



# Chapter 34

## Farmington Hills Zoning Ordinance

Effective February 18, 2013

Amended through December 30, 2024

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# Table of Contents

Table of Contents with Sections _____	ii
How to Use This Ordinance _____	vii
Article 34-1.0 Purpose and Introduction _____	1-1
Article 34-2.0 Definitions _____	2-1
Article 34-3.0 Zoning Districts _____	3-1
Article 34-4.0 Use Standards _____	4-1
Article 34-5.0 Site Standards _____	5-1
Article 34-6.0 Development Procedures _____	6-1
Article 34-7.0 Administration, Appeals and Enforcement _____	7-1
Appendix A Schedule of Amendments _____	A-1



# Table of Contents with Sections

<b>How to Use this Ordinance</b>	<b>vii</b>
1. Content Organization and Page Layout	vii
2. Symbols and User Notes	viii
3. Reading the Ordinance	ix
4. Use Matrix	xi
5. District Summary Table	xix
<b>Zoning Map</b>	<b>xxi</b>

## Chapter 34

<b>Article 1.0 Purpose and Introduction</b>	<b>1-1</b>
34-1.1 Short Title	1-3
34-1.2 Conflicting Regulations	1-3
34-1.3 Scope	1-3
34-1.4 Severability	1-3
34-1.5 Amendment of Zoning Ordinance; Effective Date	1-3
34-1.6 Effect on Previous Violations, Prosecutions	1-3
34-1.7 Necessity of Chapter	1-3
<b>Article 2.0 Definitions</b>	<b>2-1</b>
34-2.1 Construction of Language	2-4
34-2.2 Definitions	2-4
<b>Article 3.0 Zoning Districts</b>	<b>3-1</b>
34-3.1 Districts Established	3-3
34-3.2 Boundaries	3-82
34-3.3 Zoning of Vacated Areas	3-82
34-3.4 Zoning of Annexed Areas	3-82
34-3.5 Notes to Schedule of Regulations	3-82
34-3.6 RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, and RA-4 District Special Conditions	3-90
34-3.7 RC-1, RC-2 and RC-3 District Required Conditions	3-90
34-3.8 SP-1, SP-2, SP-3, SP-4, and SP-5 District Required Conditions	3-91
34-3.9 OS-1, OS-2, OS-3, and OS-4 District Required Conditions	3-91
34-3.10 B-1, B-2, and B-4 District Required Conditions	3-96
34-3.11 B-3 District Required Conditions	3-96
34-3.12 ES District Required Conditions	3-96
34-3.13 IRO District Required Conditions	3-96





# Table of Contents with Sections

34-3.14	LI-1 District Required Conditions_____	3-91
34-3.15	Subdivision Open Space Plan_____	3-97
34-3.16	Nuisance Factors_____	3-98
34-3.17	One-family Cluster Option_____	3-98
34-3.18	Major Road Frontage Option_____	3-102
34-3.19	Planned Residential Development_____	3-103
34-3.20	Planned Unit Development _____	3-107
34-3.21	Mobile Home District_____	3-112
34-3.22	Marginal Access Drive_____	3-114
34-3.23	Sustainable Design_____	3-114
34-3.24	Pedestrian Access_____	3-115
34-3.25	Noise and Glare_____	3-115
34-3.26	General Exceptions_____	3-115
<b>Article 4.0</b>	<b>Use Standards _____</b>	<b>4-1</b>
34-4.1	Farms_____	4-4
34-4.2	Public, Parochial, or Private Elementary Schools_____	4-4
34-4.3	Golf Courses_____	4-4
34-4.4	Churches_____	4-4
34-4.5	Nursery Schools, Day Nurseries, and Day Care Centers_____	4-4
34-4.6	Manufactured One-family Detached Dwelling Units_____	4-5
34-4.7	Hospitals, Not Including Veterinary Hospitals_____	4-6
34-4.8	Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations, and Gas Regulator Stations_____	4-6
34-4.9	Private Noncommercial Recreational Areas, Institutional or Community Recreation Centers, and a Nonprofit Swimming Pool_____	4-6
34-4.10	Colleges, Universities, and Other Such Institutions of Higher Learning, Public and Private_____	4-7
34-4.11	Private Swimming Pools_____	4-7
34-4.12	Private Stables_____	4-7
34-4.13	Retail Sale of Farm Goods_____	4-7
34-4.14	Commercial Vehicles_____	4-8
34-4.15	Home Occupations_____	4-8
34-4.16	State-Licensed Day Care Homes_____	4-8
34-4.17	Convalescent Homes or Orphanages_____	4-9
34-4.18	Private Clubs or Lodges_____	4-9
34-4.19	Indoor Recreation Facilities_____	4-9
34-4.20	Special Land Uses_____	4-9
34-4.21	Adult Business Uses_____	4-16



# Table of Contents with Sections

34-4.22	Sale of Mobile Homes_____	4-20
34-4.23	Secondary Uses in the Office Districts_____	4-20
34-4.24	Cellular Tower and Cellular Antennae_____	4-21
34-4.25	Laundry, Dry-Cleaning Establishments, or Pickup Stations_____	4-23
34-4.26	Veterinary Hospital, Clinic, or Commercial Kennel_____	4-23
34-4.27	Fast Food or Carryout Restaurant_____	4-23
34-4.28	Gasoline Service Stations_____	4-24
34-4.29	Retail Business and Fabrication, Repair, and Processing of Goods _____	4-25
34-4.30	Open-Air Business in the B-2 District_____	4-25
34-4.31	Automobile Repair_____	4-25
34-4.32	Outdoor Space for Seating Areas Accessory to a Restaurant_____	4-26
34-4.33	Establishments with Coin-Operated Amusement Devices_____	4-26
34-4.34	Motel_____	4-26
34-4.35	Drive-in Restaurants (Including Drive-through Windows)_____	4-27
34-4.36	Outdoor Space for Sale of Rental of New or Used Motor Vehicles, Trailers, Mobile Homes, Boats, Recreational Vehicles and Other Similar Products_____	4-27
34-4.37	Business in the Character of a Drive-in or Open Front Store_____	4-27
34-4.38	Bus Passenger Stations_____	4-27
34-4.39	Commercially Used Outdoor Recreational Space_____	4-28
34-4.40	Vehicle Wash_____	4-28
34-4.41	Mortuary Establishments_____	4-28
34-4.42	Community Cable Television Operations_____	4-28
34-4.43	Industrial Uses_____	4-28
34-4.44	Assembly Halls, Display Halls, or Similar Places of Assembly_____	4-29
34-4.45	Secondary Uses in the IRO District_____	4-29
34-4.46	Principal Permitted Uses in the LI-1 District_____	4-29
34-4.47	Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Open Storage for Construction Contractor's Equipment, and Supplies_____	4-29
34-4.48	Automobile or Other Machinery Assembly Plant_____	4-30
34-4.49	Painting, Varnishing, and Other Undercoating Shops_____	4-30
34-4.50	Metal Plating, Buffing, Polishing Manufacturing, Compounding, Processing, Packaging or Treatment_____	4-30
34-4.51	Other Land Uses_____	4-30
34-4.52	Indoor Tennis or Racquet Court Facilities, Indoor Ice or Roller Skating Arenas and Other Similar Uses_____	4-30
34-4.53	Lumber and Planing Mills and Lumber Cutting and Other Finishing Processes_____	4-30



# Table of Contents with Sections

34-4.54	Community Cable Television Operations Accessory Tower _____	4-30
34-4.55	Electric Vehicle Infrastructure _____	4-30
34-4.56	Seasonal Outdoor Sales _____	4-31
34-4.57	Marihuana Uses _____	4-32
34-4.58	Reserved _____	4-35
34-4.59	One-Family Dwelling Standards _____	4-35
34-4.60	Special Accommodation Residence _____	4-37
<b>Article 5.0</b>	<b>Site Standards _____</b>	<b>5-1</b>
34-5.1	Accessory Buildings and Structures _____	5-3
34-5.2	Off-street Parking Requirements _____	5-8
34-5.3	Off-street Parking Layout, Standards, Construction and Maintenance _____	5-15
34-5.4	Off-street Loading and Unloading _____	5-18
34-5.5	Signs _____	5-19
34-5.6	Acceleration - Deceleration - Passing Lanes _____	5-37
34-5.7	Storage of Recreational Equipment or Trailers _____	5-37
34-5.8	Flood Zone Controls _____	5-38
34-5.9	Entryway Structures _____	5-38
34-5.10	Corner Clearance _____	5-38
34-5.11	Frontage on Public Street _____	5-38
34-5.12	Fences _____	5-38
34-5.13	Access to Major or Secondary Thoroughfare _____	5-39
34-5.14	Landscape Development _____	5-39
34-5.15	Walls and Berms _____	5-44
34-5.16	Exterior Lighting _____	5-46
34-5.17	Screening of Rooftop Equipment _____	5-49
34-5.18	Tree Protection, Removal and Replacement _____	5-49
34-5.19	Pedestrian Access and Connectivity from Public Rights-of -Way _____	5-54
<b>Article 6.0</b>	<b>Development Procedures _____</b>	<b>6-1</b>
34-6.1	Site Plan Review _____	6-3
34-6.2	Notice of Public Hearing _____	6-4
34-6.3	Special Land Use and Special Approval Use Standards _____	6-4
34-6.4	Planned Residential Development Application, Approval Procedure _____	6-5
34-6.5	Mobile Home District Application Approval Procedures _____	6-5



# Table of Contents with Sections

<b>Article 7.0</b>	<b>Administration, Appeals and Enforcement</b>	<b>7-1</b>
34-7.1	Nonconforming Lots, Nonconforming Uses of Land, Nonconforming, Structures, Nonconforming Uses of Structures and Premises	7-3
34-7.2	Guarantee for Improvements	7-5
34-7.3	Enforcement	7-6
34-7.4	Duties of Code Enforcement Officer	7-6
34-7.5	Plot Plan	7-6
34-7.6	Permits	7-7
34-7.7	Certificates	7-7
34-7.8	Final Inspection	7-8
34-7.9	Fees	7-8
34-7.10	Interpretation; Conflicts	7-8
34-7.11	Changes and Amendments	7-8
34-7.12	Petition for Amendment; Fee	7-8
34-7.13	Violations and Penalties	7-9
34-7.14	Board of Appeals	7-9
<b>Appendix A</b>	<b>Schedule of Amendments</b>	<b>A-1</b>



# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

**34-3.1.1 RA-1A One Family Residential (33,000 sq ft)**

**A. INTENT**

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

**User Note:** For uses listed in **blue bold**, refer to Article 4, or click on use, for use-specific standards

**B. PRINCIPAL PERMITTED USES**

- i. Site-built, one-family detached dwelling units
- ii. **Farms** § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in Section 34-3.6
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course**, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. **Accessory buildings and uses** customarily incidental to any principal permitted use.

**C. SPECIAL APPROVAL USES**

The following uses are permitted subject to the special conditions in Section 34-3.6

- i. **Public utility** buildings, telephone exchange buildings, **electric transformer stations and substations**, and **gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas**, institutional or community recreation centers, a **nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

**D. ACCESSORY USES**

The following uses are permitted subject to the special conditions in Section 34-3.6

- i. **Electric vehicle** infrastructure § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables** § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles** § 34-4.14
- vi. **Home occupations** § 34-4.15
- vii. **State-licensed day care homes** § 34-4.16

**E. DEVELOPMENT STANDARDS**

**Lot Size**

- Minimum lot area<sup>(1)</sup>: 29,700 sq ft
- Minimum average per subdivision: 33,000 sq ft
- Minimum lot width<sup>(1)</sup>: 140 ft

**Lot Coverage**

- Maximum lot coverage per unit: 35%

**Setbacks**

- Minimum front yard setback: 50 ft
- Minimum rear yard setback: 35 ft
- Minimum side yard setback: 15 ft one side, 30 ft total of two sides

**Building Height**

- Maximum building height: 30 ft

**Floor Area**

- Total floor area minimum per unit: 1,250 sq ft
- Ground floor area minimum per unit: 650 sq ft

**NOTES**

- For additions to the above requirements, refer to Section 34-3.5: B, and C.

**How do I calculate height?**

The above drawings are not to scale

**SELECTED REFERENCES**

- 3. Zoning Districts**
  - General Exceptions § 34-3.26
  - Subdivision Open Space Plan § 34-3.15
  - Nuisance Factors § 34-3.16
  - Open Space Cluster Plan § 34-3.17
- 4. Use Standards**
  - Special Land Uses § 34-4.20
  - Standards for Cellular Towers § 34-4.24.8
- 5. Site Standards**
  - Accessory Buildings and Structures § 34-5.1
  - Off-street Parking Requirements § 34-5.2
  - Off-street Parking Space Layout Standards § 34-5.3
  - Off-street Loading and Unloading § 34-5.4
  - Signs § 34-5.5
  - Acceleration-deceleration Passing Lanes § 34-5.6
  - Storage of Recreational Equipment or Trailers § 34-5.7
  - Flood Zone Controls § 34-5.9
  - Corner Clearance § 34-5.10
  - Frontage on Public Street § 34-5.11
  - Fences § 34-5.12
  - Access to Major or Secondary Thoroughfares § 34-5.13
- 6. Landscape Development** § 34-5.14
- 7. Walls and Berms** § 34-5.15
- 8. Exterior Lighting** § 34-5.16
- 9. Screening of Rooftop Equipment** § 34-5.17
- 10. Tree Protection, Removal & Replacement** § 34-5.18
- 11. Development Procedures**
  - Site Plan Review § 34-6.1
  - Notice of Public Hearing § 34-6.2
  - Special Land Use and Special Approval Use Standards § 34-6.3
- 12. Admin and Enforcement**
  - Guarantee for Improvements § 34-7.2

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

**Notes** provide relevant district information recommended for review.

Link to *Table of Contents*.

**Selected References** list other sections or Ordinances that may pertain to a development in the district.

**Pages** are numbered sequentially within each Article.













# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 34-2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 34-2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.
-  identifies sections, districts established, and definitions that have been amended. The ordinance number is listed at the end of the section. More information can be found in Appendix A—Schedule of Amendments.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 34-2, Definitions, contains over 140 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 34-2.1 Construction of Language](#).



### Digital User Note:

#### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.



If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

#### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

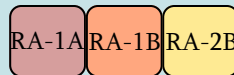
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



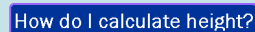
**Article tabs** located on the side of each page are linked to the Contents page of each Article.



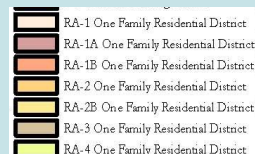
**Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



**Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.



**‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.



**Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



# How to Use This Ordinance

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# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 34-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 34-3.1](#), the latter will control.

P = Principal Permitted Use   S = Special Approval Use   2 = Secondary Use   A = Accessory Use

 **Digital User Note:**  
Click on a district heading below to go directly to the corresponding district regulations.

	RA-1A	RA-1B	RA-2B	RA-1	RA-2	RA-3	RA-4	RP-1	RP-2	RC-1	RC-2	RC-3	MH	SP-1	SP-2	SP-3	SP-4	SP-5	OS-1	OS-2	OS-3	OS-4	B-1	B-2	B-3	B-4	ES	IRO	LI-1	P-1	GR-1*
Accessory buildings and uses <sup>1</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Accessory tower																												A			
Archery range, indoor																								S		P					
Amusement devices, establishments with																								S		S					
Assembly halls																								P	P	P		P			
Assembly or packaging of electrical appliances, electronic instruments and devices, computer hardware or software																												P			
Assembly or packaging of musical instruments, toys, novelties and metal or rubber stamps or other small molded rubber products																												P			
Assembly plants, automobile or other machinery																													S		
Automobile repair <sup>1</sup>																									S				P		
Automobile service centers																								P							
Auxiliary storage space													P																		
Banks, credit unions, savings and loan associations																				P								P	P		P
Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use when located within the main building																					P										
Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only																			P	S		P	P	P	P	P					
Billiard parlors																										S		2			
Bowling alleys																								S		P		2			
Bus passenger stations																									P		P		P		
Business schools or colleges																						P		P	P	P		P			

Continued on next page

\* In addition to the uses listed in the Use Matrix, the GR-1 district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 34-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 34-3.1](#), the latter will control.

