the same ownership exist, a single family home may be erected on any single lot of record provided that such lot meets the following criteria:
 - 1. The lot is a legal lot of record.
 - 2. The Building Official or his designee shall determine that the lot is the same size or larger than the majority (more than 50%) of developed lots in the area. For purposes of this section, the Building Official shall base determinations on the width, depth and area of the lot when determining conformance with the developed lots in the area. For purposes of this section, "area" shall mean at a minimum the lots on both sides of the street on the same block as the subject lot.
 - 3. All other Ordinance requirements are met, including but not limited to, setbacks, minimum dwelling size, and height. A detailed plot plan shall be provided to determine compliance with this sub-section.

If these three criteria are not met, such lot(s) shall not be developed, divided, utilized or sold in any manner that diminishes compliance with lot width and/or area requirements of this Ordinance.

- B. Any variance request to the Zoning Board of Appeals for any provision of this section shall include a detailed plot plan for a proposed structure(s) that clearly indicates conformance or non-conformance with all Ordinance requirements including, but not limited to, yards, minimum dwelling size, maximum lot coverage and height.
- C. In addition to the criteria outlined in section 10.805, the Zoning Board of Appeals, in hearing any appeals and/or variance requests from this section, shall consider the following in their decision:
 - 1. The width, size and general character of the lots in the neighborhood and area.
 - 2. The design of the proposed structure(s) is appropriate for the area, width and shape of the lot.
 - 3. The extent to which other developed lots in the neighborhood and/or area have maintained required setbacks, lot area and width.
 - 4. The extent to which the proposed structure(s) is in harmony with the character of the neighborhood and/or area
- D. In all non-residential zoning districts, structures may be erected on any single lot of record, provided that such lot meets the criteria outlined in subsection C.1 above and all restrictions outlined in the zoning district in which the lot or parcel is located.

4. Nonconforming Uses of Land

When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of

such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

5. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- A. No such structure may be expanded in a way that increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all zoning ordinance requirements for the district in which the structure is located.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved
- D. A nonconforming structure may be altered to decrease its nonconformity, subject to issuance of necessary permits.

6. Nonconforming Uses Of Structures And Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural expansion is made, any nonconforming use of a structure or structures and premises, may be changed to another nonconforming use provided that the Board of

Appeals, by making findings in the specific case, shall find that the proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for any period of time, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

7. Repairs and Maintenance

- A. On any legal nonconforming structure or building, or on any building or structure devoted in whole or in part to any nonconforming use, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be permitted, provided that the permitted maintenance or repair shall not increase the nonconformity.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. Special Land Uses Not Nonconforming

Special Approval uses that are approved by the City Council as provided in this Ordinance shall not be deemed a nonconforming use.

9. Change in Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming lots, structures, uses of land, or uses of structures and premises provided there is no change in the extent, size, nature or character of such nonconforming lot, structure, use of land or use of structure and premises.

Section 10.504. Accessory buildings.

Accessory buildings, except as otherwise permitted in this Ordinance, 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 Ordinance applicable to main buildings except the rear yard setback.
- (2) In residential districts accessory buildings and structures shall not be erected in any required yard, except a rear yard.
- (3) In the R-1, R-2, R-3 and R-T districts, accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. The combined floor area of all accessory buildings on a lot or parcel shall not exceed forty (40) percent of the required rear yard.
- (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than two (2) feet to any side or rear lot line with eaves no closer than one (1) foot to any lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (5) No detached accessory building in R-1, R-2, R-3, R-T, R-M, B-1, B-2, B-3, or O-1 and P-1 Districts shall exceed one (1) story or fourteen (14) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Appeals review and approval.

- (6) When an accessory building is located on a corner lot, the said lot line of which is substantially a continuation of the front lot line of the lot to its rear, said 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, said building shall not project beyond the side yard line on the lot in the rear of such corner lot and in no case shall the entrance to a garage be less than ten (10) feet from a street line.
- (7) When an accessory building in any Residence, Business or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.
- (8) All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine (9) feet wide unless otherwise approved by the Community Development Department. The Community Development

Department shall base its determination upon such factors as the narrowness, shallowness, shape or area of a specific piece of property, topographical conditions, or extraordinary or exceptional conditions of the property by which the strict application of this ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the City Engineer.

- (9) All roofed-over structures shall have continuous concrete footings. This provision shall also apply to open roof structures, including, but not limited to, lattice work and open beams. A variance from this requirement may be granted or denied by the site plan review committee after application for a variance and review of plans by that committee. The site plan review committee may require an adjustment in plans and/or place conditions upon the structure and/or site as part of a grant of a variance.
- (10) All accessory structures, including, but not limited to decks, porches and gazebos, may not encroach into the front, rear or side yard setbacks except as otherwise set out in this ordinance. Further, all accessory structures, including, but not limited to decks, porches and gazebos, must be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage.

Section 10.505. Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, measured from the nearest point of the property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.
- (2) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter (3/4) ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church’s property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.
- (3) Residential off-street parking spaces shall occur on a driveway, or in a garage or any combination thereof. A driveway must be at least nine (9) feet wide. Both the driveway and the garage shall be located on the

premises they are intended to serve and be subject to the provisions of Section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the City Engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.

- (4) Any area once designated as required off-street parking shall not be changed to any other use unless parking facilities are provided elsewhere in conformance with current standards.
- (5)
 - (a) Off-street parking existing at the effective date of this Ordinance 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 new use.
 - (b) Parcels located in the M-1 (Light Industrial) and the M-2 (Heavy Industrial) districts shall meet the parking requirements in 10.505(11)(h) for general industrial uses by utilizing existing or banked parking areas regardless of the current or intended use of the parcel.
- (6) Two (2) or more buildings or uses may collectively provide ~~the~~ required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the individual uses computed separately.
- (7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, subject to compliance with Sections 10.505(1) and (6).
- (8) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
 - (a) Except as otherwise provided in paragraph (b) below, or elsewhere in this Ordinance, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than twenty-four (24) hours is prohibited. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the City Engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.
 - (b) Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four (4) hours except in areas designated for such purpose on an approved site plan or as permitted elsewhere in this ordinance. Detached semi-trailers may not be stored or parked at

any time except at an approved loading dock or storage area designated on an approved site plan.

- (9) Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.
- (10) For the purposes of determining off-street parking requirements the following units of measurement shall apply:
 - (a) FLOOR AREA - In the case of uses 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 any floor area used for parking within the principal building, and except for any incidental area used for installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
 - (b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty four (24) inches of such seating facilities shall be counted as one (1) 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.
 - (c) FRACTIONS: When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions over one half shall require one parking space.
- (11) All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as “banked” on the plan, subject to approval of the Site Plan Review Committee. The parking area saved by reducing the number of spaces (“banked spaces”) shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner who shall construct said spaces within ninety (90) days of notification of the determination, or as established by the Site Plan Review Committee due to seasonal conditions.
 - (a) Banks / Credit Unions
One (1) for each two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.
 - (b) Beauty parlor, barbershops, nail salons, tanning facilities
Two (2) spaces for each chair and / or booth.
 - (c) Bowling alleys

Five (5) for each bowling lane (including accessory uses except restaurants and bars which shall be calculated separately).

- (d) Churches or temples
One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- (e) Construction sites
Space on site, exclusive of any rights-of-way, shall be provided for all construction workers during periods of construction.
- (f) Furniture and appliance sales, appliance or household equipment repair shops, decorator, electrician or similar trade, shoe repair and other similar uses
One (1) for each eight hundred (800) square feet of gross building area. (For that floor area used in processing, or appliance or furniture repair, one (1) additional space shall be provided for each one (1) person employed therein). In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for subsection (w) Retail stores, below.
- (g) Gasoline service stations

Facilities providing only gasoline sales and minor vehicle repair: One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each employee, plus two (2) spaces for each service bay. If towing is provided by the station, an additional three (3) spaces for each service bay shall be required.

Facilities providing gasoline sales combined with other retail commercial uses: The entire sales area shall be considered as retail area and the parking computed as per paragraph 10.505(11)(w) below.
- (h) General industrial
One (1) space for every five hundred fifty (550) square feet of gross building area.
- (i) Hospitals
Two (2) for each one (1) bed.
- (j) Housing for senior citizens
Convalescent homes: One (1) for each three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit.

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, and visitor parking at one (1) space for each five (5) rooms or units.

- (k) Laundromats and coin-operated cleaners
One (1) for each two (2) machines.
- (l) Mobile home park
Two (2) for each home site.
- (m) Mortuary establishments

One (1) for each one hundred (100) square feet of gross building area.
- (n) Motel, hotel, or other commercial lodging establishments
One (1) for each sleeping unit plus one (1) space for each one (1) employee.
- (o) Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages
Six (6) spaces plus one (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus one (1) for each employee.
- (p) Motor vehicle maintenance service facilities
Three (3) spaces plus one (1) for each 200 square feet of floor area of the waiting and/or sales area and one (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.
- (q) Offices.
Business and professional:
One (1) space for each three hundred (300) square feet of gross floor area.
Medical and dental:
One (1) space for each two hundred (200) square feet of gross floor area.
- (r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each three hundred (300) square feet of gross building area. Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in

the adopted building code including, but not limited to, restaurants, private clubs and churches.

- (s) Pool hall or club, billiard parlors, roller or skating rinks, dance halls, auditoriums, exhibition halls and assembly halls without fixed seats, and private clubs or lodges
One (1) for each three (3) persons allowed within the maximum occupancy load as established by the fire marshal.
- (t) Residential, one-family and two-family
Two (2) for each dwelling unit (includes inside and outside spaces).
- (u) Residential, multiple- family
Two (2) spaces for each one (1) bedroom unit and two and one-half (2 1/2) spaces for each two (2) or more bedroom unit.
- (v) Retail sales in wholesale establishments:
One (1) space for each one hundred ninety (190) two hundred fifty (250) square feet of retail sales floor area.
- (w) Retail stores except as otherwise specified herein
One (1) for each two hundred fifty (250) square feet of gross building area.
- (x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee. Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.
- (y) Self storage; Mini-warehouse:
One (1) space for each four (4) storage units equally distributed throughout the site; two (2) spaces for the manager's residence; one (1) space for each twenty-five (25) storage units, to be located at the office of the storage complex.

- (z). Schools: Pre-school; daycare:
 - One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students. In addition, short term/drop-off parking shall be provided.
- Elementary and junior high schools:
 - One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of any auditorium.
- High schools:
 - One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of any auditorium.
- Higher education; trade or technical; all other adult education.
 - One space for each two (2) students, one space for each one (1) instructor, employee or administrator.
- (aa) Stadium and sports arena or similar place of assembly:
 - One (1) for each three (3) seats or six (6) feet of benches.
- (bb) Theaters and auditoriums:
 - One (1) for each three (3) seats plus one (1) for each one (1) employee.
- (cc) Wholesale or warehouse establishments (excluding self or mini storage):
 - Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross building area, whichever is greater. In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for (h) General Industrial, above. Said banked spaces shall be maintained as landscaped area.
- (dd) Veterinarian offices and clinics:
 - One (1) space for each two hundred (200) square feet.

Section 10.506. Off-street parking space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in Section 10.505 above require the building of an off-street parking facility, or where P-1 or P-2 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, all required permits are issued by the Building Official after site plan review and approval.

- (2) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340. Permeable asphaltic or concrete pavement may be permitted after review and approval of the design by the City Engineer for conformance with City standards.

- (3) All spaces shall be provided adequate access by means of on-site maneuvering lanes.
- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

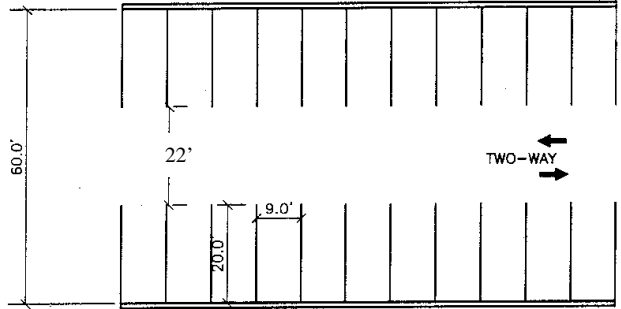
Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length*	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	22ft.	9 ft.	20 ft.	42' ft.	62' ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	53 ft.
Parallel	12 ft.	9 ft.	20 ft.	31 ft.	---
45° Herringbone	12 ft.	9 ft.	20 ft.	---	50 ft.

*Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7’ wide.

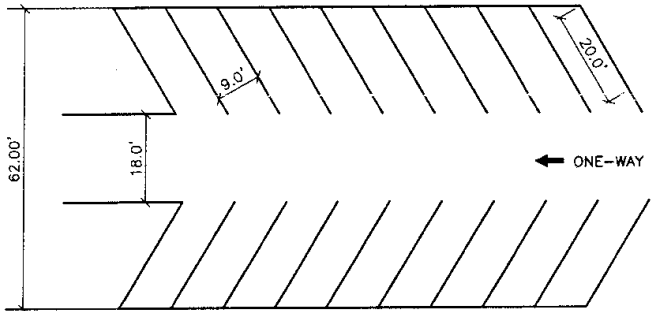
- (5) All maneuvering lane traffic shall permit only one-way movement, with the exception of the ninety (90) degree and parallel patterns where two way movement may be permitted.
- (6) Off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of Section 10.513, on all sides where the adjacent zoning district is designated as a residential district.
- (7) All principal uses shall be connected to the adjacent public sidewalk system with 5’ wide concrete sidewalk(s) meeting the City’s public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access.

- (8) A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground

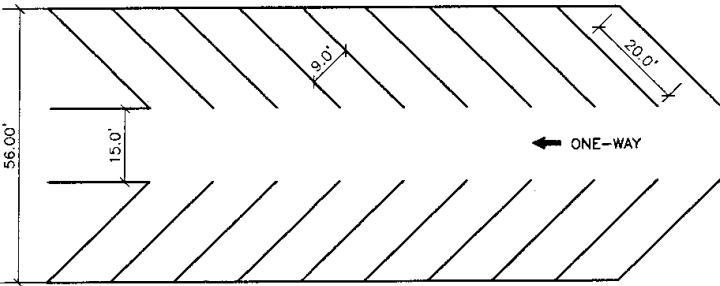
Typical Parking Lot Layouts



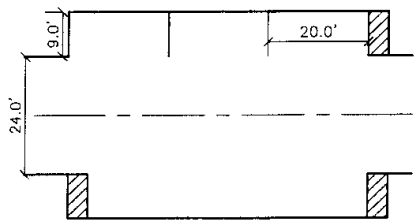
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

Section 10.507. Off-street loading and unloading.

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys, such space shall be located on the rear one third of the building to be served. Except that such operations may be permitted in areas other than the rear one third of the building only under the following conditions:

- (a) Such permission may be granted only to buildings which have not less than a fifty (50) foot front yard setback. All spaces shall be laid out in the dimension of at least ten (10) by sixty (60) feet, of six hundred (600) square feet in area, with a clearance of at least fourteen (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.
- (b) No loading space may be on any street frontage and provision for handling all freight shall be on those sides of the building which do not face on any street or proposed street; and
- (c) The loading areas are so designed that all maneuvering of vehicles will take place off the public right-of-way.

Such space shall be provided as follows:

- (1) All spaces in O-1, B-1, B-2 and B-3 Districts shall be provided in the ratio of ten (10) square feet of space for each foot of front building width.
- (2) All spaces in M-1 and M-2 Districts shall be provided in the following ratio of spaces to usable floor area:

Gross Floor Area (in square feet)	Loading and Unloading Spaces Required
0-1,400	None
1,401-20,000	One (1) space
20,001-100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five (5) spaces

Section 10.508. Uses not otherwise included within a specific use district

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the City Council under the conditions specified, and after public

hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any R-1, R-2, R-3, R-T, or R-M District. These uses require special consideration since they service an area larger than the City and require sizeable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

- (1) *Outdoor theaters.* Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in M-1 Districts and B-S Districts only when the site in question abuts an M-1 or M-2 District. Outdoor theaters shall further be subject to the following conditions:
 - (a) The proposed internal design shall receive approval from the Building Inspector and the City Engineer as to adequacy of drainage, lighting, screening and other technical aspects.
 - (b) Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
 - (c) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - (d) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto, the premises of the outdoor theater site
- (2) *Television and radio towers.* Radio and television towers and attendant facilities shall be permitted in M-1 Districts provided such use shall be located centrally on a parcel such that the distance from the base of the tower to any property line shall not be less than one and one-half (1 1/2) times the height of the tower
- (3) *Race tracks (including midget auto and karting tracks).* Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the M-1 Districts when located adjacent to a major thoroughfare (one hundred twenty (120) feet wide or greater) and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Board of Appeals deems necessary to promote health, safety and general welfare in the City.
 - (a) All parking shall be provided as off-street parking within the boundaries of the development.

- (b) All access to the parking areas shall be provided from roads which have a right-of-way of not less than one hundred and twenty (120) feet in width.
- (c) All sides of the development not abutting a major thoroughfare (one hundred twenty (120) feet of right-of-way or greater) shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accord with Section 10.510.

(4) *Home offices & home occupations*

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.
- (3) All home office activities shall be conducted wholly within the principal residence.
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.
- (5) There shall be no external evidence of such office. No signage shall be permitted.
- (6) No commodity shall be sold on the premises.
- (7) No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.
- (8) No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.

Home occupations: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use.

Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) That such home occupation shall be conducted wholly within the dwelling.
 - (2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
 - (3) That there shall be no exterior storage or parking of materials or equipment.
 - (4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.
 - (5) That no hazard of fire, explosion or radioactivity shall exist at any time.
 - (6) There shall be no external evidence of such home occupation. No signage shall be permitted.
 - (7) No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.
 - (8) As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.
 - (9) The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.
 - (10) "Home Occupation" shall not include "Home Offices" as defined above.
- (5) Yard waste transfer and composting facilities; recycling facilities.
- (a) Definitions:
Compostables: means leaves, grass clippings, brush, woodchips, tree limbs under two (2) inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a special approval.

Recyclable materials: means high grade paper, glass, plastic, newspaper, corrugated paper and other materials as may be specified in conditions established as part of a special approval.

Recycling drop-off center: means an unmanned site containing one or more self contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

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

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

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

Yard waste transfer facility: means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

Yard waste composting facility: means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than twenty-four (24) hours.

(b) *Yard waste transfer facilities:* Yard waste transfer facilities, including any expansion of an existing facility, shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering

2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

3. Adequate parking shall be provided for all employees and visitors.

4. The site shall be controlled to prevent unauthorized access during non- business hours.
5. All transfer operations shall be screened from public view in a manner which provides complete screening between the site and all adjacent properties and rights-of-way.
6. No compostables may remain on site longer than twenty-four (24) hours.
7. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the compostables transfer process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
8. Overnight storage or parking of loaded vehicles shall not be permitted.
9. If public access is provided to the site for the drop-off of compostable material the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
10. The compostable transfer process shall be properly managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

(c) *Yard waste composting facilities:* Yard waste composting facilities shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:

1. Items 2, 3, & 4 in Paragraph (b) above.
2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
3. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place within three hundred (300) feet of any existing residential districts and one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering.
4. The compost site, and all related operations, shall be screened from adjacent public rights of way, properties, and public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination thereof. Council may require

additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

5. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
 6. Only compostables shall be composted at such facilities.
 7. The decomposition process shall be managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.
 8. Pondered water shall not be permitted to collect on a yard waste composting site.
 9. If public access is provided to the site for the drop-off, or pick-up of compostable material the public drop-off area shall be fully separated from the composting operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
 10. Overnight storage or parking of loaded vehicles shall not be permitted.
 11. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.
- (d) *Recycling drop-off center:* Drop-off centers are intended to serve the public by providing a convenient and safe place, in a location normally used by the public, to drop off their recyclable materials. Due to the area required for this type of facility, recycling drop-off centers shall be permissible only as a use by special approval in the B-2 and B-3 zoning districts subject to the following regulations:
1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no drop-off activities will take place within one hundred (100) feet from any existing residential district, twenty-five (25) feet from all adjoining property lines, behind the extended front line of any existing buildings and not within any required front yard.
 2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
 3. The recycling drop-off center shall be screened from adjacent public rights of way and properties, and from public view, by a

land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

4. The types of recyclable materials to be collected shall be approved by Council as part of the Special Approval Process. No motor oil, batteries, paint, lead, mercury or other hazardous materials shall be collected.
5. The operator shall provide plans showing all container locations and screening. Plans shall show the location of entrances, exits and unloading areas for the location as well as the distances to property lines and any adjacent residential districts.

(e) *Recycling transfer facilities:* Recycling transfer facilities shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.
2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
3. Adequate parking shall be provided for all employees and visitors.
4. The site shall be controlled to prevent unauthorized access during non- business hours.
5. All transfer operations shall be conducted inside a fully enclosed structure.
6. No recyclable materials may remain on site longer than seven (7) calendar days.
7. Overnight storage or parking of loaded vehicles shall not be permitted.
8. If public access is provided to the site for the drop-off of recyclable materials the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(f) *Recycling processing facilities :* Due to the large volume of truck traffic, storage and recyclable material handling, combined with the increased possibility of odor, noise, dust and debris, recycling processing facilities

shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:

1. Items 2, 3, 4, 5, 7 & 8 in Paragraph (e) above.
 2. All processing shall be conducted inside a fully enclosed building.
 3. If the site abuts property which is residentially zoned a buffer zone shall be maintained where no recycling, storage, transfer or loading activities will take place within three hundred (300) feet from existing residences and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.
 4. The recycling processing center shall be screened from adjacent public rights of way and properties by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties
 5. In order to contain windblown debris and provide security, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the recycling process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
 6. The types of materials to be recycled shall be approved by Council as part of the Special Approval Process.
 7. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.
- (g) Yard waste transfer facilities and composting facilities, and all recycling processing and transfer facilities and drop-off stations, shall utilize materials, equipment and processes which are clean, quiet and free from any objectionable or dangerous nuisance or hazard including odors and windborne dust or debris and shall comply with all other performance standards contained in Section 10.509 of this ordinance and any other standard imposed as a condition of special approval.
- (h) Failure to maintain and operate the facility in a responsible manner that minimizes the potential for adverse impacts on neighboring properties, or in compliance with the conditions of the special use permit, shall constitute grounds for immediate revocation of the special use permit by the City.

- (i) All facilities under this section shall include, as part of their application, a management plan detailing the operation, maintenance, cleaning, monitoring, removal of unmarketable products and waste, security and hours of operation. Council may limit the hours of operation as a condition of special approval.

(6) Garage, rummage or yard sales

Garage, rummage or yard sales (as defined in Section 10.511(I)(C)(8)) shall only be permitted in the R-1, R-2 and R-3 districts. The owner or occupant of any dwelling unit in the R-1, R-2 or R-3 Districts may conduct up to three (3) garage, rummage or yard sales per calendar year. Each sale shall not exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Section 10.511(I)(C)(8).

Section 10.509. Performance standards.

- (1) Reserved.
- (2) Reserved.
- (3) Open storage. The open storage of any industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or fence six (6) feet in height.
- (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 wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) Fire and explosive hazards.
 - (a) In the M-1 and M-2 Districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Fire Marshal, is permitted, subject to compliance with all other performance standards above mentioned..
 - (b) The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshal is permitted subject to compliance with all other yard requirements and performance standards

previously mentioned, and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls which meet the requirements of the Building Code of the City of Madison Heights.
 2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 MSA § 4.559(1) et. seq. as amended.
- (6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in M-1 districts shall not exceed seventy-five (75) decibels between the hours of 6:00 a.m. and 10:00 p.m. nor more than seventy (70) decibels between the hours of 10:00 p.m. and 6:00 a.m. in all M-2 Districts the discernable noise shall not exceed eighty (80) decibels. All measurements shall be made at the property line.
- (7) Reserved.
- (8) Wastes. Regulations:
- (a) No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.
 - (b) Acidity or alkalinity shall be neutralized within an average pH range of between five and one-half (5 1/2) to seven and one half (7/2) 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 .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide; and shall contain not more than 10 of sulphur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.
 - (d) Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension greater than one half inch
 - (e) Wastes shall not have a chlorine demand greater than 15 p.p.m.

- (f) Wastes shall not contain phenols in excess of .05 p.p.m.
- (g) Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

Section 10.510. Landscaping and Screening

Screening and landscaping, where required, shall adhere to the following minimum standards where new development (or major redevelopment where existing buildings and / or parking areas are demolished) requires site plan review,

(A) General Provisions

In all zoning districts the following minimum standards apply:

- (1) All landscaping as shown on the approved site / landscape plan shall be continuously maintained in a healthy condition.
- (2) All required landscape plantings that are diseased or dead must be replaced in conformance with the approved landscape plan.
- (3) All required landscape areas that abut vehicular drives, parking or other uses areas shall be separated from the vehicular use area with a 6" concrete curb.
- (4) Landscaping shall be designed to maintain clear vision at intersection, drives, sidewalks and building entrances at time of planting as well as mature plant growth.
- (5) Where greenbelts, landform buffers or buffer strips are required or proposed, they may be encroached upon or punctuated by approved driveways, sidewalks and structures, in conformance with applicable setback standards. Common driveways between two or more properties are encouraged. Where a common driveway serving two or more parcels is located on or adjacent to a property line no greenbelt, landform buffer or buffer strip is required adjacent to areas occupied by the common drive.
- (6) Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include

required plantings and meet the applicable location and size requirements.

(B) Landscaping Standards

This subsection is intended to define the various types of landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

(1) Landform Buffer

A landform buffer is ~~any~~ combination of a raised earthen berm and plantings intended to forms a visual barrier at least three (3) feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

a. Planting design standards:

1. The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every fifteen (15) linear feet of required landform buffer.
3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every fifteen (15) linear feet of landform buffer.
4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

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

(2) Buffer Strip

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

- a. The Buffer Strip shall be a minimum of fifteen (15) feet wide.
- b. Planting design standards:
 - 1. The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
 - 2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every twenty (20) linear feet of required buffer strip.
 - 3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every twenty (20) linear feet of buffer strip.
 - 4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(3) Screen Wall Greenbelt

A Screen Wall Greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six (6) feet in height. When a screen wall is required it shall meet the following standards:

- a. All walls shall conform to the following provisions:
 - 1. Screen walls shall be located where required by subsection (C) *Required Minimum Screening and Landscaping* below. Required walls shall be a minimum six (6) feet high or, after approval by the Site Plan Review Committee, to a height which is in continuity with an existing adjacent screen wall. The Site Plan Review Committee may require screening walls up to eight (8) feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).
 - 2. Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting

residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.

3. Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.
 4. Screen walls shall be reduced to a maximum three (3) feet in height for fifteen (15) feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.
- b. Required screen walls shall include a minimum five (5) foot wide greenbelt adjacent to the required wall for its entire length, planted in accordance with the greenbelt planting standards below.

(4) Greenbelt

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

- a. The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every thirty (30) linear feet of required greenbelt. No evergreen trees are permitted where a greenbelt is adjacent to a public or private road right of way
- c. Four (4) 24"-30" high or wide evergreen or deciduous shrubs for every thirty (30) linear feet of greenbelt.
- d. Minimum width for required greenbelts shall be five (5) feet unless otherwise specified in this ordinance.

(5) Right of Way Screen Wall Option

Wherever a greenbelt is required in this ordinance which is adjacent to a public street right of way, a masonry screen wall may substituted for the required greenbelt subject to the following:

- a. Approval of the right of way screen wall option is required as a part of site plan approval.
- b. The wall shall be thirty (30) inches in height and shall be of common or face brick, or a masonry material that is compatible with that of the principal building(s) on site and other existing walls in the area.
- c. The wall shall be designed to maintain adequate separation from vehicular drives and parking areas.
- d. Greenbelts are encouraged adjacent to right of way screen walls and, where installed, should meet the guidelines in subsection (4) *Greenbelts* above.
- e. Concrete curbing, wheel blocks or guard posts may be installed where necessary to prevent vehicular damage to the wall.

(6) Interior Landscaping

For every new development that requires site plan review, except site condominiums as regulated in Section 10.515, interior landscaping areas shall be provided, equal to at least five (5) percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways and service areas. All interior landscaping shall be designed to the following general design standards:

- a. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree; and then one (1) two and one-half (2 1/2) inch caliper deciduous tree for every additional four-hundred (400) square feet of required interior landscaping area.
- c. Two (2) eighteen (18) inch high or wide shrubs; and then two (2) eighteen (18) inch high or wide shrubs for every additional four hundred (400) square feet of required interior landscaping area.

(7) Parking Lot Landscaping

In addition to the Interior Landscaping above and the other required landscaping herein, within every parking area containing ten (10) or more required spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces, drives and required fire lanes. All required parking lot landscaping shall conform with the following:

- a. Any off-street parking areas containing ten (10) or more parking spaces shall provide five (5) square feet of parking lot landscaping per parking space.
- b. All required parking lot landscaping shall be designed to conform to the following requirements:
 1. The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.
 2. One (1) two and one-half (2 1/2) inch caliper deciduous canopy tree shall be required for every one hundred (100) square feet of required parking lot landscaping area.
 3. Parking lot landscaping areas shall be curbed with 6" concrete curbing.

(8) Trash Receptacle, Transformer, and Mechanical Equipment Screening

- a. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash, and other waste products or materials, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of masonry materials similar to the buildings to which they are accessory.
2. Enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be

installed which forms a complete visual barrier the same height as that of the other three sides.

3. No enclosures shall be permitted within a required front yard or street-side side yard setback.
4. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight (8) inch concrete pad. Bollards shall be placed where necessary to protect walls.

b. Transformer and Mechanical Equipment Screening

All ground mounted transformers, generators, mechanical equipment, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

(C) Required Minimum Screening and Landscaping

The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

Zoning / Use of Subject Parcel	Zoning of Adjacent Parcel									Adjacent Public ROW
	N-P	R-1, R-2, R-3	R-T, R-C, R-M	HM	H-R	O-1	B-1, B-2, B-3	M-1, M-2	P-1, P-2	
Required Landscaping Options										
N-P / Natural Preservation	--	--	--	--	--	--	--	--	--	--
R-1, R-2, R-3 / Single Family Residential	--	--	--	--	--	--	--	--	--	--
R-T, R-C, R-M / Two Family & Multiple Family Residential	--	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	C	C	C	D
H-M / Mobile Home	See Section 10.344									
H-R / High Rise Mixed Use	--	C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or D	D, E
O-1 / Office	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
B-1, B-2, B-3 / Commercial	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
M-1, M-2 / Industrial	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
P-1, P-2 / Parking Lots	See Section 10.339, 10.342A, and 10.506.6									D, E
Outdoor Storage	--	C	C	C	C	C	C	C	C	C

KEY:

- A) Land Form (Section 10.510(B)1)
- B) Buffer Strip (Section 10.510(B)2)
- C) Screen Wall Greenbelt (Section 10.510(B)3)
- D) Greenbelt (Section 10.510(B)4)
- E) Right of Way Screen Wall Option (Section 10.510(B)5)
- Not Required

(D) Suggested and Prohibited Trees and Shrubs for Landscaping

The City may maintain a list of suggested or prohibited trees and shrubs for landscaping, however, it is the responsibility of the professional site designer to determine appropriate plantings in compliance with City regulations.

(E) Exceptions:

It is the intent of this Ordinance to promote development, redevelopment and/or reuse of sites that may be unable to meet the standards herein. Therefore, any of the forgoing requirements may be waived or modified, through the site plan review process, where cause can be shown that no good purpose would be served, due to site design, parking, parcel configuration, building location and/or other pertinent and relevant factors, by the strict application thereof.

Section 10.511. Sign regulations.

(I) **GENERAL PROVISIONS:**

(A) *Findings and Purpose:* The purpose of this section is to regulate on-site signs and outdoor advertising so as to protect the health, safety, general welfare, property values, and the character of the various neighborhoods in the City of Madison Heights.

The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. Billboards are deemed to constitute a principle use of a lot.

(B) *Definitions:* In addition to the definitions found elsewhere in this section, the following definitions shall apply to sign regulations:

- (1) *Building Official* The Building Official of the City of Madison Heights or his authorized representative.
- (2) *Billboard:* An outdoor sign, whether placed individually or on a T-type, V-type, back to back or double-faced display, erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located.

- (3) *Department* The Community Development Department of the City of Madison Heights, its officers, inspectors and other employees.
- (4) *Erect* To build, construct, attach, hang, place, suspend, affix, paint or alter.
- (5) *Noncombustible material.* Any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (6) *Owner* A person, firm, partnership, association or corporation and/or their legal successors.
- (7) *Off-premises signs.* A sign other than an on-premises sign.
- (8) *On-premises sign.* A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.
- (9) *Person.* Any individual, firm, partnership, association or corporation and their legal successors.
- (10) *Sign.* Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.
 - (a) *Bench Signs:* A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.
 - (b) *Ground Sign:* A freestanding sign supported by one (1) or more uprights, braces, poles or pylons, located in or upon the ground and not attached to any building. A ground sign includes a pole or pylon sign.

- (c) *Marquee Sign:* A sign attached to or hung from a canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
 - (d) *Portable Sign:* Any sign not permanently attached to the ground or a building.
 - (e) *Projecting Sign:* A sign other than a marquee which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.
 - (f) *Roof Sign:* A sign which is erected, constructed, painted, placed or maintained on any portion or surface of the roof of a structure.
 - (g) *Temporary Sign:* A free-standing sign, display, banner or other device, mobile or standing, constructed of cloth, canvas, fabric, plastic, wood, paper or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display. Holiday displays and political signs shall not be considered temporary signs.
 - (h) *Wall Sign:* A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be in a plane parallel to the building wall or structure. Wall signs shall also include signs placed on approved awnings and canopies.
- (11) *Sign erector:* Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.
- (C) *Signs Not Requiring Permits:* No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:
- (1) *Real estate signs:* One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area. In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty-two (32) square feet in area and eight (8) feet in height.

If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty-two (32) square feet in area in all

other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on any lot or parcel.

Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.

- (2) *Construction signs:* On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty-two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.
- (3) *Public, charitable, educational or religious events:* Not more than two (2) temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total and the sign shall be free-standing. Signs shall be erected no more than one (1) week prior to the event and shall be removed within twenty-four (24) hours after the end of the event or function.
Exception: Signs permitted under this Section may also be displayed over public right-of-ways on cables maintained by the City for that purpose with approval of the Street Administrator.
- (4) *Street signs.* Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic-control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.
- (5) *Noncommercial signs.* Signs containing noncommercial messages located on private property that do not exceed sixteen (16) square feet in area per side and do not exceed a cumulative total of thirty two (32) square feet per sign.
- (6) *Memorial signs or tablets.* Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.

- (7) *Interior building signs.* Signs located on the interior of buildings.
- (8) *Garage or rummage sale signs:* Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.

(D) *Signs permitted in all districts:* Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.

- 1. Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.

2. At the discretion of the Building Official, signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.
3. One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty-two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.

(II) ADMINISTRATION:

(A) *Permits, Applications, Plans, Specifications and Revocation:*

- (1) *Permits generally.* It shall be unlawful for any person to erect, re-erect, repair, alter, paint or relocate or reconstruct on the same or another premises or to maintain within the city any sign as defined in this section unless a permit shall have been first obtained from the Community Development Department, except as provided in subsection (1)(C), and a permit fee paid in accordance with the fee schedule adopted by resolution of the City Council.

This section shall not be construed to prevent repair or restoration of any part of an existing sign when said sign is less than fifty (50) per cent destroyed or damaged by storm or other accidental emergency, and when the Building Official has ordered said repair or restoration of the sign to return that sign to a safe condition. If a sign is to be repaired or restored under this exception, the sign message must remain the same. If a different message is to be placed on the sign, a sign permit is required.

- (2) *Application.* Application for sign permits shall be made upon forms provided by the Community Development Department for this purpose and shall contain the following information:
 - (a) Name, address and telephone number of applicant.
 - (b) Location and dimensions of the building, structure or lot to which the sign is to be attached or erected.
 - (c) Position of the sign in relation to nearby buildings, structures, property lines and rights-of-way, existing or proposed.

- (d) Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground.
 - (e) Copies of stress sheets and calculations if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Madison Heights.
 - (f) Name, address and phone number of the sign erector.
 - (g) Insurance policy as required herein.
 - (h) Such other information as the Building Official may require to show full compliance with this and other applicable laws of the City of Madison Heights and State of Michigan.
 - (i) The Building Official may require that the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 - (j) Indicate the zoning district in which the sign is located.
- (3) *Insurance requirements.* Permits may be issued to sign erectors only under the following conditions:
- (a) *Insurance Certificates:* Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Community Development Department a certificate of insurance, in a form acceptable to the City, for public liability in the amount of one hundred thousand dollars (\$100,000.00) for injuries to one (1) person and three hundred thousand dollars (\$300,000.00) for injuries to more than one (1) person, and property damage insurance in the amount of twenty five thousand dollars (\$25,000.00) for damage to any property due to the actions of himself or any of his agents or employees.
 - (b) *Lapsing of Insurance:* At any time the insurance of any sign erector is permitted to lapse, his contractor registration shall automatically be revoked.
 - (c) *Notification of Change:* A sign erector shall notify the Community Development Department of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.
- (4) *Permit insurance and revocation* All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses and may be revoked by the city upon violation of this section.

- (a) **Compliance:** All signs shall be inspected for compliance at the time of installation. If work indicated to be done on the application for permit has not been started within six (6) months the permit will expire and become null and void.
- (b) **Concealed Work:** All work shall remain accessible and exposed for inspection until approved. It shall be the duty of the permit applicant to cause said work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.
- (c) **Removal of Signs:** Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this section within thirty (30) days of notice. Failure to comply shall result in an order to remove the sign, with costs charged to the permit holder, within forty eight (48) hours from the time of notification in writing. Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within forty-eight (48) hours of notification by the Building Official.

(III) SIGN PLACEMENT AND MAINTENANCE REQUIREMENTS:

(A) General Provisions:

- (1) *Material requirements* All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this section.
- (2) *Maintenance.* No sign shall be permitted to corrode, rust, peel, fade, break up or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. No nails, tacks or wires shall be permitted to protrude from the front of any sign.
- (3) *Fire escapes.* No signs of any kind shall be attached to or placed upon a building or structure in such a manner to obstruct any fire escape.
- (4) *Support location.* No pole, cable or support of any nature shall be placed on, or over, any publicly owned property, street right-of-way, proposed street right-of-way or dedicated public easements unless otherwise specifically provided for in this section.
- (5) *Wall signs.* Wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or

nails. All wall signs shall be constructed in accordance with the adopted building code. No wall sign shall cover wholly or partially any wall opening. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.

- (6) *Lighting.* Internal and external lighting shall be permitted, but the illumination thereof shall not be anything other than a steady, continuously burning bulb or light. The movement, flashing or illusion of flashing, or turning on and off of the sign illumination or of any bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of eight hundredths (0.08) foot-candles, when measured from the nearest or adjacent residential-zoned property. No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the Michigan Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the Michigan Electrical Code.
- (7) *Electronic message boards.* Electronic changeable message boards (signs) may be incorporated as part of any permitted sign. The message shall not change more than once every thirty (30) seconds. Text displays shall conform to the requirements of paragraph (6) above and moving text and video displays shall not be permitted. The change cycle for time and temperature shall not be less than thirty (30) seconds.
- (8) *Revolving signs.* Revolving or moving signs shall be prohibited.
- (9) *Public right-of-way.* All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless otherwise specifically provided for in this section.
- (10) *Traffic interference.* No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (11) *Intersections.* No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision or any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, sign, or device or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking or device be placed, erected or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.