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	RA-1A	RA-1B	RA-2B	RA-1	RA-2	RA-3	RA-4	RP-1	RP-2	RC-1	RC-2	RC-3	MH	SP-1	SP-2	SP-3	SP-4	SP-5	OS-1	OS-2	OS-3	OS-4	B-1	B-2	B-3	B-4	ES	IRO	LI-1	P-1	GR-1*
Cellular antennae <sup>☒</sup>																			P	P	P	P	P	P	P	P	P	P	P		
Cellular towers <sup>☒</sup>																					P		P	P		P	P	P			
Centers for elderly care and services																		P													
Churches	P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	P	P		P	P	P	P		P			
Cigar bars or lounges																									P						
Clubs <sup>☒</sup> or lodge halls, private																P			P	P			P		P	P					
Coin-operated amusement device <sup>☒</sup> arcades																									P	S					
Colleges, universities and other such institutions of higher learning, public or private	S	S	S	S	S	S	S	S	S	S	S	S						S													
Commercial vehicles <sup>☒</sup>	A	A	A	A	A	A	A	A	A									P													
Community building													P															P			
Community cable television operations																															
Concert halls																				S				P		P					
Convalescent homes <sup>☒</sup> or orphanages										P	P	P		P																	
Dance halls or catering halls, when conducted within a completely enclosed building																									P						
Data processing or computer centers																									P				P		
Day care homes, state-licensed	A	A	A	A	A	A	A	A	A									P													
Design																												P			
Display hall																												P			
Drive-in <sup>☒</sup> or open front store <sup>☒</sup>																									P						
Drug store																											P				
Dwellings, multiple-family <sup>☒</sup>								S	S	P	P	P																			P
Dwellings, one-family <sup>☒</sup>								S	S																						
Dwellings; one-family, site-build <sup>☒</sup> , detached units	P	P	P	P	P	P	P	P	P	P	P	P						P													
Dwellings, two-family <sup>☒</sup>								S	S	P	P	P																			

Continued on next page

\* In addition to the uses listed in the Use Matrix, the GR-1 district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.





# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 34-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 34-3.1](#), the latter will control.

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### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	RA-1A	RA-1B	RA-2B	RA-1	RA-2	RA-3	RA-4	RP-1	RP-2	RC-1	RC-2	RC-3	MH	SP-1	SP-2	SP-3	SP-4	SP-5	OS-1	OS-2	OS-3	OS-4	B-1	B-2	B-3	B-4	ES	IRO	LI-1	P-1	GR-1*
Electric and gas service buildings and yards, excluding gas treatment and gas pumping stations and water supply and sewage disposal plants and water and gas tanks and holders																													P		
Electric transformer stations and substations	S	S	S	S	S	S	S	S	S	S	S	S						S													
Electric transformer stations and substations without storage yards																					P	P									
Electric vehicle infrastructure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Establishments with coin-operated amusement devices																									P						
Experimental product development																					S										
Fabrication, repair & processing of goods																								P	A	P					
Farms <sup>Ⓐ</sup>	P	P	P	P	P	P	P	P	P	P	P	P						P											P		
Gas regulator stations	S	S	S	S	S	S	S	S	S	S	S	S						S	P	P											
Gas regulator stations with service yards, but without storage yards																					P	P									
Gasoline service stations <sup>Ⓐ</sup>																							S		S		P		P		
Gift shop																											P				
Golf course <sup>Ⓐ</sup>								S	S																						
Golf course <sup>Ⓐ</sup> , not including driving ranges or miniature golf courses	P	P	P	P	P	P	P	P	P	P	P	P						P													
Health, fitness, and instructional dance studios, indoor																								P	P						
Health salons																												2			
Home occupations <sup>Ⓐ</sup>	A	A	A	A	A	A	A	A	A	P	P	P						P													
Hospitals																												P			
Hospitals, not including veterinary hospitals															P																
Hotels <sup>Ⓐ</sup>																						P					P	P			P

Continued on next page

\* In addition to the uses listed in the Use Matrix, the GR-1 district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.




# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 34-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 34-3.1](#), the latter will control.

P = Principal Permitted Use   S = Special Approval Use   2 = Secondary Use   A = Accessory Use

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	RA-1A	RA-1B	RA-2B	RA-1	RA-2	RA-3	RA-4	RP-1	RP-2	RC-1	RC-2	RC-3	MH	SP-1	SP-2	SP-3	SP-4	SP-5	OS-1	OS-2	OS-3	OS-4	B-1	B-2	B-3	B-4	ES	IRO	LI-1	P-1	GR-1*
Industrial uses																												P			
Junkyards <sup>Ⓐ</sup>																													S		
Kennels, commercial <sup>Ⓐ</sup>																									S				P		
Laboratories - Experimental, film or testing; not including laboratories engaged in genetic research																												P	P		
Laboratories - Medical																					P							P			
Laundry, dry-cleaning establishments, or pickup stations																													P		
Laundry, dry-cleaning establishments, or pickup stations, dealing directly with the consumer																							P	P	P	P					
Libraries, publicly owned and operated	P	P	P	P	P	P	P	P	P	P	P	P						P													
Lumber and planing mills and lumber cutting and other finishing processes																													S		
Management building													P																		
Manufacturing <sup>Ⓐ</sup>																													P		
Manufacturing <sup>Ⓐ</sup> , compounding, processing, packaging, or treatment of solvents, surface coatings, degreasing/metal cleaning materials, pesticides, pharmaceuticals or chemicals																													S		
Manufactured one-family detached dwelling units	P	P	P	P	P	P	P	P	P	P	P	P						P													
Medical offices including clinics																			P	P	P		P	P	P	P		P	P		P
Medical laboratories, not including laboratories engaged in genetic research																												P			
Medical offices including clinics, hospitals and medical laboratories																					P										
Metal plating, buffing and polishing																													S		

Continued on next page


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Mobile home parks <sup>ⓘ</sup>													P																		
Mobile homes <sup>ⓘ</sup>													P																		
Mortuary establishments																				S					P	S					
Motel <sup>ⓘ</sup>																									P	P	P	P			
Municipal buildings and uses																												P			
Municipal buildings and uses not including any outdoor storage	P	P	P	P	P	P	P	P	P	P	P	P						P													
Municipal facilities that provide educational and temporary operation services for purposes of economic development					P																										
Nursery schools, day nurseries, and day care centers	P	P	P	P	P	P	P	P	P	P	P	P						P	P	P			P	P	P	P					P
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales																			P	P	P	P	P	P	P	P		P	P		P
Open-air business																									P						
Other commercial uses of a similar and no more objectionable character																									P/S						
Other industrial uses of a similar and no more objectionable character																													P/S		
Outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles																									P				P		
Outdoor space for seating areas accessory to a restaurant																								P	A	P	P		A		P
Painting, varnishing and undercoating shops																													S		
Parking, off-street vehicular																														P	
Parking garages																											P				

Continued on next page


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# How to Use This Ordinance

## 4. USE MATRIX

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Parks, neighborhood	P	P	P	P	P	P	P	P	P	P	P	P						P													
Parks, publicly owned and community wide	P	P	P	P	P	P	P	P	P	P	P	P						P													
Personal service establishments																												2			
Personal service establishments which perform services on the premises																							P	P	P	P			P		P
Planned residential development <sup>1</sup>								S	S																						
Post office and similar governmental office buildings, serving persons living in the adjacent residential area																							P	P	P	P					P
Primary caregivers <sup>1</sup>																													P		
Product development, pilot or experimental																											P				
Public buildings																						P	P		P						
Public offices																			P	P					P						
Public utility <sup>1</sup> buildings	S	S	S	S	S	S	S	S	S	S	S	S						S				P	P								
Public utility <sup>1</sup> offices, but not including storage yards																			P	P											
Public, parochial or private elementary, intermediate or secondary schools offering courses in general education	P	P	P	P	P	P	P	P	P	P	P	P						P													
Recreation areas, private non-commercial	S	S	S	S	S	S	S	S	S	S	S	S						S													
Recreation centers, institutional or community	S	S	S	S	S	S	S	S	S	S	S	S						S													
Recreation facilities													P																		
Recreation facilities, indoor																								P/S	P	P			P		
Recreational facilities, publicly owned and operated	P	P	P	P	P	P	P	P	P	P	P	P						P													
Recreational space, commercial outdoor																									P				P		

Continued on next page


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# How to Use This Ordinance

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Rental or management offices and clubhouses accessory to a multiple-dwelling project										P	P	P																			
Rental or management offices and clubhouses accessory to a planned development								S	S																						
Research																					S										
Research, basic																												P			
Restaurants, carryout <sup>☞</sup>																							P	P	P	P	P		P		
Restaurant, drive-in <sup>☞</sup>																									S		P		P		
Restaurants, fast food <sup>☞</sup>																								P	P	P	P		P		P
Restaurants, sit down <sup>☞</sup>																								P	P	P	P	2	P		P
Retail business or service establishments																												2			P
Retail businesses which supply commodities on the premises																							P	P	P	P					
Retail sale of farm goods	A	A	A	A	A	A	A	A	A									P													
Retail sale of plant material not grown on site and sales of lawn furniture, playground equipment and other home garden supplies																									P	P			P		
Sale of mobile homes													P																		
Sales or service, lawn mower																									P				P		
Sales; tire, battery and accessory																									P						
Salesroom, showroom or office for new or used motor vehicles when the main use is carried on within a building with open air display of vehicles as accessory																			P	P					P				P		
Sanitarium or convalescent homes																			P	P											
Schools, private and operated for profit																								P		P					
Schools, trade or industrial																													P		
Secondary use which is accessory to and located in the same building as a principal permitted use																			P	P	S	P									

Continued on next page

\* In addition to the uses listed in the Use Matrix, the GR-1 district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.






# How to Use This Ordinance

## 4. USE MATRIX

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Service establishment or an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that may include retail adjunct																													P		
Signs <sup>§</sup> , freestanding within a freeway sign zone																													P		
Skating arenas, indoor ice or roller																	P														
Stables, private <sup>§</sup>	A	A	A	A	A	A	A	A	A									P													
Storage facilities for building materials, sand, gravel, stone, lumber, open storage for construction contractor's equipment, and supplies																													P		
Swimming pool club, non-profit	S	S	S	S	S	S	S	S	S	S	S	S						S													
Swimming pools, private	A	A	A	A	A	A	A	A	A									P													
Technical training																						S									
Telephone exchange buildings	S	S	S	S	S	S	S	S	S	S	S	S						S					P	P							
Telephone exchange buildings but not including storage yards																			P	P											
Tennis or racquet court facilities, indoor																	P														
Testing																						S									
Theaters																				S					P	P	P		2		
Transformer stations and substations																			P	P											
Transient lodging facilities, not including recreation vehicle camps or tent sites																											P				
Utility building for laundry facilities													P																		
Vehicle <sup>§</sup> wash																										S			P		
Veterinary hospitals or clinics																							P	P	S	P					
Warehouses																												P	P		
Water and sewage pumping stations																						P	P								

\* In addition to the uses listed in the Use Matrix, the GR-1 district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
RA-1A One Family Residential	29,700 sq ft min. lot size 33,000 sq ft min. avg. per sub.	140	50	15 one 30 two	35
RA-1B One Family Residential	23,400 sq ft min. lot size 26,000 sq ft min. avg. per sub.	140	50	15 one 30 two	35
RA-2B One Family Residential	23,400 sq ft min. lot size 26,000 sq ft min. av. per sub	120	40	10 one 25 two	35
RA-1 One Family Residential	18,000 sq ft min. lot size 20,000 sq ft min. avg. per sub.	100	40	10 one 25 two	35
RA-2 One Family Residential	15,000 sq ft min. lot size 16,500 sq ft min. avg. per sub.	90	35	8 one 20 two	35
RA -3 One Family Residential	10,000 sq ft min. lot size 12,500 sq ft min. avg. per sub.	80	30	8 one 20 two	35
RA-4 One Family Residential	8,500 sq ft	60	25	5 one 15 two	35
RP-1 Planned Residential	See Section 3.21				
RP-2 Planned Residential	See Section 3.21				
RC-1 Multiple Family Residential	8,000 sq ft	80	50	20 one 40 two	20
RC-2 Multiple Family Residential	8,000 sq ft	80	50	20 one 40 two	20
RC-3 Multiple Family Residential	8,000 sq ft	80	50	20 one 40 two	20
MH Mobile Home	15 Acres - mobile home park 5,500 sq ft - mobile home lot	See Section 3.23			
SP-1 Special Purpose	Not specified	Not specified	50	50	50
SP-2 Special Purpose	See Section 3.1.15				
SP-3 Special Purpose	Not specified	Not specified	40	40	40
SP-4 Special Purpose	5 Acres	Not specified	100 res 40 non-res	100 res 40 non-res	100 res 40 non-res
SP-5 Special Purpose	15,000 sq ft min. lot size 16,500 sq ft min. avg. per sub.	90	35	8 one 20 two	35
OS-1 Office Service	Not specified	Not specified	40	10	20

Continued on next page



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE (CONT.)

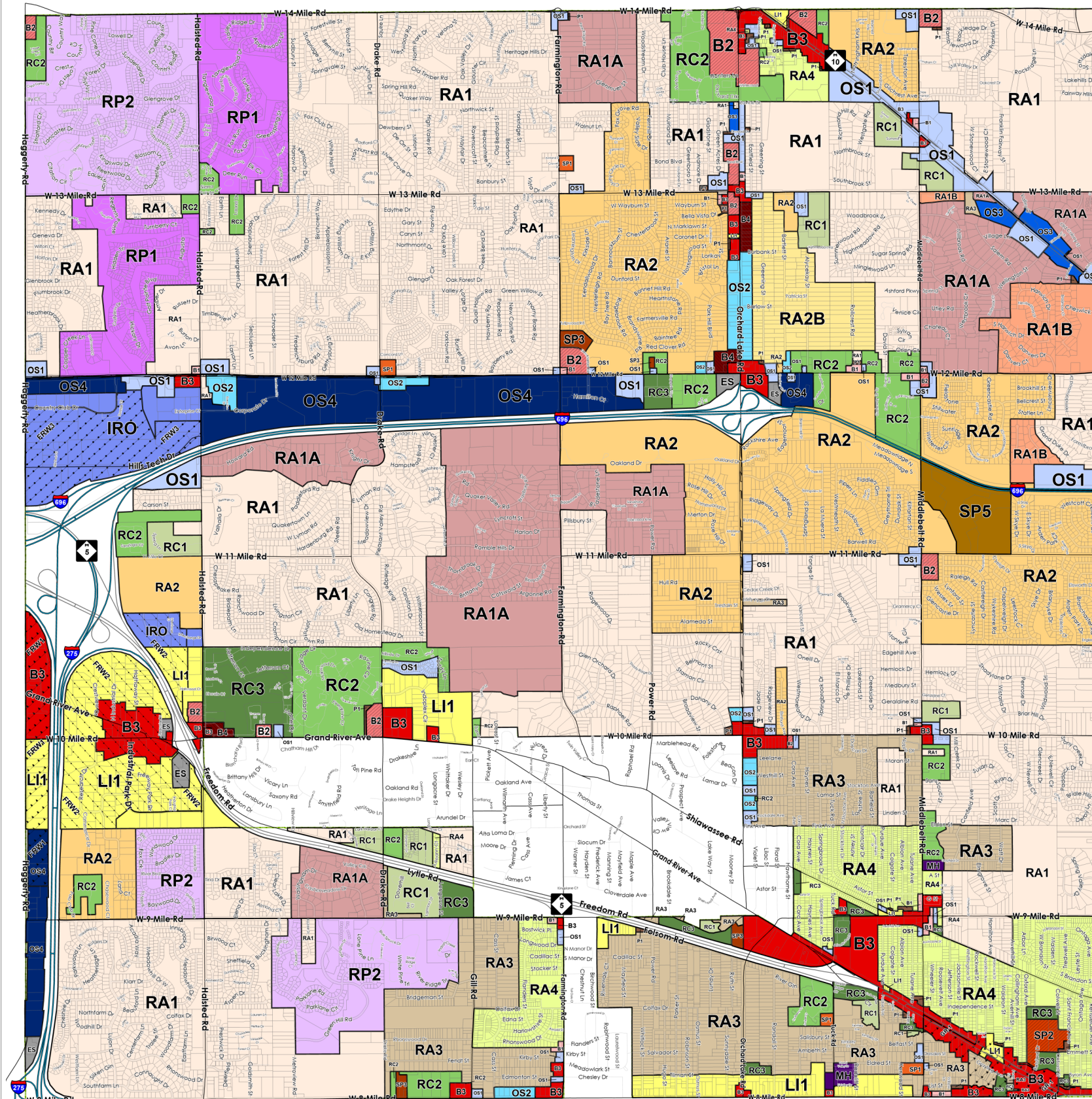
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
OS-2 Planned Office Service	Not specified	Not specified	120	10	20
OS-3 Special Office	See Section 3.25				
OS-4 Office Research	Not specified	Not specified	50	20	40
B-1 Local Business	Not specified	Not specified	25	10	20
B-2 Community Business	Not specified	Not specified	75	20	20
B-3 General Business	Not specified	Not specified	25	10	20
B-4 Planned General Business	Not specified	Not specified	120	10	20
ES Expressway Service	Not specified	Not specified	75	20	20
IRO Industrial Research Office	Not specified	Not specified	50	30	40
LI-1 Light Industrial	Not specified	Not specified	50	10	20
P-1 Vehicular Parking	See Section 3.1.30				





## ZONING MAP



## Zoning Districts

City of Farmington Hills, Michigan

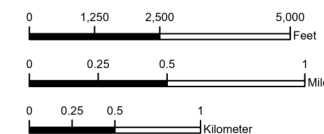
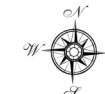


**Digital User Note:**

Click on a district heading in the map legend to go directly to the corresponding district regulations.