- (12) *Rehanging - re-erection.* In case of rehanging or re-erection of any sign, the sign erector must place his name and address and the date on the sign.
- (13) *Proximity to electrical conductors.* No sign shall be erected so that any part of it, including cables, guys, etc., will be in violation of the Electrical Code of Madison Heights or any utility company safety requirement.
- (14) *Sanitation.* Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish and inflammable material.
- (15) *Responsibility of compliance.* The owner of any property on which a sign is placed, and the person maintaining said sign, are both responsible for the condition of the sign and the area in the vicinity thereof.
- (16) *Erector's imprint.* Every sign shall have placed in a conspicuous place thereon, in letters not less than one half inch in height, the name of the person, firm or corporation owning, erecting or operating such sign, the date of erection, the permit number and the voltage of any electrical apparatus.
- (17) *Shielding from adjacent property and rights-of-way:* Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent zoning districts and rights-of-way, and shall not adversely affect driver visibility on adjacent public thoroughfares.

(IV) REGULATIONS FOR PERMITTED SIGNS: The following conditions shall apply to all signs erected or located in any zoning district:

(A) Prohibited Signs:

- (1) Roof signs, marquee signs and projecting signs are prohibited. Further, in order to prevent, reduce or eliminate blight in the city caused by bench signs which often protrude into the city's right-of-way and are not maintained on a regular basis, bench signs are prohibited within the City of Madison Heights. Any other signs not specifically permitted by this Ordinance are prohibited.
- (2) Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: The owner of any property where no other parking exists, except in front of the building, may apply to the Building Official for a waiver of this requirement for not more than ten (10) percent, but not less than one (1), of the existing spaces.

- (3) Off-Premises signs: Except as specifically permitted elsewhere in this ordinance off-premises signs are prohibited.
- (4) Searchlights: Except as may be specifically permitted elsewhere in this ordinance, searchlights are prohibited.
- (5) Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message.

(B) *Measurement of Signs:*

- (1) *Sign area.* For the purposes of this section, the sign area shall include the total area within any circle, triangle, rectangle or square, or combination of two shapes which are contiguous to each other, enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a broken sign, (a sign with open spaces between the letters or insignia) the sign area to be considered for size shall include all air space between the letters or insignia. Where more than one wall sign is used, each sign may be measured individually, using the procedure above, provided the signs are separated by a distance equal to, or greater than, the width of the largest sign. Any back-lit area of a building exterior shall be considered to be a sign area.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.

- (2) *Sign height.* The height of the sign is measured from the ground to the highest point of the sign from the ground.

(C) *Zoning District Sign Regulations:* Except as otherwise provided herein, signs shall only be permitted according to the following zoning district sign regulation:

- (1) Use district

R-1 Single-Family Residential District;

**R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;
R-C Condominium Residential District;
H-M Mobile Homes**

- (a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts
 - 1. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.
 - 2. No sign shall be located closer than thirty (30) feet to any property line of any adjacent residential district.

(2) Use district

**B-1 Local Business District;
B-2 Planned Business District; and
B-3 General Business District.**

Each business development (that is, one (1) or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

- (a) Ground sign: One (1) ground sign for each business development.
 - 1. Not over eight (8) feet in height above the adjacent grade nor more than ten (10) feet above the adjacent roadway.
 - Note: Ground signs may not obstruct visibility at driveways or intersections. The Building Official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety.
 - 2. No sign shall be located closer than ninety (90) feet to any property line of an adjacent residential district.
 - 3. The base of the sign be not less than twenty (20) feet from a side lot line.
 - 4. A ground sign under this section shall not exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of sixty (60) square feet in area.

5. Individual ground signs for each business tenant within a development shall not be permitted.

(b) **Wall Sign:** The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not to exceed a total sign area of six hundred (600) square feet. The six hundred (600) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted. No portion wall sign shall be more than twenty (20) feet above grade.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass. In an enclosed building in a B-1, B-2 or B-3 use district where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be fifty percent (50%).

(3) Use district

O-1 Office District:

(a) *Ground sign:* Each office development shall be permitted one (1) ground sign.

1. Not over eight (8) feet maximum height or ten (10) feet above the adjacent roadway.
2. The ground sign must be set back a minimum of one-half of the setback of the building.
3. A ground sign under this section is not to exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of forty-eight (48) square feet in area.
4. No sign shall be located closer than thirty (30) feet to any property line of an adjacent residential district.
5. Individual ground signs for each tenant within an office building shall not be permitted.

(b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(4). Use district

**M-1 Light Industrial District; and
M-2 Heavy Industrial District.**

(a) *Ground Sign:*

1. One (1) ground sign which shall be located in the front yard and set back a minimum of one-quarter of the building setback.
2. The ground sign shall not exceed six (6) feet in total height nor more than ten (10) feet in total length and contain not more than forty (40) square feet in sign area.
3. No more than one (1) sign is allowed for each principal structure on the property

(b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall only consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(5) Use District

H-R High-Rise district.

(a) *Ground Sign:*

1. One (1) ground sign for each development may be permitted provided the sign is set back a minimum of one-half of the building setback with a maximum total height above grade of six (6) feet.

2. Maximum allowable sign area shall be determined on the basis of a maximum of ten (10) square feet of sign area for each office unit within an office structure, said sign area not to exceed forty-eight (48) square feet of total sign area per building.
 - (b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.
 - (c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.
- (D) **Temporary Signs:** The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:
 - (1) *Generally.* A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than four (4) months in a single calendar year.
 - (2) *Height and area limitations.* No temporary sign may have a single face greater than thirty-two (32) square feet in area nor have a greater total surface area of more than sixty-four (64) square feet nor be a greater height than eight (8) feet above the ground.
 - (3) *Number of signs.* No more than one (1) temporary sign for each address shall be displayed on any site.
 - (4) *Display:* A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.
 - (5) *Prompt removal of sign.* Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.
- (6) *Grand Opening Signs* - One temporary sign, not to exceed thirty-two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty

(30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.

(E) Billboards:

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such parcel.
2. Billboards shall not be less than twenty-five hundred (2,500) feet apart. A double face (back to back) or a v-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.
4. Billboards shall not exceed sixty (60) feet in height from the adjacent grade.
5. Billboards shall not be erected on the roof of any building.
6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in Section 10.511(III)(A)(7).
7. Billboards are deemed to constitute a principle use of a lot.

(V) NONCONFORMING SIGNS:

(A) *Intention* It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.

(B) *Continuance.* A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:

- (1) Replaced by another nonconforming sign.

- (2) Rebuilt or re-erected after it has been removed or destroyed for any reason.
- (3) Structurally altered so as to prolong the life of the sign.
- (4) Expanded or substantially added to, changed or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) per cent of the estimated replacement cost.
- (5) Continued after the sale of the building on which the sign is placed or erected,

(C) *Removal of Nonconforming Signs*

Any non-conforming sign now or hereafter existing which currently advertises, or at the time of construction advertised, a business being conducted or a product sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed pursuant to paragraph (VII)(B).

(VI) SIGNS ON MOTOR VEHICLES:

For Sale or for Lease: No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Madison Heights for the purpose of advertising same "for sale" or "for trade."

- (A) A sign containing a phone number in or on a parked motor vehicle which was or is visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.
- (B) Proof that the vehicle described in the complaint was parked in violation of this section, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.
- (C) The owner of a motor vehicle may place a "for sale" or "for trade" sign within the vehicle provided:
 - (1) The vehicle is legally parked on the owner's residential premises only.
 - (2) This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.

(VII) REMOVAL OF SIGNS

- (A) The Building Official shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this ordinance and specifying a

reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the City may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Paragraph (IV)(A), above, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the City may be assessed to the person or business displayed on said sign, or to owner of the property on which such sign is located and such charge shall be a lien on the property.

- (B) A sign, including any supporting structure or pole, shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City may remove it in accordance with the provisions stated in Section (VII)(A) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

Section 10.512. Exterior lighting.

All lighting for parking areas or for the external illumination of buildings and uses shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

Section 10.513. Screen walls.

- (1) Screen walls shall be constructed in accordance with Section 10.510(B)(3).

Section 10.514 Site Plan Review

This section sets forth the requirements for the application, review, approval and enforcement of site plans in the City of Madison Heights.

A. Developments, Uses Or Activities Requiring Site Plan Review

A site plan shall be submitted to the City in accordance with the procedures in this section for any of the following activities, uses or developments except single-family and two-family dwellings constructed on a single lot or parcel.

1. All new construction, structural alterations or substantial changes in use, as determined by the Site Plan review Committee, in R-C, R-M, HM, O-1, B-1, B-2, B-3, M-1, M-2, P-1, P-2, H-R, and N-P Districts.
2. All condominium or site condominium developments in any district.
3. All special land uses in any district.
4. Any use that requires a new, modified, or expanded parking lot.

5. All multiple family residential developments and mobile home parks.
6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
7. All public buildings.

B. Site Plan Review Authority

1. There is hereby established a Site Plan Review Committee consisting of the Fire Chief or designee, Community Development Director, Deputy Community Development Director, City Engineering Consultant, Water & Sewer Coordinator or designee, and the Building Inspector. The Economic Development Coordinator shall be an ex officio member without vote. A minimum of three (3) affirmative votes is required to approve any motion.
2. Upon receipt of a site plan the Site Plan Review Committee shall review and approve the plan prior to issuance of permits for any construction. The Committee may refer any plan to the Planning Commission for their review and approval.

C. Site plan review process

Site plans shall be reviewed in conformance with the following process:

1. Applicant requests pre-application conference with Community Development Department to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.
2. Applicant initiates site plan review process by submitting the following materials and fees to the Community Development Department:
 - a. One (1) copy of the completed site plan application form.
 - b. Eight (8) copies of the site plan. A site plan submitted to the City for preliminary site plan review must contain all of the information set forth in Paragraph D below.
 - c. One (1) 11' x 17" original reduction of the site plan
 - d. One (1) copy of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by City)
 - e. All applicable fees.

The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

3. Site Plans are distributed to Site Plan Review Committee for Preliminary Site Plan Review.
4. Site Plan Review Committee conducts Preliminary Site Plan Review and determines if Planning Commission review is required.
5. Preliminary Site Plan Review comments sent to applicant.

6. Applicant revises plans and submits eight (8) copies of revised site plans and any additional required information to Community Development Department.
7. Site Plan Review Committee conducts Final Site Plan Review and takes final action on the site plan.
8. If a site plan is referred to the Planning Commission by the Site Plan Review Committee, the applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.
9. The Site Plan Review Committee, and Planning Commission if required, shall approve, approve with conditions, or deny the final site plan.
10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Community Development Department for verification of compliance with necessary plan revisions.
11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans review shall be followed.
12. When all conditions of approval are met by the applicant six copies of the final site plan shall be stamped "APPROVED", dated and transmitted in accordance with the following:
 - 2 - Community Development Department
 - 1 - City Engineer
 - 1 - Department of Public Services
 - 1 - Fire Department
 - 1 - Applicant

Madison Heights Zoning Ordinance – FOR REFERENCE ONLY – Official copy at Clerk’s office.
As amended through 2/2/17.

D. Submission Requirements

1. Site Plan Application Form

Applications for site plan review shall be made on forms available at the Community Development Department. The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

- a. Title block with name of proposed development, and the name address and phone number of the property owner, developer and architect / engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.
- b. Location map showing the proposed site location, zoning classifications and major roads.
- c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.
- d. Date, north arrow, and scale
- e. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- f. Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
- g. All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within one hundred (100) feet of the subject property lines.
- h. Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
- i. Location and height of all walls, fences, and landscaping, including a landscaping plan.
- j. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
- k. Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.

- l. Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.
- m. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- n. Density calculations (for multiple family projects).
- o. Principal and accessory buildings.
- p. Designation of units by type of buildings.
- q. Interior walks and pedestrian or bicycle paths within rights-of-way.
- r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
- s. Trash receptacle and transformer locations and method of screening.
- t. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
- u. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- v. Designation of fire lanes.
- w. Location, size and types of all proposed signs.
- x. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible,
- y. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.
- z. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the City's consulting engineer.
- aa. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
- bb. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.

E. Site plan review criteria.

In reviewing site plans, the Site Plan Review Committee and Planning Commission shall consider and require compliance with the following:

1. All application and site plan review submittal criteria have been met.
2. The final site plan is in full conformance with all applicable zoning ordinance requirements.
3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
4. On-site and off-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.
5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development’s impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.
6. Utility service, including proposed water, sanitary sewer and storm water runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the City’s consulting engineer. Approvals required from any state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, are a prerequisite to approval.
7. Notwithstanding any other provisions of this ordinance, the City may require as a condition of final site plan approval, landscaping, berming, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this ordinance.

F. Site Plan Review Standards for Groundwater and Storm water Protection

The following provisions shall apply to all uses and facilities that require site plan review under the provisions of this ordinance.