## Interactive Zoning Map GIS Mapping Layer



































<b>Lot Size for One-Family Residential Zones (See Chapter XXI)</b>	
RA-1A	33,000 Sq. Ft. Minimum Average Lot Size per Subdivision 29,700 Sq. Ft. Smallest Lot Allowed
RA-1B	26,000 Sq. Ft. Minimum Average Lot Size per Subdivision 23,400 Sq. Ft. Smallest Lot Allowed
RA-2B	26,000 Sq. Ft. Minimum Average Lot Size per Subdivision 23,400 Sq. Ft. Smallest Lot Allowed
RA-1	20,000 Sq. Ft. Minimum Average Lot Size per Subdivision 18,000 Sq. Ft. Smallest Lot Allowed
RA-2	16,500 Sq. Ft. Minimum Average Lot Size per Subdivision 15,000 Sq. Ft. Smallest Lot Allowed
RA-3	12,500 Sq. Ft. Minimum Average Lot Size per Subdivision 10,000 Sq. Ft. Smallest Lot Allowed
RA-4	8,500 Sq. Ft. Smallest Lot Allowed



SOURCES: City of Farmington Hills GIS, 2024  
Department of Planning and Community Development  
Effective: February 18, 1985 As Amended to:

June 7, 1998	May 14, 2012	February 12, 2024
February 18, 2001	June 11, 2012	July 8, 2024
April 1, 2003	July 22, 2013	
March 7, 2005	August 25, 2014	
October 17, 2005	March 16, 2015	
August 28, 2006	March 23, 2015	
February 26, 2007	February 13, 2017	
March 17, 2008	August 28, 2017	
October 13, 2008	September 17, 2018	
April 13, 2009	March 11, 2019	
July 13, 2009	January 11, 2021	
April 11, 2011	June 28, 2021	
August 8, 2011	June 12, 2023	

 **SOURCES:** City of Farmington Hills, GIS 2024  
Department of Planning and Community Development, 2024  
Oakland County, 2024  
Map Print Date: July 2024

- |   |   |
|---|---|
|    | B-1 Local Business District             |
|    | B-2 Community Business District         |
|    | B-3 General Business District           |
|    | B-4 Planned General Business District   |
|    | ES Expressway Service District          |
|    | FRW-1 Freeway Overlay District          |
|    | FRW-2 Freeway Overlay District          |
|    | FRW-3 Freeway Overlay District          |
|    | GR-1 Grand River Overlay District       |
|    | IRO Industrial Research Office District |
|    | LI-1 Light Industrial District          |
|    | MH Mobile Home District                 |
|    | OS-1 Office Service District            |
|    | OS-2 Planned Office Service District    |
|    | OS-3 Special Office District            |
|    | OS-4 Office Research District           |
|    | P-1 Vehicular Parking District          |
|    | RA-1 One Family Residential District    |
|    | RA-1A One Family Residential District   |
|   | RA-1B One Family Residential District   |
|  | RA-2 One Family Residential District    |
|  | RA-2B One Family Residential District   |
|  | RA-3 One Family Residential District    |
|  | RA-4 One Family Residential District    |
|  | RC-1 Multiple Family Residential        |
|  | RC-2 Multiple Family Residential        |
|  | RC-3 Multiple Family Residential        |
|  | RP-1 Planned Residential District       |
|  | RP-2 Planned Residential District       |
|  | SP-1 Special Purpose District           |
|  | SP-2 Special Purpose District           |
|  | SP-3 Special Purpose District           |
|  | SP-4 Special Purpose District           |
|  | SP-5 Special Purpose District           |

Updated Through  
July 29, 2024

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# *Chapter 34*

## *Article 1.0*

### *Purpose and Introduction*



Article 34-1.0 Purpose and Introduction

- 34-1.1 Short Title
- 34-1.2 Conflicting Regulations
- 34-1.3 Scope
- 34-1.4 Severability
- 34-1.5 Amendment of Zoning Ordinance; Effective Date
- 34-1.6 Effect on Previous Violations, Prosecutions
- 34-1.7 Necessity of Chapter



# 1.0 Purpose and Introduction

## 34-1.1 SHORT TITLE

This chapter shall be known and may be cited as the City of Farmington Hills Zoning Chapter

## 34-1.2 CONFLICTING REGULATIONS.

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

## 34-1.3 SCOPE

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

## 34-1.4 SEVERABILITY

This chapter and the various parts, articles, sections, subsections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby.

## 34-1.5 AMENDMENT OF ZONING ORDINANCE; EFFECTIVE DATE

This chapter shall be construed to be a comprehensive amendment of the zoning ordinance of the city adopted by the township board thereof on November 13, 1951. The effective date of Zoning in Farmington Township is November 13, 1951, and nothing contained in this chapter shall be construed to exempt any property, building or use from the application of zoning regulations, which property, building or use would have been subject to zoning except for the enactment of this chapter.

## 34-1.6 EFFECT ON PREVIOUS VIOLATIONS, PROSECUTIONS

Nothing in this chapter shall be construed to prevent the prosecution or abatement of any violation of the zoning ordinance of 1951, which violation was in existence at the effective date hereof (February 18, 1985).

## 34-1.7 NECESSITY OF CHAPTER

This chapter is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of the city and is hereby ordered to take effect twenty-one (21) days after enactment.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



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# *Chapter 34*

## *Article 2.0*

### *Definitions*



## Article 34-2.0 Definitions

### 34-2.1 Construction of Language

### 34-2.2 Definitions

#### Definitions: A-B

Accessory building  
 Accessory use or accessory\*  
 Activity  
 Adult business uses\*  
 Alley  
 Alterations  
 Arcade  
 Articulation  
 Automobile repair  
 Awning  
 Awning, flat  
 Awning, shed  
 Basement  
 Battery charging station  
 Bedroom  
 Best Management Practices  
 Block  
 Building  
 Building base  
 Building height  
 Building line  
 Building, main or principal  
 Building middle  
 Build-to line  
 Building top  
 Business school

#### Definitions: C-E

Caliper  
 Cannabis  
 Cellular antenna  
 Cellular tower  
 Clinic  
 Club  
 Coin-operated amusement device  
 Coin-operated amusement device arcade  
 Commercial vehicle  
 Construction zone  
 Convalescent or nursing home  
 Court  
 Debilitating medical condition  
 Diameter breast height  
 District  
 Drip line  
 Drive-in  
 Dumpster  
 Dwelling, multiple family  
 Dwelling, one-family  
 Dwelling unit  
 Dwelling unit  
 Dwelling unit, manufactured  
 Dwelling unit, site-built  
 Elderly housing - dependent  
 Elderly housing - independent  
 Electric vehicle  
 Electric vehicle charging station  
 Electric vehicle parking space  
 Entrance ramp  
 Erected  
 Essential services  
 Exception  
 Exit ramp

#### Definitions: F-K

Family\*  
 Façade  
 Farm  
 Feeder road  
 Fence, residential  
 Floor area  
 Floor area, gross  
 Floor area ratio  
 Floor area, usable  
 Footcandle  
 Freeway  
 Full cutoff fixture  
 Fully shielded luminaire  
 Future land use plan  
 Gasoline service station  
 Glare  
 Golf course  
 Grade  
 Hardscape  
 Home occupation  
 Hotel  
 Housing for the elderly  
 Illuminance  
 Indoor recreation facilities  
 Junkyard  
 Kennel, commercial

\*Multiple terms are defined in this ordinance.





**Definitions: L-P**

Lamp  
Landmark tree  
LEED  
Light trespass  
Loading space  
Lot  
Lot area  
Lot, corner,  
Lot coverage  
Lot depth  
Lot, interior  
Lot line\*  
Lot of record  
Lot, through  
Lot, zoning  
Lot width  
Lumen  
Luminaire  
Luminance  
Major thoroughfare  
Manufacturing  
Marginal access road  
Marihuana  
Marihuana establishment  
Medical cannabis  
Medical marihuana  
Medical use  
Mezzanine  
Mobile home  
Mobile home park  
Motel  
Motor vehicle sign  
Nadir  
Nonconforming building  
Nonconforming use  
Nuisance factor  
Off-street parking lot  
Open front store  
Parking space  
Planned residential development  
Planned Unit Development  
Primary caregiver  
Principal use  
Public utility

**Definitions: Q-S**

Qualifying patient  
Reasonable Accommodation  
Recreational equipment  
Replacement tree  
Restaurant, carryout  
Restaurant, drive-in  
Restaurant, fast food  
Restaurant, sit down  
Room  
Seasonal outdoor sales  
Secondary thoroughfare  
Setback  
Shipping container  
Sign  
Sign, accessory  
Sign, A-frame  
Sign, area  
Sign, awning  
Sign, banner  
Sign, freestanding  
Sign, logo  
Sign, name plate  
Sign, non-accessory  
Sign, opinion  
Sign, permanent  
Sign, permanent window  
Sign, real estate development  
Sign, temporary  
Sign, temporary window  
Sign, wall  
Sign, window  
Site condominium  
Skyglow  
Special Accommodation  
    Residence  
Stable, private  
Stable, public  
State-licensed day care home  
Story  
Street  
Structure  
Surrounding area

**Definitions: T-Z**

Temporary lighting  
Temporary medical use trailer  
Temporary sales trailer  
Topsoil  
Trade or industrial school  
Tree  
Urban street  
Use  
Variance  
Vehicle  
Wall, obscuring  
Yards  
Zero front setback pattern  
Zero front setback storefront design

\*Multiple terms are defined in this ordinance.



# 2.0 Definitions

## 2.1 CONSTRUCTION OF LANGUAGE

1. The following rules of construction shall apply to the text of this chapter:
  - A. The particular shall control the general.
  - B. In case of any difference of meaning or implication between the text of this chapter and any caption, preamble or illustration, the text shall control.
  - C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  - D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
  - E. A building or structure includes any part thereof.
  - F. The phrase "used for" may include "arranged for," "designated for," "intended for," "maintained for" or "occupied for."
  - G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
  - H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
    - i. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    - ii. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    - iii. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
  - I. Terms not defined in Section 2.2 shall have the meaning customarily assigned to them.

## 2.2 DEFINITIONS

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

**Accessory building** means a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

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

1. Residential accommodations for servants or caretakers;
2. Swimming pools for the use of the occupants of a residence or their guests;
3. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building;
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
8. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;
9. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
10. Coin-operated amusement devices, when accessory to a principal use, shall be housed within a building and shall be limited to one machine or device per seven hundred fifty (750) square feet of gross floor area of the principal use. For the purpose of this definition, only "gross floor area" shall mean the sum of the horizontal areas of the floors of the building measured from the interior face of the exterior wall.



**Activity** means any use, operation or action including but not limited to filling, dredging, constructing or excavating material and/or structures.

**Adult business uses definitions.**

1. **Adult motels** means an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a 12-hour period of time or where rooms are rented at hourly rates, or both.
2. **Nudity and a state of nudity** means knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.
3. **Principal purpose, primary purpose, and primarily** means the sale or display of regulated material that comprises thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or more of the floor area or visible inventory within the establishment.
4. **Semi-nude and semi-nude condition** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
5. **Sexually oriented businesses**
  - A. **Adult arcade** means a place to which the public is permitted or invited to view motion pictures, movies, videos, pictures, or other products of image-producing devices, where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

- B. **Adult book store, adult novelty store, or adult video store** means a commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, movies, video cassettes or video reproductions, DVDs, other video discs, or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".
- C. **Adult cabaret** means a night club, restaurant, or similar commercial establishment which, as one (1) of its principal purposes, features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. **Adult motion picture theater** means a commercial establishment where, for any form of consideration, films, motion pictures, movies, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- E. **Adult theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- F. **Sexual encounter center** means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.



6. **Specified anatomical areas** means the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
7. **Specified sexual activities** means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

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

**Alterations** means any change, addition or modification in construction 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 in this chapter as "altered" or "reconstructed."

**Arcade**, when used to refer to an architectural element, means a covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

**Articulation** means the layout or pattern of building elements including exterior walls, doors, roofs, windows, and decorative elements including cornices.

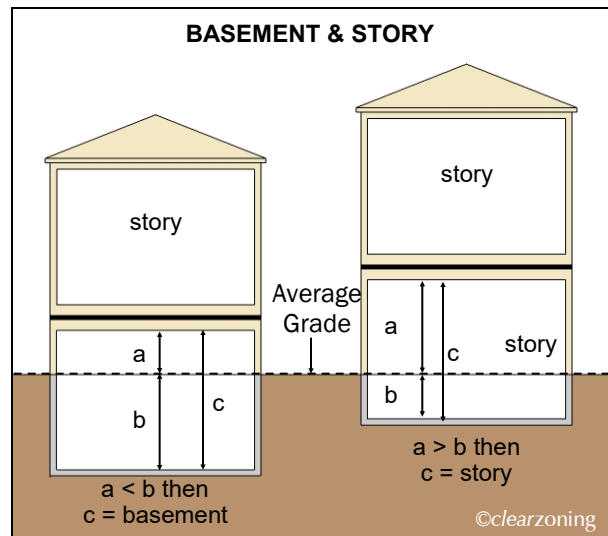
**Automobile repair** means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service; such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles.

**Awning** means a roof-like cover, typically constructed of canvas or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians.

**Awning, flat** means an awning that projects horizontally, parallel to the ground.

**Awning, shed** means an awning with a sloping, flat surface that intersects with a vertical surface at the bottom.

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



**Battery charging station** means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

**Bedroom**, for purposes of a PRD means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings. Plans presented show a "den," "library" or other extra room shall not count such extra room as a bedroom unless a closet opens directly to such room.

**Best Management Practices (BMPs)** means the methods, as approved and adopted by the City, by which adverse impacts of development or redevelopment are controlled. They include, but are not limited to, requirements, prohibitions, procedures, and practices designed, either singly or in combination, to preserve or improve water quality, to foster the planting and retention of native species, and to control storm water runoff rates in order to minimize disturbance of natural systems, such as wetlands and watercourses.

**Block** means the property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or municipal boundary lines of the city.

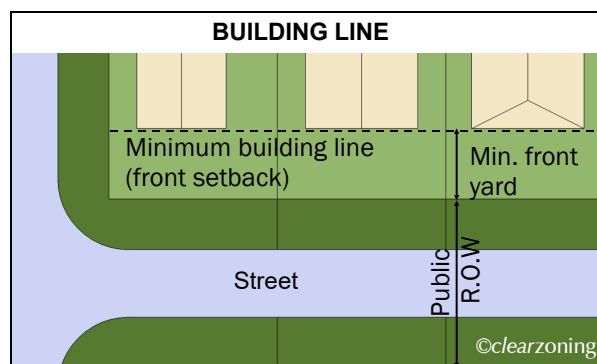
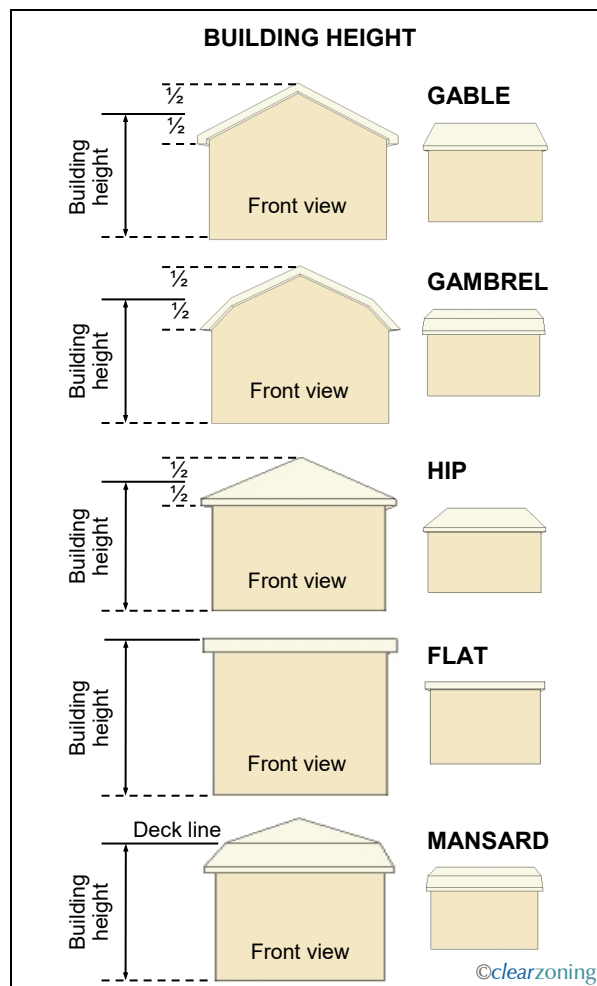
**Building** means any structure or physical enclosure, either temporary or permanent, having a roof or top, and used, placed, or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include, without limitation, tents, awnings, vehicles, trailers, and other similar enclosures situated on private property and used for such purposes.