1. Site Plan Review Information Requirements
 - a. The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by City).
 - b. The City may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
 - c. The site plan shall detail the location of the following:
 1. Public or private wells on-site and on adjacent sites.

2. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
3. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
4. Existing and proposed underground and above-ground storage tanks and the material stored therein.
5. Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport storm water or wastewater, The point of discharge for all drains and pipes shall be specified on the site plan.
6. Wetlands, watercourses, and drains.
7. Soil characteristics of the parcel, at least to the detail provided by the US Soil Conservation Service - Soil Survey.
8. Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.

2. Groundwater and Surface Water Protection Standards

a. General

1. The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.
2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
3. Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.
4. Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.
5. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting

materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.

6. In determining compliance with the standards in this ordinance, the City may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.

b. Above-ground Storage and Use Areas for Hazardous Substances and Polluting Materials

1. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.
3. Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
4. Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.

c. Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials

1. Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.
2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.
3. Out-of service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.

d. Sites With Contaminated Soils and / or Groundwater

1. Site plans shall detail the nature of, location and extent of any contaminated soils or groundwater on the site.

2. Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

G. Expiration of site plan approval.

The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review, Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.

H. Fees.

Any application for site plan approval shall be accompanied by a fee as determined from time to time by resolution of the City Council.

I. Approval and Issuance of Building Permits.

Building permits shall not be issued until site plan approval has been granted by the Site Plan Review Committee, Planning Commission (if applicable) and the City engineering consultant has approved the final engineering plans for the site.

J. Amendments of Approved Site Plans

An approved site plan may be amended by written application in accordance with the submittal and review procedures for Preliminary Site Plan Review. Where the changes are minor, the Site Plan Review Committee may complete the Site Plan Review process and act upon the proposed amendment. Major changes, as determined by the Site Plan Review Committee, to plans which received Planning Commission approval shall be reviewed and approved by the Planning Commission.

K. Conformity with Approved Site Plan Required

Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the Owner.

L. Appeals to Site Plan Decisions

Appeals to decisions of the Site Plan Review Committee shall be made to the Planning Commission. Appeals to actions of the Planning Commission shall be in accordance with state law.

M. Accuracy of Information

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

N. Revocation of Site Plan Approval

The Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Community Development Department to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.

O. Site Plan Guarantee

1. Prior to the issuance of any building permit for any project or development which requires site plan review under this ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the City. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan. For the purpose of this section, completion shall mean inspection by the appropriate City officials and approval for compliance with the approved final site plan, not less than six months after the last occupancy certificate has been issued.
2. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
3. The amount of the guarantee shall be as established from time to time by City Council resolution.
4. In the event the applicant fails to correct any deficiencies within thirty (30) days of written notice from the City, the City shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The City may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The City may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.
5. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable City standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:

1. The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
2. The guarantee shall not be reduced below the minimum amount required in paragraph 3 above.
6. Types of Completion Guarantees - The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the City. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last certificate of occupancy for the entire project and, if required, shall be renewed by the applicant not less than thirty (30) days prior to expiration.

Section 10.515 Site Condominium Regulations

The review, design, development and maintenance of a site condominium project shall conform with the provisions of this section.

A. Review Process

Review and approval as provided in this Section shall be required to construct, expand or convert a site condominium project. The review process shall involve three phases: Preliminary Plan Review, Site Plan Review, and Final Engineering Plan Review.

1. Preliminary Plan Review and Approval.

a. Application

A developer of a proposed site condominium project shall submit to the City an application for preliminary plan approval on an application form provided by the City. The application form shall include all information called for on the form and shall be accompanied by twelve (12) copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the preliminary plan review process. The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

b. Preliminary Plan Content

The preliminary plan shall include:

1. Project name and location.
2. Name, address and phone number of the developer and the name, address, phone number and seal of the surveyor or engineer who prepared it.
3. The plan and layout shall be of sufficient detail on a topographic plan to determine whether the project meets requirements for lot

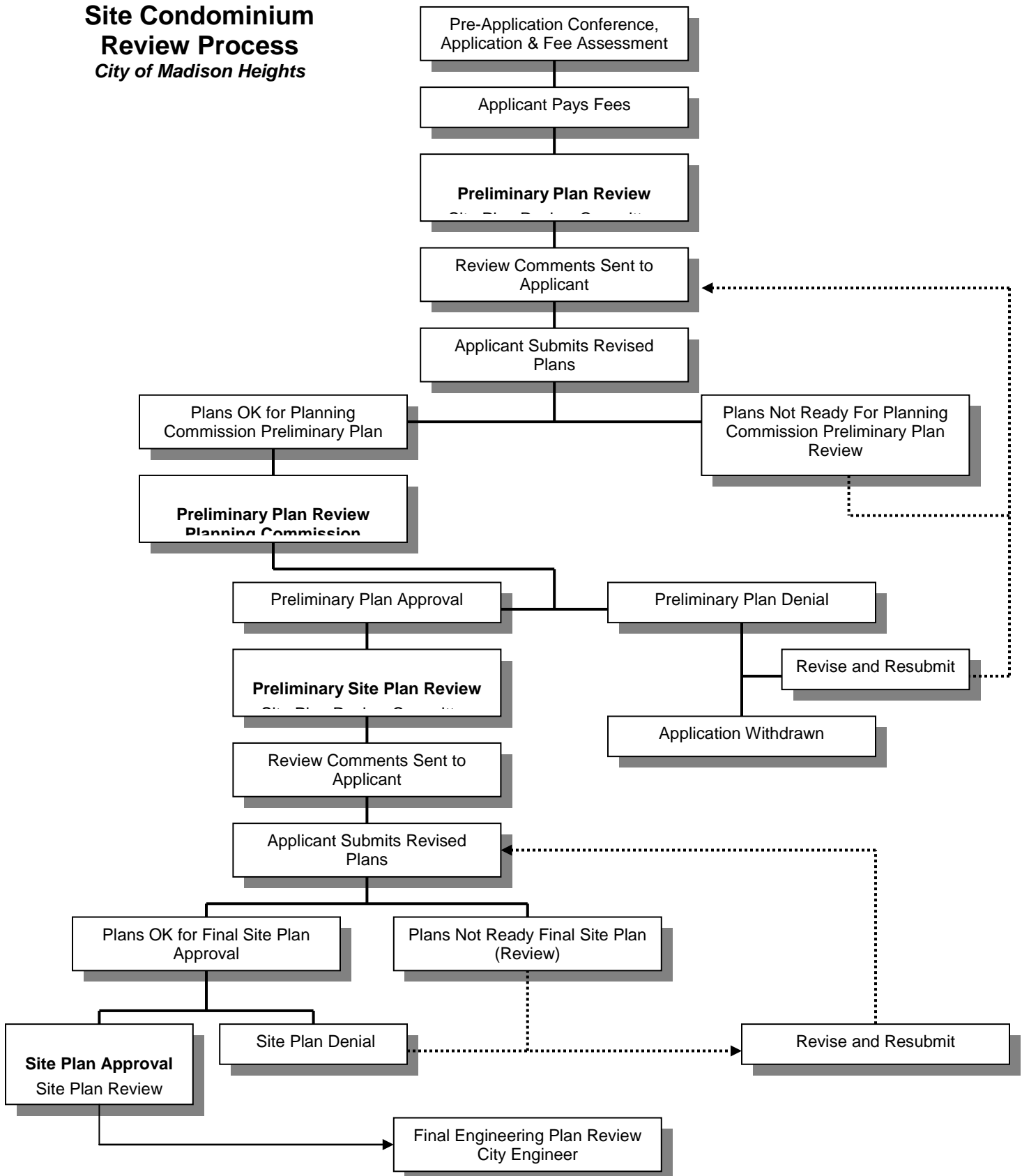
size, lot shape, drainage, and the design of the proposed street network.

4. Scale of not more than one hundred (100) feet to one (1) inch.
5. Legal description of the parcel of land to be developed.
6. Proposed layout of the individual building sites, streets, wetlands and schematic location of proposed drainage, water and sanitary sewer service.
7. Location of existing streets, lots, buildings, walls, utilities, major landscaping and wooded areas within 100’ of the site.
8. In addition, the application and plan shall include other information deemed necessary by the Planning Commission for preliminary review.

c. Preliminary Plan Review Process

1. The application form and preliminary plan shall be forwarded to the Site Plan Review Committee for their review. Review comments shall be forwarded to the developer to be addressed prior to Planning Commission review.
2. Following review and recommendation by the Site Plan Review Committee, the preliminary plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances, including design standards relative to density, building site size and layout, streets and drainage.
3. The Planning Commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform with all applicable ordinance requirements relative to building site size, shape and layout, and street design.
4. If the preliminary plan conforms with all applicable ordinance standards, it shall be approved by the Planning Commission. If the preliminary plan fails to conform, the Planning Commission may either deny the application or grant approval with conditions. This provision does not authorize the Planning Commission to grant variances from this ordinance.

Site Condominium Review Process City of Madison Heights



2. Site Plan Review and Approval

- a. After preliminary plan approval by the Planning Commission, the developer shall submit an application for site plan review in accordance with Section 10.514 - Site Plan Review.
- b. Application for site plan review shall include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with the Register of Deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, detention, landscaping, wetland and other natural areas, and maintenance of general and limited common elements.
- c. The Site Plan Review Committee shall review the site plan, master deed and by-laws and shall approve the proposed condominium project if it conforms with all applicable ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform with said standards and conditions, the Site Plan Review Committee may deny the proposed condominium project or refer the proposal back to the Planning Commission for reconsideration of the Preliminary Plan.
- d. Site plan approval shall be effective for a period of one year.

3. Final Engineering Plan Review and Approval.

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

B. Additional Site Condominium Regulations

1. Each condominium building site shall front on and have direct access to a public street constructed to City of Madison Heights and applicable Road Commission for Oakland County standards.
2. There shall be compliance with all requirements of Section 10.400 and 10.401-Schedule of Regulations, and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" or "Building Site", and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit ". In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.
3. Prior to any grading or land development activity and / or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.
4. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.
5. Within sixty (60) days following final inspection and approval of all improvements, the developer shall submit to the City an "as-built" survey, including dimensions and elevations of each improvement and the boundaries of the building sites. The corners of each condominium building site shall be staked in the customary manner in connection with a survey performed for the project.
6. The fees for all reviews shall be established by resolution adopted by the City Council.
7. Amendments of plans or the master deed which have received final approvals and which would have substantive impact upon any matter reviewed or approved under this Section shall be reviewed and approved by the Planning Commission prior to recording.

Section 10.516 Fences

(a) Definitions.

The following words and phrases, when used in this article, shall have the following meanings respectively ascribed to them:

Adjacent owner shall mean any person whose property is adjacent to or immediately across from the proposed location of a fence or privacy screen.

Construction site barrier shall mean a structure erected, with approval of the Building Official, on a temporary basis to protect a permitted construction site from vandalism and unauthorized entry.

Delinquent owner shall mean any party who owns a lot or parcel or land, either as deed holder or contract purchaser, who refuses or neglects to build or assist in building, completing, repairing or maintaining a partition fence in accordance with the provisions of this article.

Department shall mean the Community Development Department of the City.

Fence shall mean a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter. A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s) which does not exceed six (6) feet in height.

Inspector shall mean the Building Official of the city or his designee.

Ornamental fence shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

Partition fence shall mean a fence located along the line dividing two (2) lots or parcels of land whether subject to an easement or not.

Privacy fence shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public right-of-ways.

Privacy screen shall mean a non-sight-obscuring decorative structure, erected adjacent to or around a patio, deck, court yard or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

(b) Right to build partition fence at owner's expense.

Notwithstanding anything in this article to the contrary, the owner of any land in the city is hereby authorized and empowered to build and maintain a *partition fence* at his sole expense if the location of such proposed fence is established in accordance with the provisions of this article.

(c) Duty of adjacent owners.

The owners of lots adjacent to each other in the city may construct and shall maintain a *partition fence* on the partition lines between such adjacent lots, subject to the provisions of this article; or extend such fence pursuant to Section 10.516(d)(1)(a).

(d) Type and location – residential districts.

(1) A *partition fence* may be built only on the rear partition line, and on that portion of the side partition line extending from the rear lot or alley line to

the rear of the house line extended, which rear house line is the closer to the street where two (2) houses are on adjacent lots. The maximum height for a partition fence shall be four (4) feet except for a privacy fence which shall be six (6) feet. Partition fences shall not be located in a required front setback.

- (a) Partition and privacy fences up to six (6) feet in height may be extended to the front house line or along a portion of such partition line not beyond the extended front house line pursuant to the requirements of this code. Where the side or rear lot line is adjacent to another residential parcel the maximum height for any such fence between the extended front and rear house lines on the subject parcel or the adjacent parcel shall be four (4) feet.
- (b) Where the rear yard of a corner lot is immediately adjacent to the side yard of another lot, fences may not exceed four (4) feet in height within, or adjacent to, the side yard partition line of the adjacent lot from the front line of the adjacent lot to the extended rear line of the house, or along the right-of way within twenty-five feet of the common lot line.
- (c) Where the rear yard of a corner lot is immediately adjacent to the rear yard of an abutting lot upon which is located a driveway accessing the street through the side yard within fifteen (15) feet of the rear lot line, fences may not exceed four (4) feet in height within the triangular area formed by the intersecting side and rear partition lines and a straight line joining the rear partition line and the street lines at points which are fifteen (15) feet distant from the point of intersection, measured along the street right-of-way lines in both directions, or within ten (10) feet of the edge of the driveway.
- (d) For chain link fences on all streets running generally east and west, fence posts shall be placed contiguous to and on the westerly side of the dividing line, and the woven wire on the easterly side of the posts; and on all streets running generally north and south, the posts shall be placed on the northerly side of the dividing line and woven wire on the southerly side of the posts; provided, however, if the owners of adjacent lots mutually agree in writing, the posts can be placed on either side of the partition line.
- (e) For fences of other materials the posts shall be located on the inside of the lot being fenced and the fence material shall be placed on the outside of the posts.
- (f) Not more than one (1) fence, of any type, may be installed on, or within two (2) feet of, any partition line. If an adjacent owner desires to install a privacy fence as a partition fence, any existing partition fence shall be removed. If an existing conforming partition fence exists on the partition line which can not be removed, the privacy fence shall comply with all the setback requirements for an accessory structure in the district therein located. Sufficient access shall be provided to the area between fences to facilitate maintenance.

- (g) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.

- (2) Privacy screen; Privacy fences.

Privacy screens and *privacy fences*, which are not a partition fence, shall not encroach upon the required setbacks for accessory structures for the district therein located but may encroach into easements if the setback requirements are met.

- (3) Ornamental fences.

A non-sight obscuring ornamental fence, purely decorative in nature, may be located in the required front yard in any residential district as follows:

- (a) No ornamental fence shall exceed three (3) feet in height.
- (b) All ornamental fences must be located a minimum distance of one (1) foot inside all property lot lines, or two (2) feet from any public sidewalk, whichever is greater.
- (c) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.
- (d) Materials used in ornamental fences shall be limited to wood, wrought iron, vinyl or other materials approved by the Building Official and shall not contain any sharp or pointed projections of any kind or in any other way be detrimental to the public health and safety. Fences consisting of chain link, woven or welded wire or sheet metal are strictly prohibited.

(e) Entry onto premises of delinquent owner permitted.

Any person building, installing or maintaining any fence, or a part of a fence, for a delinquent owner may enter upon the premises of the delinquent owner to the extent reasonably necessary to build, complete, repair or maintain the fence.

(f) Materials, minimum/maximum height.

Partition fences constructed of chain link material shall be not less than three (3), nor more than four (4) feet in height. All fences built or repaired shall use materials made and approved for fencing. Fencing shall be constructed of metal posts and rails erected in compliance with the manufactures specifications and shall consist of galvanized or vinyl coated wire mesh. Mechanical devices approved by the manufacturer may be used to secure line posts in the ground. Materials such as, but not limited to, metal, plastic, wood, or fabric may not be inserted into, attached to, or hung over chain link fences.

Partition fences, including privacy fences, constructed of wood or similar materials shall not exceed six (6) feet in height. Support posts or beams used for such fences must be placed on the inside of the fence toward the premises owned by the person causing the fence to be erected and, if wood, be of a minimum four (4) inch by four (4) inch construction firmly imbedded in concrete not less than twenty-four (24) inches in depth, with a minimum thickness of three (3) inches on all sides. Posts other than wood shall be not less than twenty-four (24) inches deep and installed to the manufacturers instructions. Privacy fences shall not be attached to any other fence or structure.

(g) Sharp projections prohibited.

No owner or lessee, or his or her respective agent, of any building in the city shall erect or cause to be erected or maintained on or about the stairway to the entrance of such building, or on or about its exterior building line, or upon fences or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or other projection on which there shall be affixed or placed or in any manner attached any spike, nail or other sharp pointed instrument of any kind or description. No wire or other fence materials shall be affixed to the fence with the top edge having any sharp or pointed projections of any kind; provided, however, if such fence is constructed of pickets, such pickets shall be made of not less than one (1) inch by three (3) inch material and shall have angle at the top of not less than ninety (90) degrees.

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, except that fences in industrial and commercial districts which are a minimum of eight (8) feet high may have barbed wire attached to arms or brackets extending inward over such private property, but no such barbed wire shall be placed at any point nearer to the ground than eight (8) feet. Razor wire is strictly prohibited within the city.

(i) Electrical fences.

Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height may be erected around an area zoned for industrial or business uses, which fence may be located on the partition or property lines. Said fences shall not occupy any required front setback. Ornamental fences shall be permitted only as shown on the approved site plan.

(k) Heights along school yards and public playfields.

Where a partition fence is constructed along a school yard or public playfield, fences up to eight (8) feet in height as specified in this article may be permitted if the lines along which such fences are to run have been determined in accordance with the provisions of this article and the details of construction as to public safety have been approved by the Building Official.

(l) Encroachment.

The property owner who is erecting the fence (or having it erected) shall be responsible for determining the location of property lines.

(m) Compliance with other ordinances and state law.

All fences shall comply with the relevant sections of the zoning ordinance, all other ordinances of the City of Madison Heights and all applicable state law.

(n) Denial of responsibility of city.

The City of Madison Heights shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction or maintenance of fences, nor shall the city be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line.

(o) Maintenance and repair.

- (1) Any person who erects, builds or constructs, or contracts with another or causes another to erect, build or construct, any fence or privacy screen upon property which such person owns or leases shall be responsible for the repair, upkeep and maintenance of the fence or privacy screen, and any area adjacent thereto.
- (2) Any person who owns property upon which a fence or privacy screen has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence or privacy screen. If a previously constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its care, upkeep and maintenance. If ownership of the fence located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing his property. For purposes of this paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquire the property from the person who originally erected or caused a fence to be erected thereon.
- (3) The Building Official or his designee shall have the sole discretion to determine whether or not the fence is properly maintained, structurally sound or creates a potential safety hazard. Upon a finding by the Building Official that the fence is not maintained or not structurally sound or creates a potential safety hazard, he shall notify the owner to make

necessary repairs to maintain the fence or to make it structurally sound and safe. The owner shall have thirty (30) days from the date of notice by the Building Official to bring the fence in compliance with this Section. Should the owner fail to comply with the directive of the inspector, the owner will be held to be in violation of this Section and the fence shall be removed immediately.

(p) Visibility at intersections.

No fence, wall, hedge, screen, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is six (6) feet or higher from the ground.

(q) Non-conforming fences.

Where a lawful fence exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on height, materials, required yards or other characteristics of the fence, or its location on the lot, such fence may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such fence may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such fence be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at time of destruction it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- (3) No such fence may be structurally altered or improved so as to prolong the life of the fence or so as to change the shape, size, type or design of the fence.

Section 10.600. General exceptions.

Section 10.601. Area, height and use exceptions.

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

- (1) *Essential services.* Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Madison Heights; it being the intention hereof to exempt such essential services from the application of this Ordinance.
- (2) *Voting place.* The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other election.
- (3) *Height limit.* The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments;

provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval.

- (4) *Residential yard fences.* Fences or walls in residential districts may be constructed within a required rear or side yard, e.g., along the property line.
- (5) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- (6) *Yard regulations.* When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.
- (7) *Multiple dwelling side yard.* For the purpose of side yard regulations, a two-family, a terrace, a row house, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- (8) Porches, terraces and barrier free access. A roofed, or un-roofed, open porch (i.e., one which is not enclosed by walls), or paved terrace may project into a required front yard setback for a distance not to exceed six (6) feet. Ramps for access by handicapped persons, which provide a direct route from the ground to a porch, may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the Building Official.
- (9) *Projections into required yards.* Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows and fireplaces, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of the required side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. The total width of the projection(s) shall not exceed twenty-five percent (25%) of the total width of that side of the structure. Architectural features shall not include those details which are removable. Accessory items such as, but not limited to, air conditioners and stand-by generators may not occupy a required front or side yard.
- (10) *Antennas:*
 - (A) (1) *Types of antennas to be regulated.* The following antennas, as well as those antennas not specified below but hereafter classified by the building inspector, are hereby regulated as grouped into three (3) general wind surface area categories:

Category 1. Radio antennas, television antennas and antenna towers, such as amateur radio antennas for ham/short-wave operations, and fixed-station antennas for

business-band radio, citizens band radio, general mobile radio service and two-way radio;

Category 2. Dish antennas, such as satellite television antennas, also known as satellite dishes, earth stations, television receive-only (TVRO) antennas, earth terminals, and earth terminal antennas; other parabolic dish antennas and parabolic reflectors;

Category 3. Antenna towers, poles, and related buildings and facilities not exceeding seventy-five (75) feet from established grade, customarily though not necessarily housing multiple antennas, such as radio broadcasting towers, television broadcasting towers, microwave antenna towers, studio-to-antenna links, except as exempted for government use as provided by local ordinance, state or federal law.

Equipment which falls into Category 3 may be permitted in M-1 and M-2 districts only after obtaining prior special approval by the City Council and any necessary variances from the Zoning Board of Appeals.

Category 4. Wireless cellular and Personal Communications Service (PCS) antenna towers and related building and facilities.

Equipment which falls into Category 4 may be permitted in M-1 and M-2 districts only after obtaining special approval by the City Council subject to other conditions which the City Council determines are necessary to provide adequate protection to the neighborhood and abutting properties and upon confirmation by the Community Development Department that the equipment and related buildings and facilities would be in compliance with the following conditions:

- (a) Except as otherwise provided in this section, telecommunications towers and related buildings and facilities shall meet the area, bulk, height and setback requirements of the zoning district in which they are located. Except as otherwise provided in this section, telecommunications towers may not be permitted within five hundred (500) feet of a residential use.
- (b) Telecommunications towers and related buildings and facilities shall be surrounded by a six-foot cyclone fence to prevent unauthorized access and vandalism.
- (c) The site shall comply with all applicable City standards, including, but not limited to drainage, lighting, landscaping, and general safety.

- (d) Telecommunication towers and related buildings and facilities shall be designed and constructed to blend into the surrounding environment to the maximum extent feasible.
- (e) Telecommunication towers shall be of monopole design unless satisfactory evidence is submitted to the City that a tower of other design is required to provide the height or capacity necessary for the proposed telecommunications use.
- (f) Telecommunication towers shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- (g) Lighting associated with telecommunication towers shall comply with applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
- (h) A twenty-foot access drive constructed of material approved by the City shall be provided and maintained in good condition to provide access for service and emergency vehicles.
- (i) The site shall be designed to maintain and enhance existing vegetation. The tower and related buildings and facilities shall be landscaped to minimize the visual impact of the telecommunications tower and related facilities on nearby properties.
- (j) All telecommunications towers and related buildings and facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological advancements by means of placement, screening and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. Colors and materials shall be selected to minimize visual impact.
- (k) No height variance shall be required for a telecommunication tower reviewed and approved by the City Council as a special use if the height does not exceed seventy five (75) feet.
- (l) Notwithstanding any other provision of the City Code, new or additional wireless, cellular or PCS antennas may be installed on any existing building, structure or telecommunications tower without special approval. A telecommunications tower and

related buildings and facilities may be permitted as an accessory use to a principally permitted use on publicly owned property if the telecommunications tower is available for use by the City. No height variances shall be required for a telecommunication tower on publicly owned property if the tower is available for use by the City and is designed, engineered and constructed for two (2) or more wireless cellular or PCS antenna arrays and the tower does not exceed two hundred (200) feet in height. All wireless cellular or PCS antennas shall be in compliance with all other applicable codes and ordinances.

(m) The City shall receive compensation for use of land for all wireless cellular or PCS antennas on City property. A negotiated Agreement concerning compensation and other terms shall be presented to City Council.

(2) Exception. Television antennas not exceeding twenty-eight (28) square feet in area, customarily though not exclusively erected for residential use, such as microwave-receiving antennas, and dipole rod and mast VHF-UHF antennas, i.e., conventional television antennas;

(B) Building permit:

(1) *[Types of antennas for which permits required.]* A building permit shall be secured for.

(a) All antennas and antenna towers the height of which exceed twelve (12) feet when ground-mounted or roof-mounted.

(b) All dish antennas which exceed two (2) feet in diameter or four (4) square feet in area.

(2) *Exception.* Antennas which do not exceed four (4) square feet in area or two (2) feet in dish diameter and which do not exceed twelve (12) feet in height may be erected and maintained in the rear yard and on the roof of any building without a building permit.

(3) *Permit application.* Applications for a building permit to erect an antenna or antenna tower shall be submitted to the building inspector, who shall determine whether the proposed antenna or antenna tower complies with the requirements of this ordinance [subsection (10)]. Applicants denied a building permit shall have the right to appeal such denial to the zoning board of appeals pursuant to section 10.803 of the Madison Heights Zoning Ordinance. Application forms shall indicate at least the following:

(a) The category and type of antenna, as listed in subsection (10)(A)(1),

- (b) The proposed location of the installation on the property;
- (c) Dimensions, shape and sketch of the antenna or antenna tower;
- (d) Total height of the proposed installation measured from the ground or roof to the upper-most element of the antenna or antenna tower;
- (e) The number and type of all other existing antennas and antenna towers on the same property;
- (f) Applicable UL listings and approvals; and
- (g) Category 1 applicants who intend to erect an amateur radio antenna or antenna tower, in excess of twenty-five (25) feet, for ham/short-wave operations shall demonstrate proof of current, valid Federal Communications Commission (FCC) certification/licensure for such operations.