Δ Ord. No. C-8-2022

**Building base** means the lower portion of a building, designed to provide definition and support at a contextual scale that relates to adjacent streets, existing or anticipated pedestrian activity, parks, and open spaces.

**Building height** means 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 highest midpoint between eaves and ridge for gable, hip and gambrel roofs. ✎

**Building line** means a line formed by the face of the building. ✎



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

**Building middle** means the mid-portion of a building with the floor plate and shape designed to be compatible with the building base and adjacent buildings.



**Build-to line** means a zero (0) foot setback line with which the exterior wall of a building in a development is required to coincide with the adjacent street right-of-way or easement line.

**Building top** means the uppermost part of a building designed 1) to integrate with the building base and building middle, 2) to serve as a visually distinct upper portion of the building, and 3) incorporate roof top mechanical equipment into the design.

**Business school** means a school for teaching technical, clerical, managerial, music, cosmetology, dancing, or similar skills.

**Caliper** means the diameter of a tree trunk measured six (6) inches above ground level up to and including four (4) inch caliper size and twelve (12) inches above ground level for larger sizes.

**Cannabis**, also known as marihuana and marijuana, means the same definition of marihuana in this ordinance and in the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421, et seq. ("MMMA").

**Cellular antennae** means antennae used to send or receive wireless, telecommunication signals

**Cellular tower** means a structure used to support wireless, telecommunications antennae.

**Clinic** means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

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

**Coin-operated amusement device** means an instrument, machine or contrivance which may be operated or set in motion upon the insertion of a coin, token or similar object, or activated and/or paid for by any other means, and which provide games, entertainment or amusement.

**Coin-operated amusement device arcade** means any establishment open to the public wherein the principal use consists of coin-operated amusement devices, operated for profit.

**Commercial vehicle** means all vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise and/or all motor vehicles designed and used for drawing other vehicles.

**Construction zone** means areas on the site where disturbance will occur, including, but not limited to, clearing, grubbing and grading activity, street right-of-way improvements and any activity involved in utility, parking lot, retention and building construction.

**Convalescent or nursing home** means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care, and where limited medical care may be available.

**Court** means an open space, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

**Debilitating medical condition** shall have the meaning given to it in section 3(a) of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(a).

**Diameter breast height (DBH)** means the diameter of a tree measured at four (4) feet above the natural grade.

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

**Drip line** means an imaginary vertical line that extends downwards from the outermost tips of the tree branches to the ground.

**Drive-in** means 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 rather than within a building or structure, including customer communication facilities for banks or other uses. (See also Restaurant, drive-in)

**Dumpster** means a container used for the temporary storage of rubbish pending collection, having capacity of at least one cubic yard.

**Dwelling, multiple-family** means a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.

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

**Dwelling, two-family** means a building designed exclusively for occupancy by two (2) families, independent of each other, such as a duplex dwelling unit.

**Dwelling unit** means a building or portion thereof designed for occupancy by one family for residential purposes and having cooking facilities.

**Dwelling unit, manufactured** means a dwelling unit which is substantially built, constructed, assembled and finished off the premises upon which it is intended to be located.

**Dwelling unit, site-built** means a dwelling unit which is substantially built, constructed, assembled and finished on the premises which is intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**Elderly housing–Dependent** means a multiple-family housing form with central dining facilities provided as a basic daily service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities.

**Elderly housing–Independent** means a multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit and no central dining facility.

**Electric vehicle** means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.

**Electric vehicle charging station** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**Entrance ramp** means a roadway connecting a feeder road with a freeway and used for access to such freeway.





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

**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, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants 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.

**Exception** means a temporary use permitted only after review of an application by the board of appeals or a modification in the standards of this chapter specifically permitted after review by the board of appeals or planning commission; such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

**Exit ramp** means a roadway connecting a feeder road with a freeway and used to exit such freeway.

**Family** means:

1. An individual or group of two (2) or more persons related by consanguinity, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together, up to six persons, in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other

similar determinable period. This definition also does not include halfway houses for prisoner re-entry and similar facilities. It also does not include medication-assisted treatment for substance abuse patients, substance abuse disorder treatment facilities and similar facilities for those not recovered from substance abuse treatment.

Δ Ord. No. C-2-2022

**Facade** means the exterior of the wall or all walls of a building situated in one (1) generally parallel direction. For purposes of sign regulation, there shall not be more than four (4) facades per building.

**Farm** means all of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant farmer, by such person's own labor or with the assistance of members of the household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than ten (10) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, public riding or boarding stables, commercial dog kennels, shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal or as rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

**Feeder road** means a street or road intersecting with a freeway and having traffic interchange facilities with such freeway.

**Fence, residential** means a manmade, unroofed barrier which may act as an enclosure or which is decorative or ornamental.

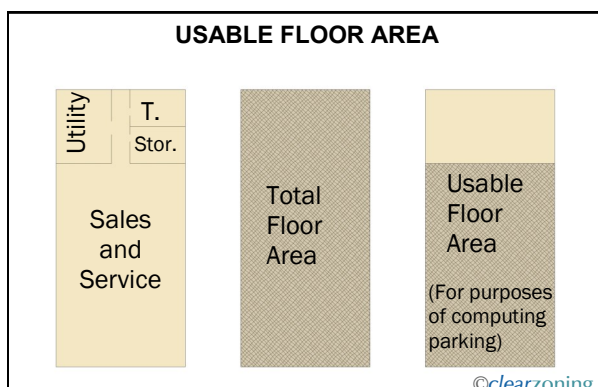


**Floor area**, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, and for the purpose of computing the area permitted for a home occupation, means the sum of the horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of the areas of basements, unfinished attics, attached garages, breezeways, unenclosed porches and enclosed porches.

**Floor area, gross** means the sum of the horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways and areas included in structures or building providing parking for motor vehicles shall not be included.

**Floor area ratio (F.A.R.)** means an intensity measured as a ratio derived by dividing the gross floor area of a building by the zoning lot area.

**Floor area, usable**, for the purposes of computing parking, means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurements of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the interior faces of the exterior walls. ✍



**Footcandle** means the unit of measure expressing the quantity of light received on a surface. One footcandle (fc) is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

**Freeway** means a public street of limited and controlled highway access.

**Full cutoff fixture** means a luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir and at all greater angles from nadir. Also, the candela per 1,000 lamp lumens does not exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir.

**Fully shielded luminaire** means a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

**Future land use plan** means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission or the council.

**Gasoline service station** means a place for the retail dispensing, sale or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles, retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of nonautomotive related products including (i) sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items, (ii) basic convenience grocery items such as milk and bread, (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department, and (iv) beverages.

**Glare** means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**Golf courses** means the premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts or other structures or uses customarily incidental to a golf course or a country club; provided, however, that a golf course shall include a minimum of nine (9) holes and shall not be less than three thousand (3,000) yards in length; and provided further that a golf course shall not include a driving range or miniature golf course operated independently or in conjunction with a golf course.

**Grade** means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the buildings if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and the average of the several averages.

**Hardscape** means permanent hard surface improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 ft or less in width. Materials may include concrete, asphalt, stone, gravel, etc.

**Home occupation** means an occupation that is a secondary use, which is clearly subservient or incidental to the use of a one-family dwelling unit for residential purposes, subject to the conditions of Section 34-4.15.1.

**Hotel** means a building or group of buildings containing rooms designed to provide overnight lodging that is offered to the public for compensation and that caters primarily to the public traveling by motor vehicle which shall include a full-service restaurant and meeting and conference facilities.

**Housing for the elderly** means a dwelling unit designed especially for the use and occupancy of elderly persons. Elderly persons will be defined as individuals who have attained the age of sixty-two (62) or two (2) individuals of which either person has attained the age of sixty-two (62) years as of the date of occupancy. Only an occupant who establishes lawful residence pursuant to the foregoing definition may continue such residence despite subsequent death or absence of the elder resident.

**Illuminance** means a measure of how much light is arriving upon a surface, measured in footcandles (lumens per square foot) in the English system or lux (lumens per square meter) in the metric system.

**Indoor Recreation Facilities** means an enterprise conducted entirely within a building, which provides some form of recreational activity for people. Such activities and facilities include, but are not limited to: racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, basketball courts, indoor soccer fields, dance studios, yoga studios, cycling studios, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars. Also included are instructional studios that teach the activities or similar activities listed above.

**Junkyard** means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron, and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

**Kennel, commercial** means any lot or premises on which more than three (3) dogs or other household pets are either permanently or temporarily boarded.



**Lamp** means a generic term for a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

**Landmark tree** means a tree regardless of location which stands apart from its neighbors by size, form or species and has a health/condition standard factor of over fifty (50) percent based on the standards established by this chapter in Section 34 -5.18 on trees of species and diameters shown on the Landmark Tree List, and any tree twenty-four (24) inches DBH or greater, which meet the health/condition standard are considered landmark trees.

**LEED (Leadership in Energy and Environmental Design) Certification** means a rating system established by the U.S. Green Building Council, based on its Green Building Rating System that provides a national standard for determining what can be considered a “green building.”

**Light trespass** means light that falls beyond the property it is intended to illuminate.

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

**Lot** means a parcel of land occupied, or intended 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 yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

**Lot area** means a total horizontal area within the lot lines of a lot.



**Lot, corner** means a lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is 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 chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at 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. ✍

**Lot coverage** means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

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

**Lot lines** means the lines bounding a lot. ✍

1. Front lot line, in the case of an interior lot, means the line separating such lot from the street. In the case of a corner lot or double-frontage lot, the line separating such lot from that street which is designated as the front street in the plat and the request for zoning compliance permit. ✍
2. Rear lot line means that line opposite the front lot line and intersecting the side lot lines. In the case of a three-sided lot, 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. ✍
3. Side lot line means any lot lines other than the front lot lines or rear lot lines. A side lot line separating a lot from a street is an exterior lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. ✍

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

**Lot, through** means any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, one street will be designated as the front street in the plat and the request for zoning compliance permit. ✍

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

**Lot width** means the horizontal, straight-line distance between the side lot lines, measured between the two (2) points where the required minimum front yard setback line intersects the side lot lines. ✍

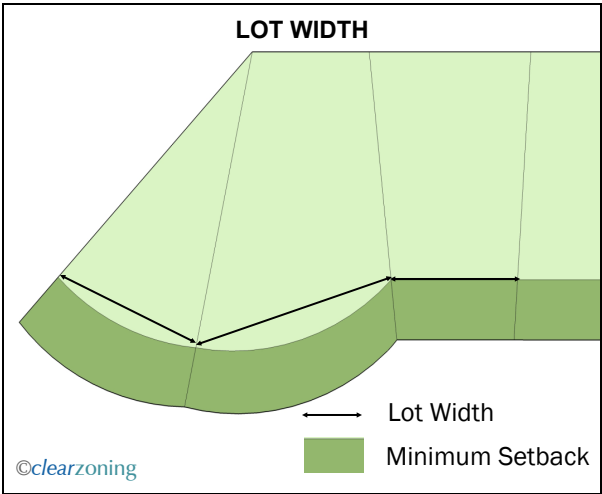
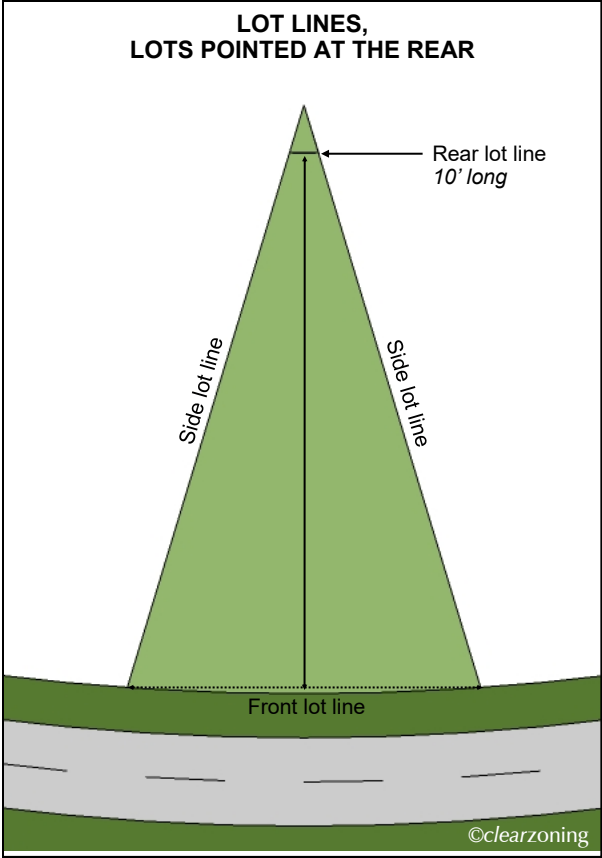
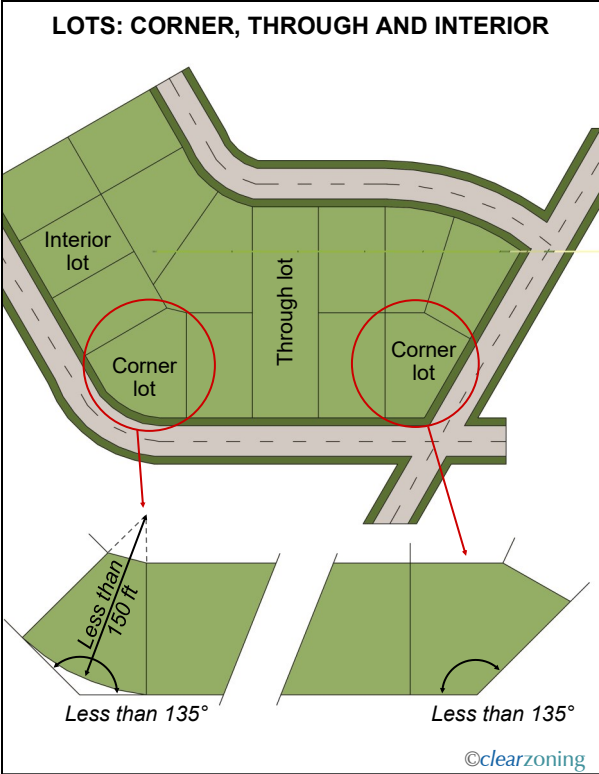
**Lumen** means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).

**Luminaire** means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast (s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

**Luminance** means the amount of light that reflects from the surface and reaches the eye of the observer.







**Major thoroughfare** means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the master plan for future land use to identify those streets comprising the basic structure of the thoroughfare plan.

**Manufacturing** means the following in the light industrial district:

1. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, toiletries, food products, hardware and cutlery and tool, die, gauge and machine shops;
2. 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 metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns;
3. The manufacture of pottery and figurines or other similar ceramic products using previously pulverized clay, and kilns fired only by electricity or gas;
4. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products;
5. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products;
6. Manufacturing and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

**Marginal access road** means a service roadway parallel to a feeder road or to a street, and which provides access to abutting properties and protection from through traffic.

**Marihuana**, also known as marijuana and cannabis, shall have the meaning given to it in section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in section 3(d) of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d).

**Marihuana establishments** means those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.


**Medical cannabis** shall mean cannabis that is used for a medical use to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. Medical cannabis is the equivalent term to medical marihuana.

**Medical marihuana** shall mean marihuana that is used for a medical use to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Δ Ord. No. C-3-2021

**Medical use** means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of cannabis, cannabis-infused products, or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Δ Ord. No. C-3-2021

**Mezzanine** means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story (see graphic for story). 

**Mobile home** means a manufactured dwelling unit, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not mean a recreational vehicle.



**Mobile home park** means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

**Motel** means a dwelling unit, group of dwelling units, and any other type of building or group of buildings, which contains one or more rooms or sleeping units that are accessible from either the exterior or interior of such building or buildings, has access to a garage or other area to park vehicles, and provides overnight lodging that is offered or made available to the public for compensation on a per night or weekly basis.

Δ Ord. No. C-9-2022

**Motor vehicle sign:** A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.

**Nadir** means the angle that points directly downward, or 0°, from the luminaire.

**Nonconforming building** means a building or portion thereof lawfully existing at the effective date [November 13, 1951] of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

**Nonconforming use** means a use which lawfully occupied a building or land at the effective date of this chapter [November 13, 1951], or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Nuisance factor** means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation or interference, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic, (p) rubbish.

**Off-street parking lot** means a facility providing off-street vehicular parking spaces, drives or aisles for the parking of more than two (2) vehicles.

**Open front store** means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure.

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

**Planned residential development** means a specific parcel of land or several contiguous parcels of land, located entirely within the RP-1 or RP-2 districts, for which a comprehensive physical plan meeting the requirements of Section 34-3.19.1 and establishing functional use areas, density patterns, a fixed system of residential collector streets, provisions for public utilities, drainage and other essential services and similar factors necessary or incidental to residential development has been approved by the city council in accordance with Section 34-3.19.2 and which has been, is being or will be developed in accordance with the approved plan.