(C) *Size restrictions:*

- (1) *Height-Category 1 antennas.* Category 1 antennas or antenna towers, as defined in subsection 10.601(10)(A)(1), shall not exceed seventy-five (75) feet in height if ground-mounted or twenty-five (25) feet in height if roof mounted.
- (2) *Diameter-Category 2 antennas.* Category 2 antennas and antenna towers, as defined in subsection 10.610(10)(A)(1), shall not exceed six (6) feet in diameter or twenty-eight (28) square feet in area.

(D) *Placement:*

- (1) *Rear yard only.* Antennas and antenna towers shall not be located in any front yard or any side yard. Antennas and antenna towers shall only be located behind the principal structure. Roof-mounted category 2 antennas shall only be placed in the rear-half of the roof. On a corner lot, any such accessory structures shall not occupy any of the side yard abutting upon a street. Guy wires or other structural supports shall be no closer than three (3) feet relative to any right-of-way adjoining property, easement or yards areas abutting a street.
- (2) *Minimum distance from electrical conductors.* Antennas and lead-in conductors from an antenna or antenna tower to a building shall not cross over open conductors of electric light or power circuits and shall be kept well away from all such circuits so as to avoid the possibility of accidental contact. Where proximity to open electric light or power service conductors of less than two hundred fifty (250) volts between conductors can be avoided, the installation shall be such as to provide a clearance of not less than three (3) feet. Self-supporting outdoor antennas shall be located away from overhead conductors of electric light and power circuits of over

one hundred fifty (150) volts to ground, so as to avoid the possibility of the antenna falling or making accidental contact with such circuits. Lead-in conductors shall be installed so that they cannot swing closer than ten (10) feet to the conductors or circuits of over two hundred fifty (250) volts between conductors.

(E) *Installation.* All antennas and antenna towers regulated by this ordinance [subsection (10)] shall, at a minimum, comply with the requirements of sections 621.3 through 621.5 of the 1990 BOCA Building Code, said sections adopted by reference herein, and with article 810 of the 1990 National Electrical Code (NEC), said article adopted by reference herein. Specifically, all antennas must meet the following minimum requirements:

- (1) *Materials.* Antennas and antenna towers shall be constructed of corrosion-resistant, noncombustible material.
- (2) *Loads.* Antennas and antenna towers shall be designed to resist wind loads; consideration shall be given to conditions involving wind load on ice-covered sections. Antennas shall be designed for dead load plus the ice load.
- (3) *Uplift.* Adequate foundations and anchorage shall be provided to resist twice the calculated wind uplift.
- (4) *Grounding.* All antennas and antenna towers shall be permanently and effectively grounded. At a minimum, the grounding shall comply with the provisions set forth in section 810-21 of the NEC, said section adopted by reference herein.

(F) *Penalty.* Any person violating any of the provisions of this ordinance [subsection (10)] shall be guilty of a misdemeanor, punishable by a fine in an amount not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both.

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

Section 10.700. Administration.

Section 10.701. Establishing of administrative official.

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Official or such other Official or Officials as may be designated by the City Council. The Building Official shall have the power to:

- (1) Issue certificates of occupancy.
- (2) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- (3) Perform such other further functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 10.702. Building permit application.

- (1) No building or structure within the City of Madison Heights, shall hereafter be erected, moved, repaired, altered or razed, or have a change of use, nor shall any work be started to erect, move, repair or raze or change the use unless such work is in compliance with this ordinance and all applicable building codes and until all required zoning and construction permits have been issued by the City.
- (2) Upon completion of the work authorized by a building permit, the holder thereof shall apply for an occupancy certificate.

Section 10.703. Certificate of occupancy.

A building or structure shall not be used or occupied in whole or in part until a certificate of occupancy has been issued by the City. A building or structure erected or altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy. A certificate of occupancy shall be issued when the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances. On request of a holder of a building permit the City may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users. When a building or structure is entitled thereto, the City shall issue a certificate of use and occupancy within 5 business days after receipt of a written application on the prescribed form and payment of the fee to be established by City Council. The certificate of occupancy shall certify that the building or structure has been constructed in accordance with the building permit, the code and other applicable laws and ordinances. Certificates of occupancy shall be issued to the occupant. In a multi-tenant building each individual occupant shall obtain a certificate. A copy of the certificate of occupancy shall be conspicuously posted in public view on the premises used for any purpose other than residential.

The following shall apply in the issuance of any certificate:

- (1) *Certificates not to be issued.* No certificate of occupancy pursuant to the Building Code of the City of Madison Heights shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- (2) (a) *Expiration:* Certificates shall expire immediately upon any change in the use, ownership or occupancy of the structure, or a portion thereof.
- (b) *Ownership changes:* Where only the ownership of a multi-tenant building changes the building owner shall be responsible for obtaining a new certificate for each tenant. The fee for each new tenant certificate shall be twenty percent (20%) of the regular fee.

- (3) *Certificates including zoning.* Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- (4) *Certificates for existing buildings.* Certificates of occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such structures, buildings, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial and/or industrial building or premises located within the City of Madison Heights which has been vacated by a tenant, lessee or owner, unless such person desiring to reoccupy such building or premises shall first make application for and obtain a certificate of occupancy from the Building Official.
- (5) *Temporary certificates.* Nothing in this Ordinance shall prevent the City from issuing a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of ninety (90) days and may not be renewed more than once for a total of one hundred eighty (180) days provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary certificate of occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of City Council.

Sec. 10.800. Board of appeals.

Sec. 10.801. Creation and membership.

- (1) There shall be established and appointed by Council of the City of Madison Heights, in accordance with Act 207 of the Public Acts of 1921, as amended, a zoning board of appeals. The zoning board of appeals shall consist of nine (9) members, who shall be appointed by the council for terms of three (3) years each.
- (2) Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than two (2) alternate members for the same term as regular members of the board of appeals. The alternate members may be called on a rotating basis as specified in the Zoning Ordinance to sit as regular members of the board of appeals in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.
- (3) The board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative

official or body charged with the enforcement of an ordinance adopted pursuant to this ordinance. The board of appeals shall also hear and decide matters referred to it or upon which it is required to pass under an ordinance of the legislative body adopted pursuant to this ordinance.

- (4) In the first instance, three (3) of said members shall be appointed for a one-year term, three (3) of said members shall be appointed for a two-year term, and three (3) of said members shall be appointed for a three year term; except that the term of any elected officer who may be appointed to the board shall expire upon the expiration of his term in office, or the expiration of his term upon the board of appeals, whichever event is first. All members of the board of appeals appointed to said board prior to the enactment of this ordinance shall continue in office for the remaining portion of their term. All of the members of the board shall be citizens of the United States and resident of the City of Madison Heights for a full two-year period prior to appointment. Members of the board may be removed only as provided in Section 5.4 of the City Charter. Any vacancy in the board shall be filled by the council for the remainder of the unexpired term.

Sec. 10.802. Procedure of zoning board of appeals.

Meetings of the board shall be heard at the call of the chairman and at such other times as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

All meetings of the board shall be open to the public. The board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be a public record. The fees to be charged for appeals shall be set by resolution of the City Council.

Section 10.803. Appeals; how taken.

An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the Building Inspector. Such appeal shall be taken by filing a notice of appeal with the Board of Zoning Appeals on appropriate forms provided by the Building Inspector, payment of the required fee, and shall specify the grounds for such appeal. The Building Inspector shall transmit all papers constituting the records of such appeal to the Board. The Board may require the applicant to furnish such surveys, plans or other information as may be reasonably required for the proper consideration of the matter. Upon a hearing before the Board, any person or party may appear in person, or by agent, or by attorney.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within five hundred (500) feet of the premises in question shall be assessed, and to the occupants of all single and two-family dwellings within five hundred (500) feet of the subject property; such notice to be delivered personally or by mail, and decide on the same within a reasonable time. Provided, further, however, that notice of such hearing together with a short resume of the petition coming before the Board shall be published at least ten (10) days prior to such hearing in a newspaper

qualified to accept legal publications and of general circulation in the city. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the Building Inspector and on due cause shown.

Section 10.804. Power of Zoning Board of Appeals

The Zoning Board of 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 Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

- (1) *Administrative review.* To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- (2) *Variance.* To authorize upon an appeal, a variance from the strict applications of the provisions of this ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, 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 purposes of this Ordinance. 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 Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.
- (3) *Temporary permits.* The board may issue the following temporary permits:
 - (a) Permit the following temporary uses, subject to such restrictions and limitations as the Zoning Board of Appeals may deem necessary, in areas classified as residential by the Code of Ordinances, and upon properties not less than ten (10) acres in

area: Outdoor recreation facilities, commercial or otherwise, such as golf driving ranges, par 3 golf courses, golf courses and recreational activities of that nature. Such use shall expressly not include go-kart tracks, or activities of a similar nature.

1. Such temporary use shall be for a period not to exceed five (5) years and the permit therefore shall be restudied and reevaluated by the Zoning Board of Appeals on each annual anniversary of the granting thereof. Such temporary use permit may be extended by the City Council for additional periods not to exceed two (2) years, provided all of the requirements, restrictions and limitations have been substantially complied with; and provided there is a proper showing at a public meeting that such extension will not be detrimental to the health, safety or general welfare of the city for the period of such extension.
2. Such temporary use permit may be revoked by the Zoning Board of Appeals at any time upon a proper showing that the operation of such temporary use has become detrimental to the health, safety and general welfare of the city.
3. No structures of a permanent nature appurtenant to such temporary use shall be allowed to be erected pursuant to such temporary use permit upon any area classified as residential.
4. Any action by which a temporary use permit is granted shall be by the affirmative vote of five (5) members of the Zoning Board of Appeals, the reasons for granting such temporary permit and the restrictions and limitations thereon shall be succinctly stated in the resolution and a copy of the affirmative action taken shall be made available to the applicant.
5. The Zoning Board of Appeals shall require the posting and depositing with the city of such adequate bonds as may be necessary to guarantee the performance of the provisions of the temporary use permit, and to guarantee the removal of the use permit, and to guarantee the removal of the use thereby permitted upon the expiration of the permit, or any extension thereof.
6. The Zoning Board of Appeals shall require compliance with such setbacks, off-street parking provisions, lighting, hours of operation and such health and safety or other measures as may be necessary to protect the health, safety and general welfare of the people.
7. The Zoning Board of Appeals may refer the application for such temporary use permit to any office or department of the city for study, recommendation and report to the board.

- (b) In other cases, the Zoning Board of Appeals may grant a permit for temporary buildings, tents or uses for periods determined by the ZBA. ZBA approval is not required where a tent has been approved in conjunction with an application for a temporary seasonal business license, or for a tent for a charitable, religious or non-profit event 2 days or less in duration.
- (c) The granting of permits under (a) and (b) shall be done under the following conditions:
 - 1. The granting of a temporary permit shall in no way constitute a change in the basic Zoning District and principal uses permitted therein.
 - 2. The granting of the temporary permit shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - 3. All setbacks, land coverage, off-street parking, lighting and other necessary requirements to be considered in protecting the public health, safety and general welfare of the people of the City of Madison Heights shall be made at the discretion of the Zoning Board of Appeals or as otherwise provided in this Ordinance.
- (4) *Public utility buildings.* Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefore to the height and bulk requirements herein established which said board considers necessary for the public safety and welfare.

Section 10.805. Standards.

Each case before the City Council, Zoning Board of Appeals or Plan Commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- (1) The location and size of the use.
- (2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10.319(4).)
- (3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
- (4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood

- (5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.
- (6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.
- (7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- (8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.
- (9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.

Section 10.806. Miscellaneous.

No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

Section 10.900. Zoning Commission,

The city Plan Commission is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921 MSA § 5.2934], and shall perform the duties of said Commission as provided in the statute in connection with the amendments of this Ordinance.
State Law reference-Powers of zoning commission transferred to Plan Commission mandatorily, MSA § 5.3002.

Section 10.1000. Changes and amendments.

The City Council may, from time to time, on recommendation from the Plan Commission, or on its own motion, or on petition, amend, supplement, modify or change this Ordinance in accordance with the authority of Act 207 of the Public Acts of 1921 [MSA § 5.2931 et seq.], as amended. Upon presentation to the Plan Commission of a petition for amendment of said ordinance by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the City Council and shall be used to defray the expense of publishing the required notices and the expenses of said Plan Commission.

Section 10.1100. Repeal of prior ordinance

The Zoning Ordinance adopted by the City of Madison Heights known as Ordinance No. 96 and all amendments thereto. are hereby repealed insofar as they conflict with this Ordinance. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 10.1200. Interpretation.

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

Section 10.1300. Vested right.

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

Section 10.1400. Enforcement, penalties and other remedies.

Section 10.1401. Violations.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each such conviction, or shall be punished by imprisonment for a period not exceeding ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

Section 10.1402. Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

Section 10.1403. Fines, imprisonment, etc.

The owner of any building, structure or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and any person who has assisted knowingly in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fine and imprisonment herein provided.

Section 10.1404. Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 10.1405. Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 10.1500. Severance clause.

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

Section 10.1800. Effective date.

Public hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of Section 4 of Act 207 of the Public Acts of 1921, [MSA § 5.2934], as amended.