**Planned Unit Development** means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements Section 34-3.20, establishing functional use areas, density patterns, a fixed system of streets where necessary provisions for public utilities, drainage and other essential services and similar factors necessary or incidental to development has been approved by the city council and which has been, is being, or will be developed in accordance with the approved plan.



**Primary caregiver** means a person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

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

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

**Qualifying patient** means a person who has been diagnosed by a physician as having a debilitating medical condition.

**Reasonable Accommodation** means a change, modification, exception or adjustment to the ordinance that is needed for a person with a disability to use and enjoy a dwelling. A Reasonable Accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City; or (2) require a fundamental alteration to the nature of the City's land use and zoning ordinance or policies.

Δ Ord. No. C-2-2022

**Recreational equipment** means travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles, horse trailers, dune buggies and other similar equipment.

**Replacement tree** means any woody plant having at least one well-defined stem at least three (3) inches in caliper for deciduous trees, and ten (10) foot height for evergreen trees.

**Restaurant, carryout** means a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.

**Restaurant, drive-in** means a restaurant at which any patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.

**Restaurant, fast food** means a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on the premises.

**Restaurant, sit down** means a restaurant at which patrons are served food in a sit down dining area and food consumption occurs on the premises.

**Room**, for the purpose of determining lot area requirements, and density in a multiple-family district, means a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage.

**Seasonal outdoor sales** means the temporary sale of agricultural products and other goods associated with a national holiday and Halloween, as regulated by the City of Farmington Hills City Code.

**Secondary thoroughfare** means a collector street used primarily to carry traffic from minor streets to major thoroughfares or for relatively short distances between major thoroughfares and designated as such on the master plan for future land use.

**Setback** means the distance required to obtain minimum front, side or rear yard open space provisions of this chapter. Setbacks from a public street shall be measured from the existing or proposed right-of-way lines, whichever is greater.

**Shipping container** means:

1. Any transportation trailer, shipping container, shipping crate, cargo bin or other container produced for the transportation, relocation or shipping of any item(s);
2. Containers designed or intended to be loaded and hauled to another location for storage; and
3. Containers which have been altered or pinned in any way to be rendered immobile.

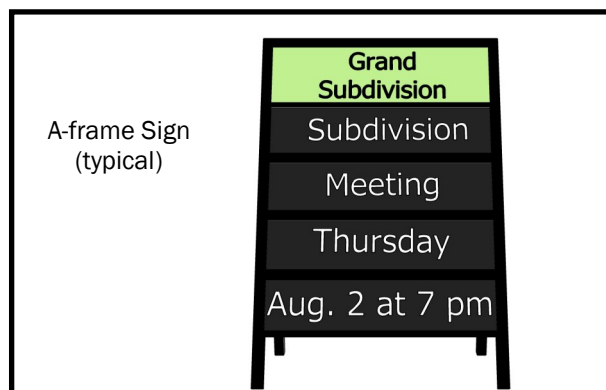
Δ Ord. No. C-8-2022

**Sign** means any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:

1. Signs not exceeding one (1) square foot in area;
2. Flags and insignia of any government;
3. Legal notices, identification information or directional signs erected by governmental bodies;
4. Decorative holiday displays.
5. Lawful motor vehicle signs.

**Sign, accessory** means a sign pertaining to the principal use of the premises.

**Sign, A-frame** means a sign made of wood, cardboard, plastic or other similar rigid material having the capability to stand on its own support(s) and being portable and movable. Also known as a sandwich board sign.



**Sign, area** means the entire area within a rectangle or sum of rectangles enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed. An internally illuminated background on a permanent sign that is outside the “extreme limits” described above shall also be included in total sign area unless it is black. For temporary signs, the extreme limits of the sign including all framing and background elements, regardless of color, are included in the calculation of sign area (see Section 34-5.5.2.E. for more information on measuring sign area).

**Sign, awning** means a sign mounted or printed on an awning.

**Sign, banner** means a sign constructed of cloth, canvas, flexible plastic, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

**Sign, freestanding** means any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building. Temporary freestanding signs are not included in this definition.

**Sign, logo** means a graphic symbol or initials accessory to a principal use but not including the name of a person or business.

**Sign, nameplate** means a sign which may include the name of a single resident or single business, address, phone number, hours of operation, credit card or Chamber of Commerce identification, logo or other identifying symbol only.

**Sign, non-accessory** means a sign which is not pertaining to the principal use of the premises.

**Sign, opinion** means a sign which does not advertise products, goods, businesses or services and which expresses an opinion or other point of view.

**Sign, permanent** means any sign that is constructed or intended for long term use and is permanently affixed to its location.

**Sign, permanent window** means a wall sign installed inside a window or door window and intended to be viewed from the adjacent public right-of-way and which is constructed or intended for long-term use.

**Sign, real estate development** means a freestanding sign which advertises five (5) or more vacant lots in a single subdivision or five (5) or more dwelling units in a single residential development of lots or dwellings located within the city.

**Sign, temporary** means a sign which is not constructed or intended for long-term use or permanently affixed to the ground or a structure.

**Sign, temporary window** means a sign installed inside a window or door window and intended to be viewed from the adjacent public right-of-way and not constructed or intended for long-term use.

**Sign, wall** means a display which is painted on or attached directly to the building wall or door.

**Sign, window** means any sign that interferes with visibility through a window from the exterior of a building, including those mounted, affixed, painted, or etched on glass or any surface, regardless of opacity or perforations in the sign.

**Site condominium** means a single-family condominium where the condominium unit and adjacent limited common elements consist of a dwelling unit and exterior yards of a minimum size corresponding to the lot area requirements established in this chapter for the district in which it is located.

**Skyglow** means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

**Special Accommodation Residence** means a use that provides equal housing opportunities particularly suited to the needs of persons entitled to a reasonable accommodation under state or federal law, such as but not limited to, the Federal Fair Housing Act, as amended, 42 USC § 3604(f)(1) et seq, the Americans with Disabilities Act, as amended, 42 USC §12131 et seq, and the Rehabilitation Act, as amended, 29 USC §794(a). The definition of Special Accommodation Residence shall be applicable to various types of transitional and permanent homes or living arrangements that occupy dwellings or other structures and may include, but not be limited to, adult foster care large group homes and sober living homes.

Δ Ord. No. C-2-2022

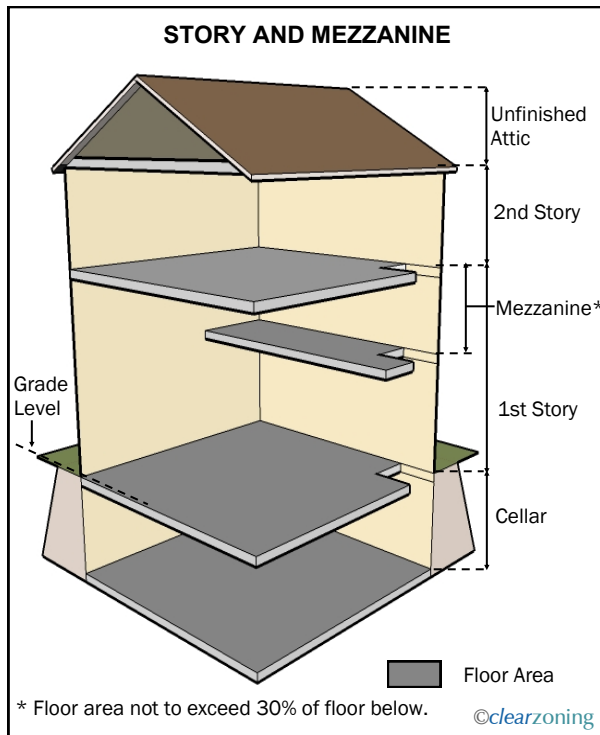
**Stable, private** means a stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

**Stable, public** means a stable other than a private stable, with a capacity for more than two (2) horses.

**State-licensed day care home** means a private home that is licensed by the State of Michigan pursuant to applicable laws for the operation of a child day care home and in which not more than twelve (12) minor children are given care and supervision for periods of less than sixteen (16) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. State-licensed day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

**Story** means that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. ✍





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

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

**Surrounding area** - [See Section 34-4.59](#)

**Temporary lighting** means lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

**Temporary medical use trailer** shall mean and include a mobile trailer that is not permanently attached to the ground and that is used, on a temporary basis, solely for purposes of performing magnetic resonance imaging or other similar imaging, diagnostic, or testing procedures for the patients of an existing and occupied medical facility on the property on which the trailer is located, which medical facility has requested a pending determination by the State of Michigan concerning the need, or lack of need for a permanent facility for such testing and diagnostics at the site.

**Temporary sales trailer** shall mean and include a mobile trailer that is not permanently attached to the ground and that is used, on a temporary basis, solely for purposes of marketing and/or sales of real estate on a property that is being actively developed and marketed to the public.

**Topsoil** means the upper layer of earth bearing plant supporting organic matter extending from the surface of the ground to a depth of not more than eighteen (18) inches. Once topsoil has been removed from land, the remaining earth shall not be considered topsoil unless reseeded with plant growth nor until a period of not less than three (3) calendar years has elapsed since such reseeded.

**Trade or industrial school** means a school for teaching mechanical or industrial job training or similar skills.

**Tree** means any woodplant having at least one well defined stem at least six (6) inches DBH.



**Urban street** means a road right-of-way that has been developed with a combination of through lanes for traffic, on-street parking lanes, and pedestrian walkways at least twelve (12) feet wide and placed within a development planned for zero front yard setbacks and a traditional downtown development pattern.

**Use** means the purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

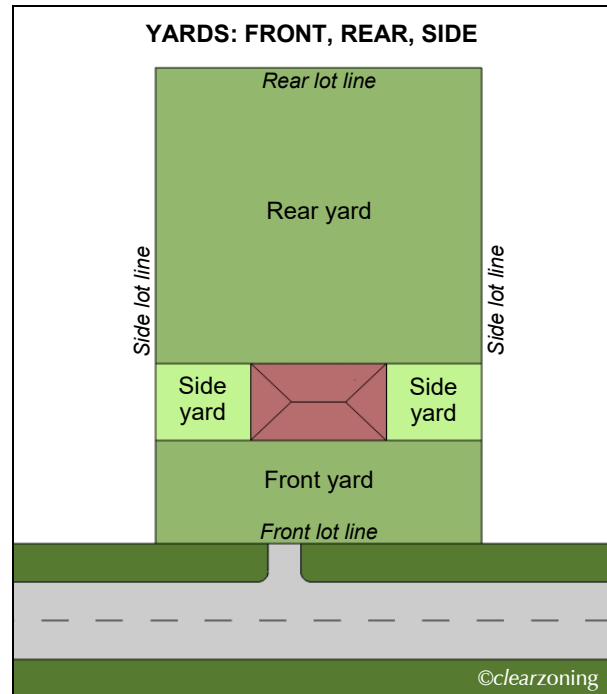
**Variance** means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three (3) elements are present. A variance is not an exception.

**Vehicle** means every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices designed exclusively to be moved by human power.

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

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

1. Front yard means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. 🏠
2. Rear yard means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. 🏠
3. Side yard means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot lines to the nearest point of the main building. 🏠



**Zero front setback pattern** means a form of development that includes a walkable traditional downtown or walkable modern technology village setting. Required elements include at least one Urban Street, principal buildings directly abutting the right-of-way or easements of public or private Urban Street(s), a.k.a Build-to-line, on-street parking, retail, restaurant, and service uses comprising at least 75 percent of the ground floor frontage facing the Urban Street, and a Zero Front Setback Storefront Design on the ground floor facing any Urban Street.

**Zero front setback storefront design** means the front façade is designed to encourage pedestrian activity and visual interaction between the pedestrian on the sidewalk and activity and merchandise inside the building as is typical in a Zero Front Setback Pattern. Zero Front Setback Storefront Design shall include, at a minimum, the elements in Section 34-3.1.31.D.5.C.

**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Chapter 34*

## *Article 3.0*

### *Zoning Districts*





## Article 34-3.0 Zoning Districts

- 34-3.1 Districts Established
- 34-3.2 Boundaries
- 34-3.3 Zoning of Vacated Areas
- 34-3.4 Zoning of Annexed Areas
- 34-3.5 Notes to Schedule of Regulations
- 34-3.6 RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, and RA-4 District Special Conditions
- 34-3.7 RC-1, RC-2, and RC-3 District Required Conditions
- 34-3.8 SP-1, SP-2, SP-3, SP-4, and SP-5 District Required Conditions
- 34-3.9 OS-1, OS-2, OS-3, and OS-4 District Required Conditions
- 34-3.10 B-1, B-2, and B-4 District Required Conditions
- 34-3.11 B-3 District Required Conditions
- 34-3.12 ES District Required Conditions
- 34-3.13 IRO District Required Conditions
- 34-3.14 LI-1 District Required Conditions
- 34-3.15 Subdivision Open Space Plan
- 34-3.16 Nuisance Factors
- 34-3.17 One-family Cluster Option
- 34-3.18 Major Road Frontage Option
- 34-3.19 Planned Residential Development
- 34-3.20 Planned Unit Development
- 34-3.21 Mobile Home District
- 34-3.22 Marginal Access Drive
- 34-3.23 Sustainable Design
- 34-3.24 Pedestrian Access
- 34-3.25 Noise and Glare
- 34-3.26 General Exceptions

# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Farmington Hills is hereby divided into the following districts:

1. RA-1A One Family Residential District (33,000 sq ft)
2. RA-1B One Family Residential District (26,000 sq ft)
3. RA-2B One Family Residential District (26,000 sq ft)
4. RA-1 One Family Residential District (20,000 sq ft)
5. RA-2 One Family Residential District (16,500 sq ft)
6. RA-3 One Family Residential District (12,500 sq ft)
7. RA-4 One Family Residential District (8,500 sq ft)
8. RP-1 Planned Residential District
9. RP-2 Planned Residential District
10. RC-1 Multiple Family Residential
11. RC-2 Multiple Family Residential
12. RC-3 Multiple Family Residential
13. MH Mobile Home District
14. SP-1 Special Purpose District
15. SP-2 Special Purpose District
16. SP-3 Special Purpose District
17. SP-4 Special Purpose District
18. SP-5 Special Purpose District
19. OS-1 Office Service District
20. OS-2 Planned Office Service District

Continued



**Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED (Continued)

For the purpose of this Ordinance, the City of Farmington Hills is hereby divided into the following districts:

21. OS-3 Special Office District
22. OS-4 Office Research District
23. B-1 Local Business District
24. B-2 Community Business District
25. B-3 General Business District
26. B-4 Planned General Business District
27. ES Expressway Service District
28. IRO Industrial Research Office District
29. LI-1 Light Industrial
30. P-1 Vehicular Parking District
31. FRW-1 Freeway Redevelopment Overlay District 1
32. FRW-2 Freeway Redevelopment Overlay District 2
33. FRW-3 Freeway Redevelopment Overlay District 3
34. GR-1 Grand River Corridor Overlay District



### Digital User Note:

Click on a district heading to go directly to the corresponding district regulations.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# 3.0 Zoning Districts

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

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## 34-3.1.1

## RA-1A One Family Residential (33,000 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms**<sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course**<sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses<sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility**<sup>Δ</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>Δ</sup> infrastructure § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables**<sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles**<sup>Δ</sup> § 34-4.14
- vi. **Home occupations**<sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes**<sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021



# RA-1A One Family Residential (33,000 sq ft) <sup>34-3.1.1</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	29,700 sq ft
Minimum average per subdivision	33,000 sq ft
Minimum lot width <sup>☐</sup> :	140 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback:	50 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	15 ft one side 30 ft total of two sides

### Building Height<sup>☐</sup>

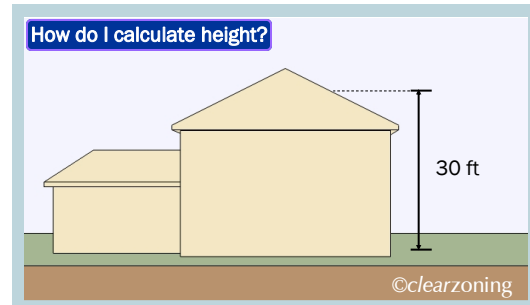
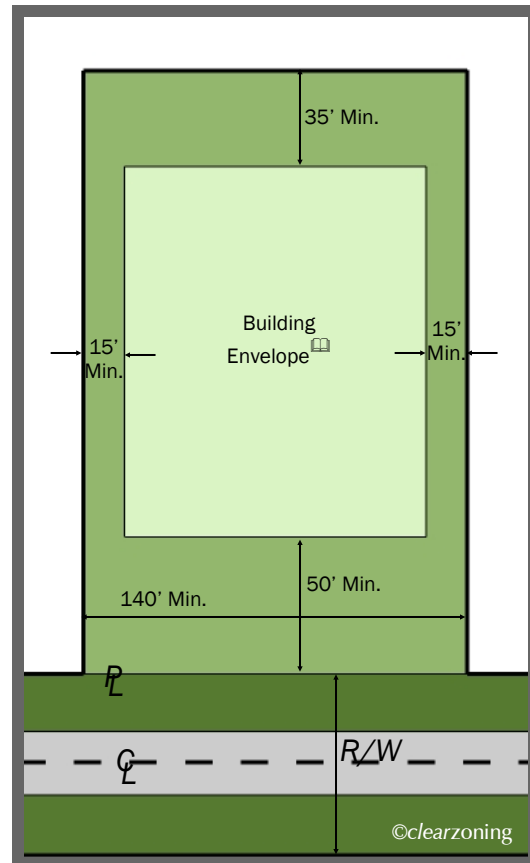
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	1,250 sq ft
Ground floor area minimum per unit:	650 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B**, and **C**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Nuisance Factors § 34-3.16

### 4. Use Standards

- Special Land Uses § 34-4.20
- Standards for Cellular Towers § 34-4.24.8
- One-Family Dwelling Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13

- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.2

## RA-1B One Family Residential (26,000 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms**<sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course**<sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses<sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility**<sup>Δ</sup> **buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>Δ</sup> **infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables**<sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles**<sup>Δ</sup> § 34-4.14
- vi. **Home occupations**<sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes**<sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021





# RA-1B One Family Residential (26,000 sq ft)<sup>34-3.1.2</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	23,400 sq ft
Minimum average per subdivision	26,000 sq ft
Minimum lot width <sup>☐</sup> :	140 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback:	50 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	15 ft one side 30 ft total of two sides

### Building Height<sup>☐</sup>

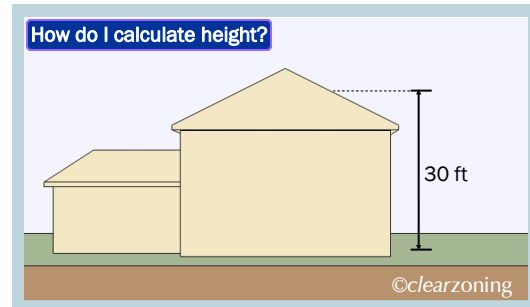
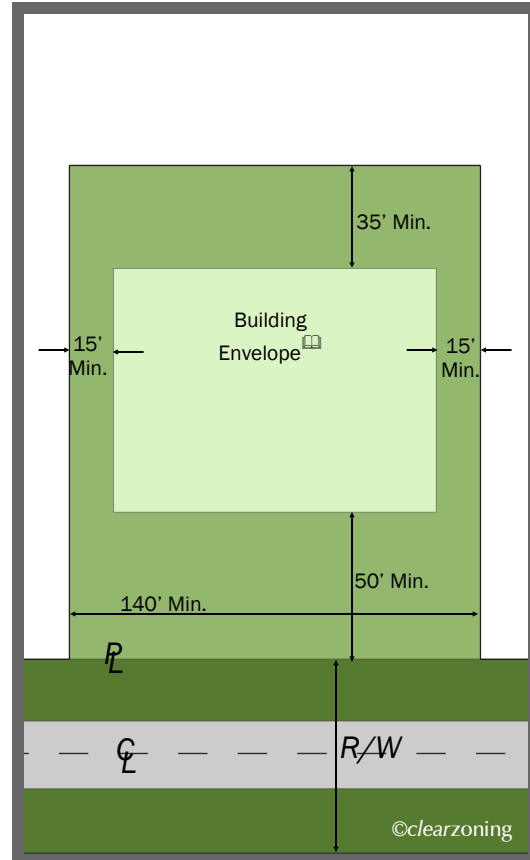
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	1,250sq ft
Ground floor area minimum per unit:	650 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B**, **C**, and **D**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Subdivision Open Space Plan § 34-3.15
- Nuisance Factors<sup>☐</sup> § 34-3.16
- One-Family Clustering Option § 34-3.17

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8
- One-Family Dwelling<sup>☐</sup> Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings<sup>☐</sup> and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

### Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



34-3.1.3

# RA-2B One Family Residential (26,000 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms** <sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course** <sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses <sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility** <sup>Δ</sup> **buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle** <sup>Δ</sup> **infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables** <sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles** <sup>Δ</sup> § 34-4.14
- vi. **Home occupations** <sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes** <sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021



# RA-2B One Family Residential (26,000 sq ft)<sup>34-3.1.3</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	23,400 sq ft
Minimum average per subdivision	26,000 sq ft
Minimum lot width <sup>☐</sup> :	120 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	10 ft one side 25 ft total two sides

### Building Height<sup>☐</sup>

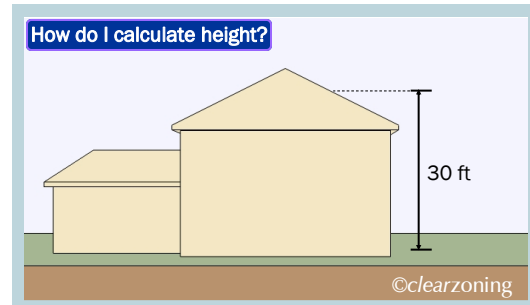
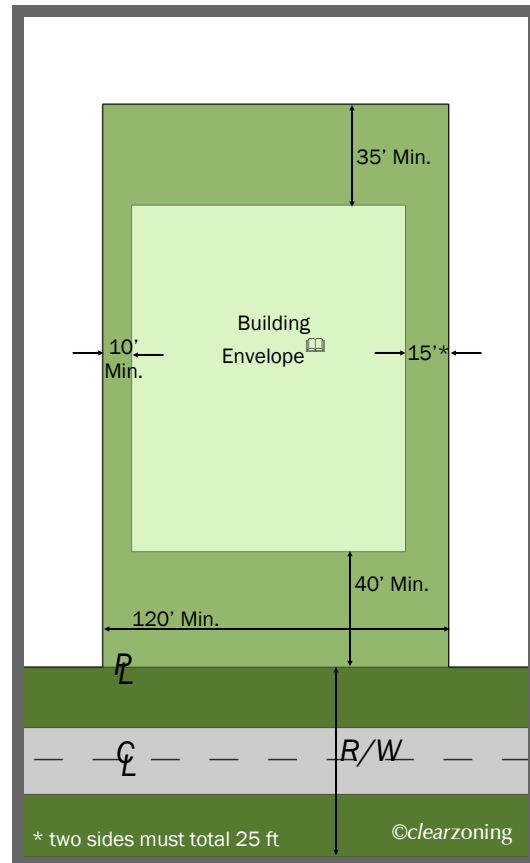
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	1,250sq ft
Ground floor area minimum per unit:	650 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, D, E,** and **V.**



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Subdivision Open Space Plan § 34-3.15
- Nuisance Factors<sup>☐</sup> § 34-3.16
- One-Family Clustering Option § 34-3.17

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8
- One-Family Dwelling<sup>☐</sup> Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings<sup>☐</sup> and Structures § 34-5.1
- Off-street Parking Requirements § 5.2

### Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



# RA-1 One Family Residential (20,000 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms** <sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course** <sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses <sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility** <sup>Δ</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle** <sup>Δ</sup> infrastructure § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables** <sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles** <sup>Δ</sup> § 34-4.14
- vi. **Home occupations** <sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes** <sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021



# RA-1 One Family Residential (20,000 sq ft) <sup>34-3.1.4</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	18,000 sq ft
Minimum average per subdivision	20,000 sq ft
Minimum lot width <sup>☐</sup> :	100 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35 %

### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35ft
Minimum side yard setback:	10 ft one side 25 ft total two sides

### Building Height<sup>☐</sup>

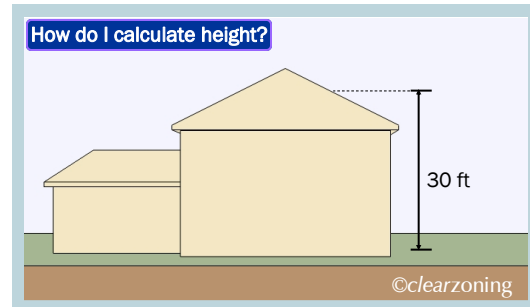
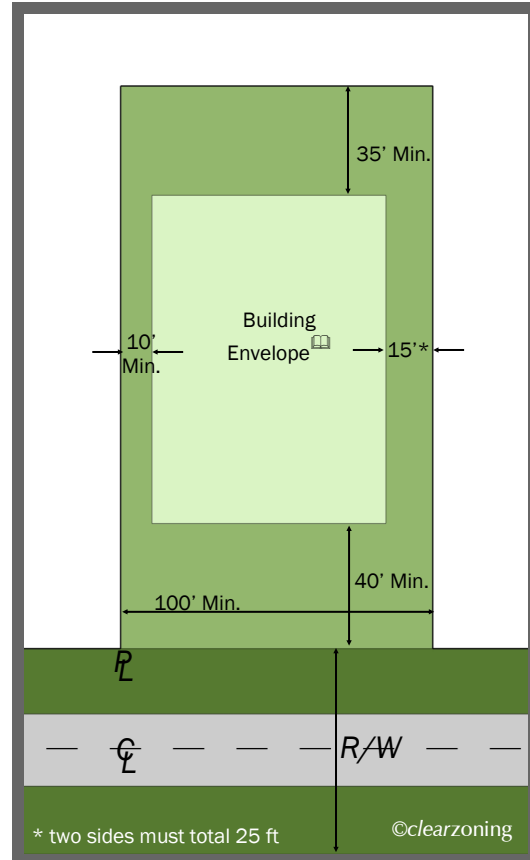
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	1,150 sq ft
Ground floor area minimum per unit:	650 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, D, E** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Subdivision Open Space Plan § 34-3.15
- Nuisance Factors<sup>☐</sup> § 34-3.16
- One-Family Clustering Option § 34-3.17

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8
- One-Family Dwelling<sup>☐</sup> Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

### Off-street Parking Space Layout Standards § 34-5.3

### Off-street Loading and Unloading § 34-5.4

### Signs<sup>☐</sup> § 34-5.5

### Acceleration-deceleration Passing Lanes § 34-5.6

### Storage of Recreational Equipment or Trailers § 34-5.7

### Flood Zone Controls § 34-5.8

### Entranceway Structures § 34-5.9

### Corner Clearance § 34-5.10

### Frontage on Public Street § 34-5.11

### Fences § 34-5.12

### Access to Major or Secondary Thoroughfares § 34-5.36

### Landscape Development § 34-5.14

### Walls and Berms § 34-5.15

### Exterior Lighting § 34-5.16

### Screening of Rooftop Equipment § 34-5.17

### Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

### Site Plan Review § 34-6.1

### Notice of Public Hearing § 34-6.2

### Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

### Guarantee for Improvements § 34-7.2



## 34-3.1.5

## RA-2 One Family Residential (16,500 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms**<sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course**<sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities, and municipal facilities that provide both educational and temporary operational services (such as classes and space) for purposes of economic development in the community
  - g. Accessory buildings and uses<sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility**<sup>Δ</sup> **buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>Δ</sup> **infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables** <sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles**<sup>Δ</sup> § 34-4.14
- vi. **Home occupations**<sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes**<sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021, Ord. No. C-5-2023





## 34-3.1.5

### Lot Size

## Lot Coverage

## Setbacks

## Building Height

## Floor Area

## NOTES

- 
- The diagram shows a light green rectangular building envelope centered within a larger green rectangular area. The setbacks are labeled as follows:
- Top setback: 35' Min.
  - Bottom setback: 35' Min.
  - Left setback: 8' Min.
  - Right setback: 12'\*
  - Overall width of the green area: 90' Min.
- Below the building envelope, a horizontal line represents the street frontage. The distance from the left side of the building envelope to the street centerline is labeled  $R_L$ . The distance from the right side of the building envelope to the street centerline is labeled  $R/W$ . The street centerline is marked with a dashed line and labeled  $C_L$ .
- \* two sides must total 20 ft
- ©clearzoning

A diagram of a two-story house with a gabled roof. A vertical dimension line on the right side indicates the height from the ground to the peak of the roof is 30 ft. The house is shown in yellow with a brown roof and is set against a light blue background. The ground is represented by a green strip at the bottom.

### 3. Zoning Districts

- ## ■ Off-street Parking Space Layout Standards § 34-5.3

- **Off-street Loading and Unloading**

- **Signs** § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6

- **Storage of Recreational Equipment or Trailers** § 34-5.7

- ## ■ Flood Zone Controls § 34-5.8

- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10

- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11

- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary**

- ### Access to Major or Secondary Thoroughfares § 34-5.13

- **Landscape Development** § 34-5.14

- **Walls and Berms** § 34-5.15

- **Exterior Lighting** § 34-5.16

- **Screening of Rooftop Equipment**  
§ 34-5.17

- **Tree Protection, Removal & Replacement** § 34-5.18

## 6. Development Procedures

- ## ■ Site Plan Review § 34-6.1

- **Notice of Public Hearing** § 34-6.2

- **Special Land Use and Special Approval Use Standards** § 34-6.3

## 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2

#### 4. Use Standards

- ## ■ Special Land Uses § 34-4.20

- **Standards for Cellular Towers** § 34-4.24.8

- ## ■ One-Family Dwelling Standards

## 5. Site Standards

- **Accessory Buildings and Structures**

- **Off-street Parking Requirements**



## 34-3.1.6

## RA-3 One Family Residential (12,500 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms<sup>Δ</sup>** § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course<sup>Δ</sup>**, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses<sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility<sup>Δ</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle<sup>Δ</sup> infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables<sup>Δ</sup>** § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles<sup>Δ</sup>** § 34-4.14
- vi. **Home occupations<sup>Δ</sup>** § 34-4.15
- vii. **State-licensed day care homes<sup>Δ</sup>** § 34-4.16

Δ Ord. No. C-3-2021



# RA-3 One Family Residential (12,500 sq ft) <sup>34-3.1.6</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	10,000 sq ft
Minimum average per subdivision	12,500 sq ft
Minimum lot width <sup>☐</sup> :	80 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit:	35%
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### Setbacks<sup>☐</sup>

Minimum front yard setback:	30 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	8 ft one side 20 ft total two sides

### Building Height<sup>☐</sup>

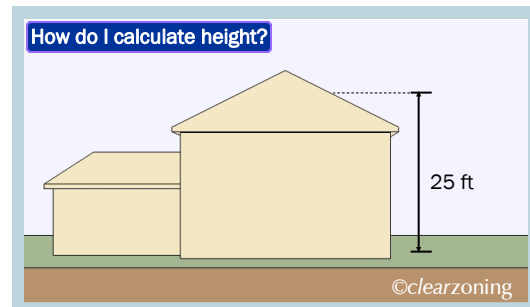
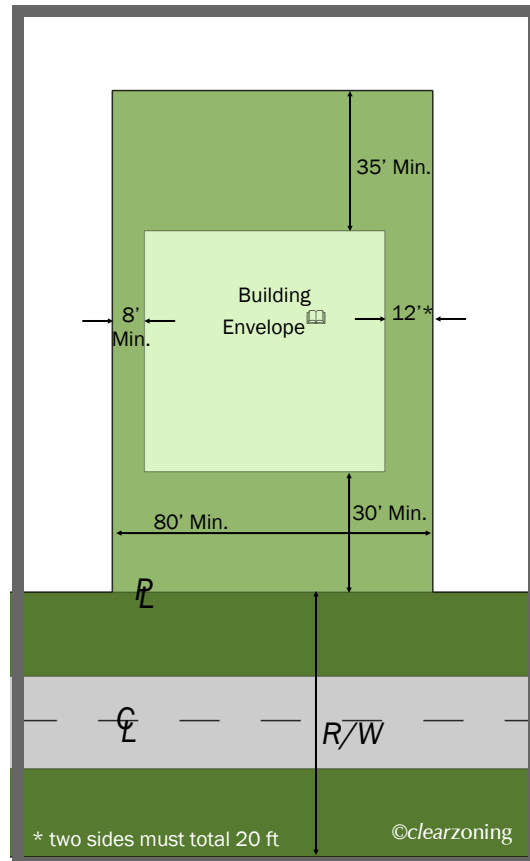
Maximum building height:	25 ft
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### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	850 sq ft
Ground floor area minimum per unit:	500 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, D, E** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- One-Family Clustering Option § 34-3.17
- Nuisance Factors<sup>☐</sup> § 34-3.16
- Major Road Frontage Option § 34-3.18

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24
- One-Family Dwelling<sup>☐</sup> Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.7

## RA-4 One Family Residential (8,500 sq ft)

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms** <sup>Δ</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course** <sup>Δ</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses <sup>Δ</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6**