Sections 10.1701-10.1705. Reserved.

HIGH RISE DISTRICTS

Section 10.1800. Preamble.

The High Rise Zoning District is intended to provide for the combination of high rise office and limited commercial, or high rise multiple and limited commercial and office uses in a planned development. This district is established in order that the public health, safety and general welfare will be furthered in an era of increasing urbanization and of growing demand for office and multiple-family residential facilities of all types and design. This district is provided to encourage innovations and variety in type, design and arrangement of such uses.

Local convenience or service establishments as set forth below shall be permitted subject to the restrictions set forth in this Ordinance. Such uses are permitted to reduce the dependence of office and multiple-family occupants of the High Rise District, upon goods and services outside of the district and to reduce traffic congestion in such areas of intensive development.

Because the arrangement of such diversified land uses in the High Rise District may not be predetermined in detail, site plan approval of each development is an absolute necessity to assure a compatible management of the varied land uses which are permitted to be mixed. Emphasis will be placed upon the review of pedestrian and vehicular circulation facilities such as sidewalks, parking, interior streets, pavement widths and right-of-way because of the anticipated high volumes of pedestrian and vehicular traffic which will be generated. (Ord. No. 329, § 1, 1-11-.67)

Section 10.1801. Purpose.

There is hereby created a new Zoning District in the city of Madison Heights to be known as a High Rise Zoning District.

Section 10.1802. Principal uses permitted

In the High Rise District no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified purposes which shall be permitted subject to the review and approval of the site plan by the Plan Commission. Such review of the site plan is required to establish a relationship between the development features as they relate to pedestrian and vehicular traffic patterns and further, to minimize the possibility of any adverse effects upon adjacent properties, service roads, driveways, parking areas, accessory buildings and to provide the necessary open space.

- (1) Business and professional offices.
- (2) Hotels and motels.
- (3) Multiple dwelling units.
- (4) Private clubs or lodges.
- (5) Public utility buildings, transformer stations, substations and telephone exchanges, not to include outside storage.
- (6) Local convenience or service establishments as follows:
 - (a) Beauty and barber shops.
 - (b) Drugstores.
 - (c) Laundry and dry cleaning pick up stations.
 - (d) Business and trade schools.
 - (e) Party stores and delicatessens.

- (f) Package liquor stores.
 - (g) Personal service establishments, such as not limited to shoe or hat repair, tailor or dressmaking shops, including custom tailor shops.
 - (h) Uses customarily accessory to any of the above permitted uses, not to include outside storage-
- (7) (a) Indoor theaters may be constructed in or immediately adjacent to an office structure.
- (b) Overlapping parking may be permitted when a theater office complex is constructed provided said overlap shall not exceed eighty (80) per cent of the amount of total parking provided for the office structure as is required by the Zoning Ordinance, and provided further that the hours of operation shall not overlap by more than one hour.

Section 10.1803. Applicable district requirements.

The following conditions shall apply to any combination of uses permitted in the High Rise Zoning District:

- (1) The commercial or office use shall not interfere with the surrounding uses of land or with traffic flow on adjacent streets.
- (2) Off-street parking and off-street loading shall be provided according to Section 10.505, as amended, Section 10.506 and Section 10.507 of the Zoning Ordinance.

Section 10.505, subsection (10) of the Zoning Ordinance shall be amended with reference to the High Rise Zoning District only regarding the provisions of off-street parking as follows:

Subsection (10) 4. Business and Professional Offices -One space for each two hundred (200) square feet of usable floor area

Subsection (10) 26. Hotels and Motels-One space for each unit plus one space for each service and/or management person.

All other sections of Section 10.505 of the Zoning Ordinance shall remain in force and effect.

- (3) The commercial, retail or office use is located on the first (ground) floor within a permitted multiple residential structure having no fewer than forty (40) dwelling units therein.
- (4) Commercial or retail use is located on the first (ground) floor within a permitted office structure.
- (5) The commercial, retail or office use shall not exceed twenty (20) per cent of the total floor area of any multiple residential structure.

- (6) The commercial or retail use shall not exceed twenty (20) per cent of the total floor area of any office structure.
- (7) Signs shall be regulated by Section 10.511 of the Zoning Ordinance.
- (8) Greenbelts and walls shall be regulated by Section 10.513 of the Zoning Ordinance when abutting Single Family Residential.
(Ord. No. 329, § 1, 1-11-67; Ord. No. 466, § 1, 11-8-71)

Section 10.1804. Limiting height, bulk, density and area by land use

Size of lot Minimum lot size shall not be less than twenty thousand (20,000) square feet in this district. The maximum allowable height of any structure shall be regulated by the setback requirements of this section. Heights in excess of thirty (30) feet will be permitted when additional setback area is provided on the following basis: For each additional foot in height, add one foot to all required setback for said structure, except that where a lot line abuts a street, one half of the width of the right-of-way of said street may be considered as yard setback; but in no instance shall any yard setback from the property line be less than the required minimum yard setbacks listed below:

Minimum yard setback – (per site in feet)

Front-75*, Sides-20*, Rear-20*

Notes:

- (1) *These setbacks shall apply to all structures whose height is less than thirty (30) feet. Structures in excess of thirty (30) feet shall conform to the additional setback requirements provided for in this Ordinance. The Fire Chief shall establish adequate fire lanes on each site plan.
- (2) In such instances where low rise (30 feet in height or less) structures are proposed abutting a high rise, structures shall be considered as separate structures for purposes of calculating setbacks, and that both the high rise and low rise portions must meet the setback requirements of the High Rise Zoning District individually. In calculating setbacks of the high rise, low rise structures may be located within the required setback distance.
- (3) The required setback areas may be used for the following purposes, excluding the first twenty-five (25) feet of the front yard setback area relative to the location of off-street parking areas:
 - (a) Off-street parking areas.
 - (b) Traffic circulation.
 - (c) lighting for illumination of the area of building.

- (d) Necessary traffic control devices and directional signals.
 - (e) Landscaping.
- (4) When the provisions of the High Rise Zoning District are applied to any other zoning district, the High Rise Zoning District provisions relating to height and setbacks shall apply to all structures. The parking requirements of the High Rise Zoning District shall apply to the high rise structure only. The only uses permitted within the high rise structure shall be those permitted within the High Rise Zoning District. (Ord. No. 329, § 1,12-11-6?; Ord. No. 483,§ 1, 92&73)

Section 10.1805 Uses permissible on special approval.

Under such conditions as the City Council, after public hearing, finds the use is not injurious to the H-R High Rise Zoning District and its environs and not contrary to the spirit and purpose of this Ordinance subject to the additional conditions provided herein, the following may be permitted:

- (1) Senior Citizen Housing Project. Provided that such projects shall be located on a minimum site of two (2) acres in size; that the setbacks of the R-M Multiple Family District shall apply to any building constructed hereon; that off-street parking be provided in a ratio of one parking space for each two (2) units; that the number of units per acre be limited to not more than forty (40) units with the provision that any structure built under these density requirements shall have a maximum lot coverage of thirty-five (35) per cent; that all living units above the first story shall be serviced by an elevator: and that upon approval of such a use in a properly zoned area by the City Council, the site plan shall be presented to the Nan Commission for review and approval as provided for in Section 10.514 of the Zoning Ordinance-
- (2) Eating and/or drinking establishments, except drive-ins. (See Section 10.319(4)).

Sections 10.1900-10.1904. Reserved.

CONDOMINIUM DISTRICTS

Section 10.2000. Purposes.

There is hereby created and added to the Zoning Ordinance of the City of Madison Heights a new Zoning District to be known as R-C Condominium Residential Zoning District.
(Ord. No. 445, § 1, 8-30-71)

Section 10.2001. Preamble

The provisions of this district are to promote greater flexibility and a design and placement of large scale housing projects within a planned area and to ensure a proper relationship to adjacent portions of the community. Within this district it is the intent of this Ordinance to provide for a desirable living environment through the preservation of open space and natural foliage. Taking into consideration the natural topography of the site in question, and the location of surrounding land uses, it is further intended that each residential unit permitted within this district shall have ample recreation space provided for same and that appropriate parking areas be created to serve the needs of each specified project.
(Ord. No. 445, § 1, 8-30-71)

Section 10.2002. Principal uses permitted.

Within the residential condominium district no building or land except as otherwise provided in this ordinance shall be erected or used except for a condominium or condominium project as defined by statutes of the State of Michigan and subject to review and approval of the site plan by the Plan Commission. Such review of the site plan is required to establish a proper relationship between the development features of the proposal as they relate to pedestrian and vehicular traffic patterns and, further, to minimize the possibilities of any adverse effects upon adjacent properties, service roads, driveways, parking areas, accessory buildings, and also to ensure the provision of an appropriate amount of open space for each living unit.
(Ord. No. 445, § 1, 8-30-71; Ord. No. 826, § 1, 7.11-88)

Section 10.2003. Standards of the R-C District.

- (1) Parking requirements. Off-street parking shall be provided in accordance with Section 10.505 of the zoning ordinance which regulates the amount of parking area required for each unit within the district. Parking lots shall be provided in those areas where they will effectively minimize any adverse physical impact upon the adjacent and surrounding residential areas. In all cases where a parking lot shows a common property line with an adjacent single-family residential district, a landscape planting shall be required to screen the parking area and driveway areas.
- (2) Building requirements No building shall contain more than eight (8) contiguous dwelling units. The maximum number of dwelling units per acre shall be as follows:

No building shall be erected on a lot or parcel of land which has an area of less than seventy-two hundred (7,200) square feet or has a width of less than sixty (60) feet. The following minimum lot sizes and floor areas shall be met:

Four-bedroom unit-Sixty-two hundred (6,200) square feet minimum lot size.

Three-bedroom unit-Fifty-four hundred fifty (5,450) square feet minimum lot size.

Two-bedroom unit-Thirty-seven hundred (3,700) square feet minimum lot size.

One-bedroom unit-Three thousand (3,000) square feet minimum lot size.

Buildings within the condominium district shall comply with the same requirements as those listed in Section 10.400, Schedule of Regulations, and Section 10.401, in particular those provisions relating to R-M Multiple-family districts and, further, that each unit within the condominium district shall contain a minimum of eight hundred (800) square feet of floor area exclusive of stairways, stairwells, utility areas and public hallways. where a condominium development is adjacent to a single-family residential district, the minimum setback on all principal buildings shall be thirty (30) feet as measured from the property line of the abutting residential district. If there is a conflict between Section 10.400, Section 10.401, and the condominium district provisions, the condominium district provisions shall apply.

NATURAL PRESERVATION DISTRICTS

Section 10.2100. Preamble.

The purposes of this ordinance [sections 10.2100 through 10.2104] are:

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

Section 10.2101. Definitions.

The following terms, phrases, words and their derivatives shall have the meaning given herein, unless the context otherwise requires:

- (a) *Remove and removal* shall include the cutting of trees and the injury and/or destruction of any form of vegetation, by whatever method, on any lands subject to this ordinance [sections 10.2100 through 10.2104] under section three (3) of this ordinance [not included herein.]
- (b) *Person* shall include any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind, including governmental agencies conducting operations within the city.
- (c) *Locate* shall mean construct, place, insert or excavate.

- (d) *Owner* shall mean any person who has dominion over, control of, or title to woodlands or other natural areas.
- (e) *Structure* shall mean any assembly of materials above or below the surface of the land or water, including but not limited to houses, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, towers, utility transmission devices.
- (f) *Development* shall include any lawful land use authorized under the Zoning Ordinance of the City of Madison Heights.
- (g) *Material* shall include soil, sand, gravel, clay, peat, mud, debris and refuse, or any other material, organic or inorganic.
- (h) *Operations* shall include the locating, moving or deposition (depositing) of any material, or any construction use or activity, or a combination thereof which in any way modifies the conditions on lands subject to this ordinance [sections 10.2100 through 10.2104] as they exist on the effective date hereof.

Section 10.2102. Standards.

The following specific standards are hereby established to guide the use and development of woodlands and other natural areas designated as N-P in this city, including the spacing of trees, the clearing of shrubs and brush, the density of vegetation growth and preservation per acre, forestry and tree replacement practices. However, since the environmental values, soil characteristics, tree growth, and related natural resource parameters will remain unique for each parcel of land and for each development application, each site shall be reviewed on an individual basis. Nonetheless, the following criteria must be considered and balanced with respect to each proposal under this ordinance [Sections 10.2100 through 10.2104]:

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

- (6) The relationship of streets, highways and other transportation corridors to the natural area shall be considered, along with alternatives for new transportation routes and for the location of the proposed development.

Section 10.2103. Principal uses permitted.

The following operations and uses are permitted on lands subject to the provisions of this ordinance [sections 10.2100 through 10.2104]:

- (1) Conservation of soil, vegetation, water, fish and wildlife in their natural state.
- (2) Natural areas: Including related display or educational facilities, field trails for nature study and hiking as well as other uses normally associated with nature areas.
- (3) Driveways and roads where alternative means of access are proven to be impractical.
- (4) Construction of buildings which serve to house restroom facilities or educational displays.

Section 10.2104. Uses permitted upon private property on special approval.

- (1) One-family detached dwelling with minimum site size of one (1) acre. Minimum site width to be one hundred fifty (150) feet.

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