- i. **Public utility** <sup>Δ</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle** <sup>Δ</sup> infrastructure § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables** <sup>Δ</sup> § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles** <sup>Δ</sup> § 34-4.14
- vi. **Home occupations** <sup>Δ</sup> § 34-4.15
- vii. **State-licensed day care homes** <sup>Δ</sup> § 34-4.16

Δ Ord. No. C-3-2021



# RA-4 One Family Residential (8,500 sq ft) 34-3.1.7

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 8,500 sq ft  
Minimum lot width<sup>☐</sup>: 60 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
Minimum rear yard setback: 35 ft  
Minimum side yard setback: 5 ft one side  
15 ft total two sides

### Building Height<sup>☐</sup>

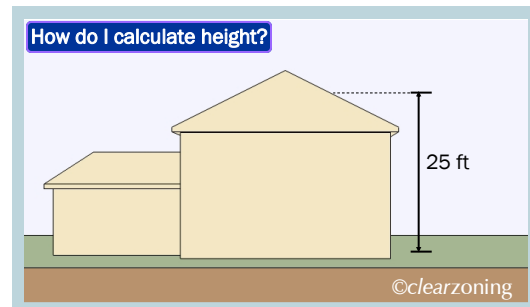
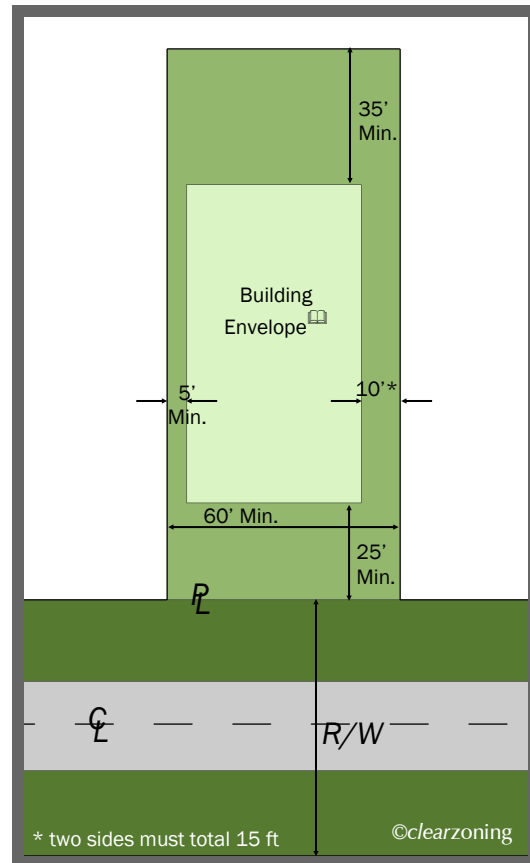
Maximum building height: 25 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit: 700 sq ft  
Ground floor area minimum per unit: 500 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, D, E** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- One-Family Clustering Option § 34-3.17
- Nuisance Factors<sup>☐</sup> § 34-3.16
- Major Road Frontage Option § 34-3.18

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8
- One-Family Dwelling<sup>☐</sup> Standards § 34-4.59

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

### Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14

### Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.8

## RP-1 Planned Residential District

## A. INTENT

The purpose of the RP-1 planned residential district is to permit an optional means of development which allows a mixture of types of residential units (one-family, two-family, multiple-family). Development under this Section shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns and a fixed system of residential collector streets.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms** § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course** , not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

- i. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public utility** **buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
  - b. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
  - c. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10
  - d. Accessory buildings and uses, customarily incident to the above uses
- ii. **Planned residential development** § 34-3.19
  - a. One-family dwellings
  - b. Two-family dwellings
  - c. Multiple-family dwellings
  - d. Rental or management offices and club rooms accessory to the planned development
  - e. **Churches** § 34-4.4
  - f. Public, parochial and private elementary schools or high schools offering courses in general education
  - g. **Golf courses** § 34-4.3
  - h. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - i. Public libraries, parks, parkways and recreational facilities
  - j. Private parks and recreation areas for the use of the residents of the PRD

\* All uses in the RP-1 district are regulated as in the RA-1 district



# RP-1 Planned Residential District

34-3.1.8

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables<sup>■</sup>** § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles<sup>■</sup>** § 34-4.14
- vi. **Home occupations<sup>■</sup>** § 34-4.15
- vii. **State-licensed day care homes<sup>■</sup>** § 34-4.16

## E. DEVELOPMENT STANDARDS

All uses in the RP-1 district are regulated as in the RA-1 district.

## SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 34-3.26
- **Subdivision Open Space Plan** § 34-3.15
- **One-Family Cluster Option** § 34-3.17
- **Planned Residential Development<sup>■</sup>** § 34-3.19

### 4. Use Standards

- **Special Land Uses<sup>■</sup>** § 34-4.20
- **Standards for Cellular Towers<sup>■</sup>** § 34-4.24.8
- **One-Family Dwelling<sup>■</sup> Standards** § 34-4.59

### 5. Site Standards

- **Accessory Buildings and Structures** § 34-5.1
- **Off-street Parking Requirements** § 34-5.2

- **Off-street Parking Space Layout Standards** § 34-5.3
- **Off-street Loading and Unloading** § 34-5.4
- **Signs<sup>■</sup>** § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6
- **Storage of Recreational Equipment or Trailers** § 34-5.7
- **Flood Zone Controls** § 34-5.8
- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary Thoroughfares** § 34-5.13
- **Landscape Development** § 34-5.14
- **Walls and Berms** § 34-5.15
- **Exterior Lighting** § 34-5.16

- **Screening of Rooftop Equipment** § 34-5.17
- **Tree Protection, Removal & Replacement** § 34-5.18
- **Pedestrian Access and Connectivity** § 34-5.19

### 6. Development Procedures

- **Site Plan Review** § 34-6.1
- **Notice of Public Hearing** § 34-6.2
- **Special Land Use and Special Approval Use Standards** § 34-6.3

### 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement





## 34-3.1.9

## RP-2 Planned Residential District

## A. INTENT

The purpose of the RP-2 planned residential district is to permit an optional means of development which allows a mixture of types of residential units (one-family, two-family, multiple-family). Development under this Section shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns and a fixed system of residential collector streets.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Site-built, one-family detached dwelling units
- ii. **Farms** <sup>■</sup> § 34-4.1
- iii. Neighborhood parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.6
- v. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course** <sup>■</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses <sup>■</sup> customarily incidental to any principal permitted use.

## C. SPECIAL APPROVAL USES

- i. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public utility** <sup>■</sup> **buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
  - b. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
  - c. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10
  - d. Accessory buildings and uses <sup>■</sup>, customarily incidental to the above uses
- ii. **Planned residential development** <sup>■</sup> § 34-3.19
  - a. One-family dwellings <sup>■</sup>
  - b. Two-family dwellings <sup>■</sup>
  - c. Multiple-family dwellings <sup>■</sup>
  - d. Rental or management offices and club rooms accessory to the planned development
  - e. **Churches** § 34-4.4
  - f. Public, parochial and private elementary schools or high schools offering courses in general education
  - g. **Golf courses** <sup>■</sup> § 34-4.3
  - h. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - i. Public libraries, parks, parkways and recreational facilities
  - j. Private parks and recreation areas for the use of the residents of the PRD

\*All uses in the RP-2 district are regulated as in the RA-2 district.



# RP-2 Planned Residential District

34-3.1.9

## D. ACCESSORY USES

- i. **Electric vehicle<sup>m</sup> infrastructure** § 34-4.55
- ii. **Private swimming pools** § 34-4.11
- iii. **Private stables<sup>m</sup>** § 34-4.12
- iv. **Retail sale of farm goods** § 34-4.13
- v. **Commercial vehicles<sup>m</sup>** § 34-4.14
- vi. **Home occupations<sup>m</sup>** § 34-4.15
- vii. **State-licensed day care homes<sup>m</sup>** § 34-4.16

## E. DEVELOPMENT STANDARDS

All uses in the RP-2 district are regulated as in the RA-2 district.

## SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 34-3.26
- **Subdivision Open Space Plan** § 34-3.15
- **One-Family Cluster Option** § 34-3.17
- **Planned Residential Development<sup>m</sup>** § 34-3.19

### 4. Use Standards

- **Special Land Uses<sup>m</sup>** § 34-4.20
- **Standards for Cellular Towers<sup>m</sup>** § 34-4.24.8
- **One-Family Dwelling<sup>m</sup> Standards** § 34-4.59

### 5. Site Standards

- **Accessory Buildings and Structures** § 34-5.1
- **Off-street Parking Requirements** § 34-5.2

- **Off-street Parking Space Layout Standards** § 34-5.3
- **Off-street Loading and Unloading** § 34-5.4
- **Signs<sup>m</sup>** § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6
- **Storage of Recreational Equipment or Trailers** § 34-5.7
- **Flood Zone Controls** § 34-5.8
- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary Thoroughfares** § 34-5.13
- **Landscape Development** § 34-5.14
- **Walls and Berms** § 34-5.15
- **Exterior Lighting** § 34-5.16

- **Screening of Rooftop Equipment** § 34-5.17
- **Tree Protection, Removal & Replacement** § 34-5.18
- **Pedestrian Access and Connectivity** § 34-5.19

### 6. Development Procedures

- **Site Plan Review** § 34-6.1
- **Notice of Public Hearing** § 34-6.2
- **Special Land Use and Special Approval Use Standards** § 34-6.3

### 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



# RC-1 Multiple Family Residential District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses, except one and two-family dwellings and home occupations, are permitted subject to the required conditions of **Section 34-3.7**.

- i. Multiple-family dwellings<sup>m</sup>
- ii. Two-family dwellings<sup>m</sup>
- iii. Rental or management offices and clubrooms accessory to a multiple-dwelling project
- iv. **Convalescent homes<sup>m</sup> or orphanages** § 34-4.17
- v. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses, including the following:
  - a. **Home occupations<sup>m</sup>** § 34-4.15
- vi. The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.
  - a. Site-built, one-family detached dwelling units
  - b. **Farms<sup>m</sup>** § 34-4.1
  - c. Neighborhood parks
  - d. **Manufactured one-family detached dwelling units** § 34-4.6
  - e. The following uses are permitted subject to the special conditions in **Section 34-3.6**
    - (1) **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
    - (2) **Golf course<sup>m</sup>**, not including driving ranges or miniature golf courses § 34-4.3
    - (3) **Churches** § 34-4.4

## B. PRINCIPAL PERMITTED USES (CONT.)

- (4) **Nursery schools, day nurseries, and day care centers** § 34-4.5
- (5) Municipal buildings and uses not including any outdoor storage
- (6) Publicly owned and operated libraries, community wide parks and recreational facilities
- f. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.

The following uses are further subject to the special conditions in **Section 34-3.6**

- i. **Public utility<sup>m</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle<sup>m</sup> infrastructure** § 34-4.55



# RC-1 Multiple Family Residential District

34-3.1.10

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 8,000 sq ft  
Minimum lot width<sup>☐</sup>: 80 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft  
Minimum rear yard setback: 20 ft  
Minimum side yard setback: 20 ft one side  
40 ft total two sides

### Building Height<sup>☐</sup>

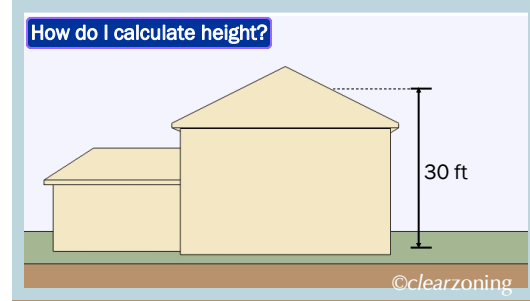
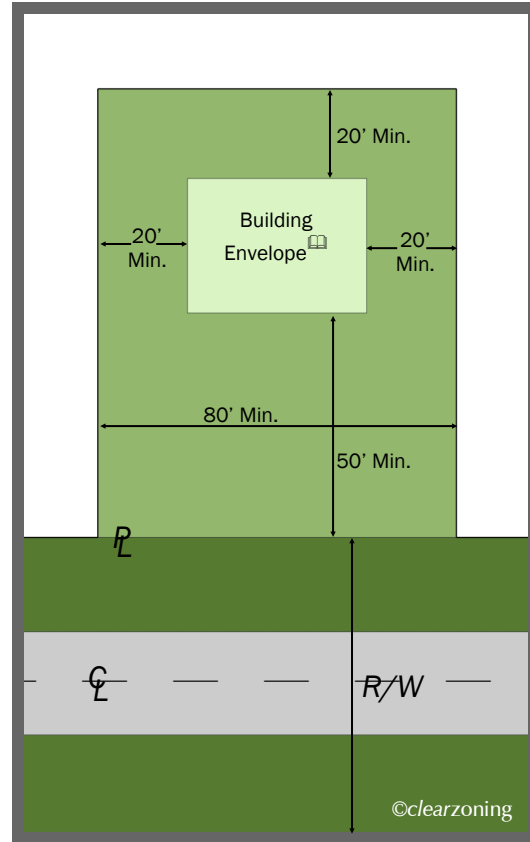
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit: 600 sq ft  
Ground floor area minimum per unit: 300 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, F, G, H** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



# RC-2 Multiple Family Residential District

## A. INTENT

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



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses, except one and two-family dwellings and home occupations, are permitted subject to the required conditions of **Section 34-3.7**.

- i. Multiple-family dwellings<sup>m</sup>
- ii. Two-family dwellings<sup>m</sup>
- iii. Rental or management offices and clubrooms accessory to a multiple-dwelling project
- iv. **Convalescent homes<sup>m</sup> or orphanages** § 34-4.17
- v. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses, including the following:
  - a. **Home occupations<sup>m</sup>** § 34-4.15
- vi. The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.
  - a. Site-built, one-family detached dwelling units
  - b. **Farms<sup>m</sup>** § 34-4.1
  - c. Neighborhood parks
  - d. **Manufactured one-family detached dwelling units** § 34-4.6
  - e. The following uses are permitted subject to the special conditions in **Section 34-3.6**
    - (1) **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
    - (2) **Golf course<sup>m</sup>**, not including driving ranges or miniature golf courses § 34-4.3
    - (3) **Churches** § 34-4.4

## B. PRINCIPAL PERMITTED USES

- (4) **Nursery schools, day nurseries, and day care centers** § 34-4.5
- (5) Municipal buildings and uses not including any outdoor storage
- (6) Publicly owned and operated libraries, community wide parks and recreational facilities
- f. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.

The following uses are further subject to the special conditions in **Section 34-3.6**

- i. **Public utility<sup>m</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle<sup>m</sup> infrastructure** § 34-4.55



# RC-2 Multiple Family Residential District <sup>34-3.1.11</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 8,000 sq ft  
Minimum lot width<sup>☐</sup>: 80 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft  
Minimum rear yard setback: 20 ft  
Minimum side yard setback: 20 ft one side  
40 ft total two sides

### Building Height<sup>☐</sup>

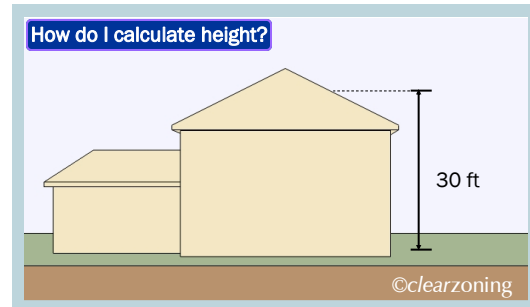
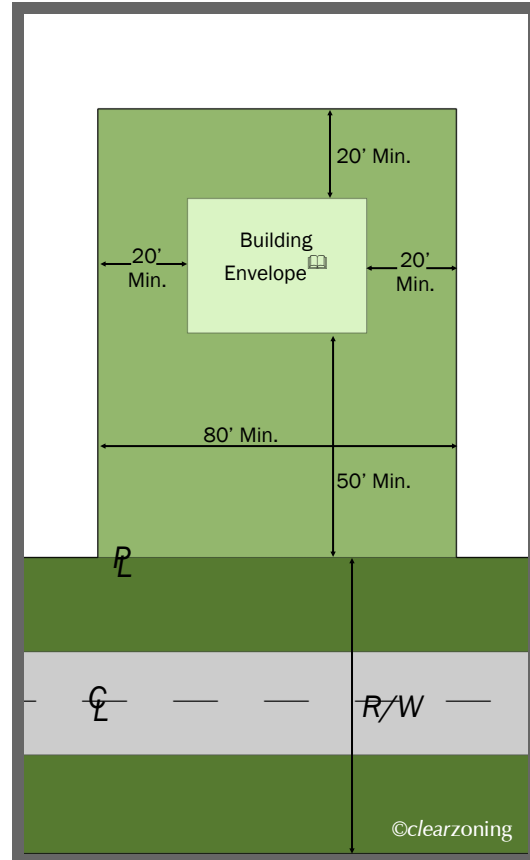
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit: 600 sq ft  
Ground floor area minimum per unit: 300 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, F, G, H** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement





## A. INTENT

The RC-3 multiple-family residential district is designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple-family district is further provided to serve the limited needs for the apartment-type of unit in an otherwise low density, single-family community.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses, except one and two-family dwellings and home occupations, are permitted subject to the required conditions of **Section 34-3.7**.

- i. Multiple-family dwellings<sup>m</sup>
- ii. Two-family dwellings<sup>m</sup>
- iii. Rental or management offices and clubrooms accessory to a multiple-dwelling project
- iv. **Convalescent homes<sup>m</sup> or orphanages** § 34-4.17
- v. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses, including the following:
  - a. **Home occupations** § 34-4.15
- vi. The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.
  - a. Site-built, one-family detached dwelling units
  - b. **Farms<sup>m</sup>** § 34-4.1
  - c. Neighborhood parks
  - d. **Manufactured one-family detached dwelling units** § 34-4.6
  - e. The following uses are permitted subject to the special conditions in **Section 34-3.6**
    - (1) **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
    - (2) **Golf course<sup>m</sup>**, not including driving ranges or miniature golf courses § 34-4.3
    - (3) **Churches** § 34-4.4

## B. PRINCIPAL PERMITTED USES (CONT.)

- (4) **Nursery schools, day nurseries, and day care centers** § 34-4.5
- (5) Municipal buildings and uses not including any outdoor storage
- (6) Publicly owned and operated libraries, community wide parks and recreational facilities
- f. Accessory buildings and uses<sup>m</sup> customarily incidental to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the standards and requirements of the RA district having the greatest common linear boundary with the RC district. The area and bulk requirement of the RC district shall apply to all uses other than one-family.

The following uses are further subject to the special conditions in **Section 34-3.6**

- i. **Public utility<sup>m</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations** § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle<sup>m</sup> infrastructure** § 34-4.55



# RC-3 Multiple Family Residential District <sup>34-3.1.12</sup>

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 8,000 sq ft  
Minimum lot width<sup>☐</sup>: 80 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage per unit: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft  
Minimum rear yard setback: 20 ft  
Minimum side yard setback: 20 ft one side  
40 ft total two sides

### Building Height<sup>☐</sup>

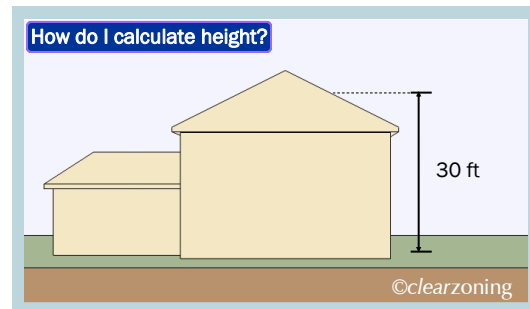
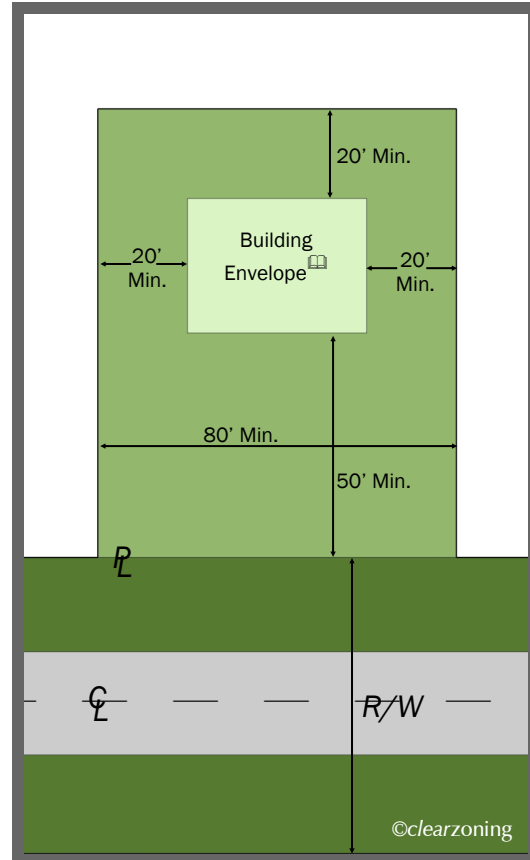
Maximum building height: 30 ft

### Floor Area<sup>☐</sup>

Total floor area minimum per unit: 600 sq ft  
Ground floor area minimum per unit: 300 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **B, F, G, H** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 734-2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## A. INTENT

The MH mobile home districts are designed to provide for the appropriate location of and requirements for mobile home parks. Mobile home parks possess characteristics of site development, use and density which are unique. Such characteristics are more intensive than those of one-family residential districts and, therefore, mobile home parks are treated as a distinct zoning district.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to the review and approval of the site plan by the planning commission and the required conditions in **Sections 34-3.21.2**.

- i. Mobile home parks<sup>■</sup>, which may include the following:
  - a. Mobile homes<sup>■</sup>
  - b. One management building exclusively provided for the conducting of business operations of the mobile home park in which located
  - c. Utility building for laundry facilities
  - d. Auxiliary storage space for tenants or management of the mobile home park;
  - e. Community building for the accessory use of tenants of the mobile home park in which located
  - f. Recreation facilities
  - g. **Sale of mobile homes** § 34-4.22
- ii. Accessory structures and uses<sup>■</sup> customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size (Mobile Home Park)

Minimum lot area<sup>☐</sup>: 15 Acres

### Lot Size (Mobile Home Lot)

Minimum lot area<sup>☐</sup>: 5,500 sq ft  
Minimum lot width<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

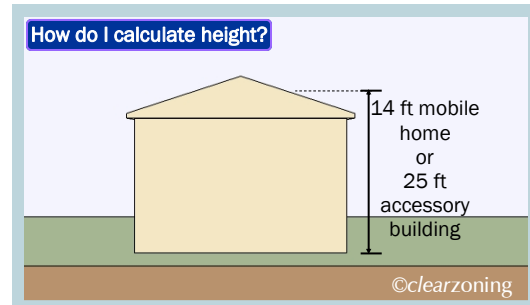
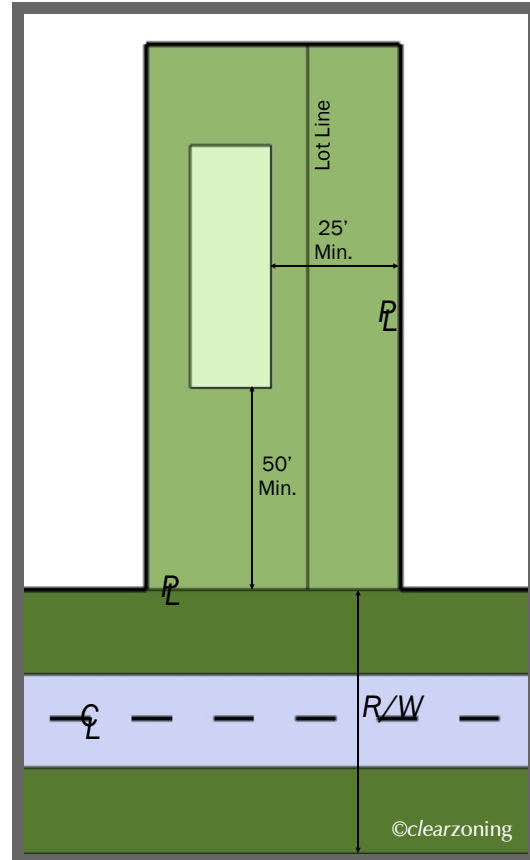
Park perimeter lot line: 25 ft  
Major or secondary thoroughfare ROW: 50 ft

### Building Height<sup>☐</sup>

Maximum building height:  
Mobile home<sup>☐</sup>: 14 ft  
Accessory building: 25 ft

### Floor Area<sup>☐</sup>

Minimum floor area per dwelling: Not specified



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#) § 34-3.26
- [Mobile Home District](#) § 34-3.21

### 4. Use Standards

- [Special Land Uses](#)<sup>☐</sup> § 34-4.20

### 6. Development Procedures

- [Site Plan Review](#) § 34-6.1

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# SP-1 Special Purpose District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The SP special purpose districts are designed to accommodate specific uses which are generally compatible with one-family residential areas, but which because of particular characteristics of size or use should not be permitted in a one-family district without review and rezoning by the council. Such uses are also permissible in multiple-family districts or business districts, but are less objectionable to single-family residential areas than are other uses permitted in these districts. Thus, the purpose of this district is to permit, upon request, the use of land or buildings for specific purposes in order that a high degree of control can be maintained over the use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to review and approval of the site plan by the planning commission and the conditions in [Section 34-3.8](#)

- i. [Convalescent homes<sup>m</sup> or orphanages](#) § 34-4.17
- ii. Accessory structures and uses<sup>m</sup> customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. [Electric vehicle<sup>m</sup> infrastructure](#) § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not Specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft

Minimum rear yard setback: 50 ft

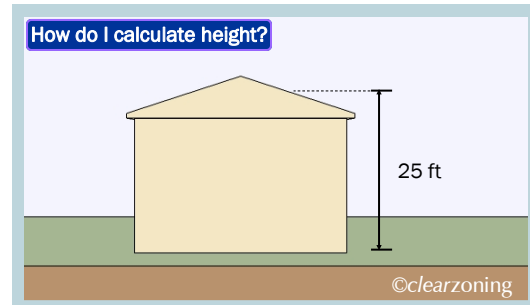
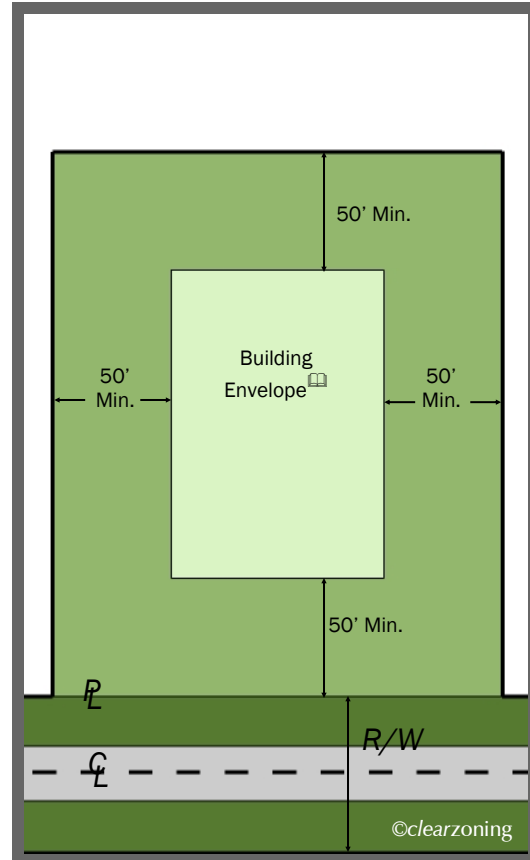
Minimum side yard setback: 50 ft

### Building Height<sup>☐</sup>

Maximum building height: 25 ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4

- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17

- Tree Protection, Removal & Replacement § 34-5.18

- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2





## A. INTENT

The SP special purpose districts are designed to accommodate specific uses which are generally compatible with one-family residential areas, but which because of particular characteristics of size or use should not be permitted in a one-family district without review and rezoning by the council. Such uses are also permissible in multiple-family districts or business districts, but are less objectionable to single-family residential areas than are other uses permitted in these districts. Thus, the purpose of this district is to permit, upon request, the use of land or buildings for specific purposes in order that a high degree of control can be maintained over the use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to review and approval of the site plan by the planning commission and the conditions in [Section 34-3.8](#)

- i. **Hospitals, not including veterinary hospitals**  
§ 34-4.7
- ii. Accessory structures and uses<sup>m</sup> customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. **Electric vehicle<sup>m</sup> infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>m</sup>: Not specified

### Lot Coverage<sup>m</sup>

Maximum lot coverage: 35%

### Setbacks<sup>m</sup>

Minimum setback from street: 50 ft\*

Minimum setback from any other property line: 20 ft\*

Minimum setback from one-family residential: 80 ft \*

Minimum setback of off street parking from front line: 50 ft

Minimum distance between adjacent buildings: 15 ft but not less than the height of the lowest building

\*Any portion of the building in excess of 60 feet tall in height shall have setbacks as required by the following formula:

$$Y = L + 2H/1$$

Y = Yard required

L = Length of a line which, when viewed from directly above, is parallel to the lot line and intersects any part of the building

H = Height of building

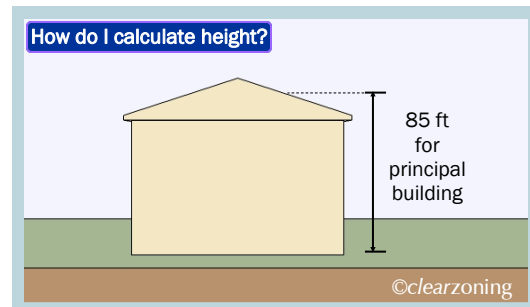
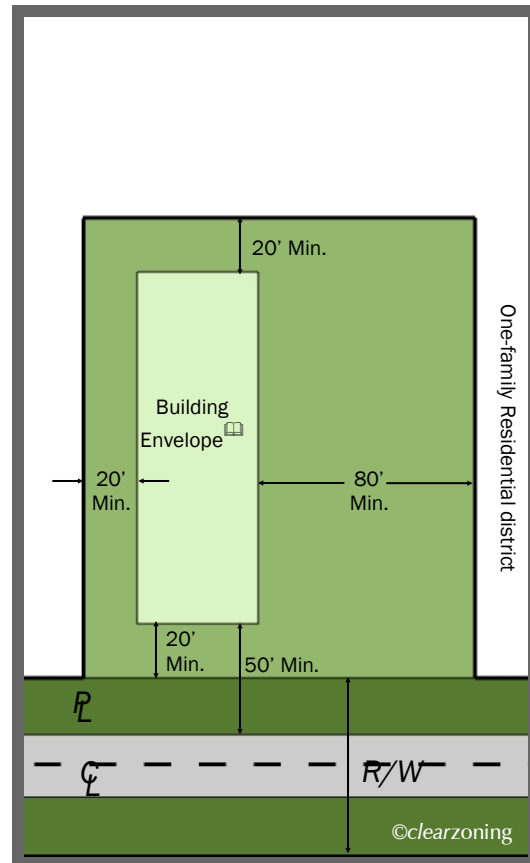
### Building Height<sup>m</sup>

Maximum building height:

- Principal buildings 85 ft
- Accessory buildings<sup>m</sup> 60 ft
- Vehicular parking 30 ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 34-3.26

### 4. Use Standards

- **Special Land Uses**<sup>m</sup> § 34-4.20
- **Standards for Cellular Towers**<sup>m</sup> § 34-4.24.8

### 5. Site Standards

- **Accessory Buildings and Structures** § 34-5.1
- **Off-street Parking Requirements** § 34-5.2
- **Off-street Parking Space Layout Standards** § 34-5.3

### Off-street Loading and Unloading

- § 34-5.4
- **Signs**<sup>m</sup> § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6
- **Flood Zone Controls** § 34-5.8
- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary Thoroughfares** § 34-5.13
- **Landscape Development** § 34-5.14
- **Walls and Berms** § 34-5.15
- **Exterior Lighting** § 34-5.16

### Screening of Rooftop Equipment § 34-5.17

- **Tree Protection, Removal & Replacement** § 34-5.18
- **Pedestrian Access and Connectivity** § 34-5.19

### 6. Development Procedures

- **Site Plan Review** § 34-6.1

### 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2



## A. INTENT

The SP special purpose districts are designed to accommodate specific uses which are generally compatible with one-family residential areas, but which because of particular characteristics of size or use should not be permitted in a one-family district without review and rezoning by the council. Such uses are also permissible in multiple-family districts or business districts, but are less objectionable to single-family residential areas than are other uses permitted in these districts. Thus, the purpose of this district is to permit, upon request, the use of land or buildings for specific purposes in order that a high degree of control can be maintained over the use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to review and approval of the site plan by the planning commission and the conditions in [Section 34-3.8](#)

- i. **Private clubs<sup>■</sup> or lodge halls** § 34-4.18
- ii. Churches
- iii. Accessory structures and uses<sup>■</sup> customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>■</sup>: Not specified

### Lot Coverage<sup>■</sup>

Maximum lot coverage: 35%

### Setbacks<sup>■</sup>

Minimum front yard setback: 40 ft

Minimum rear yard setback: 40 ft

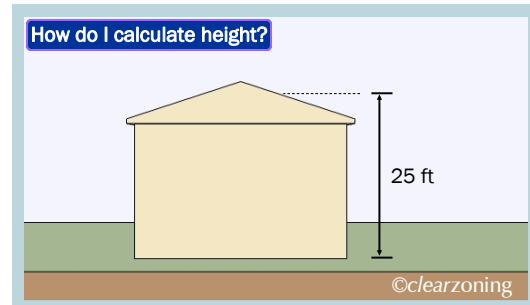
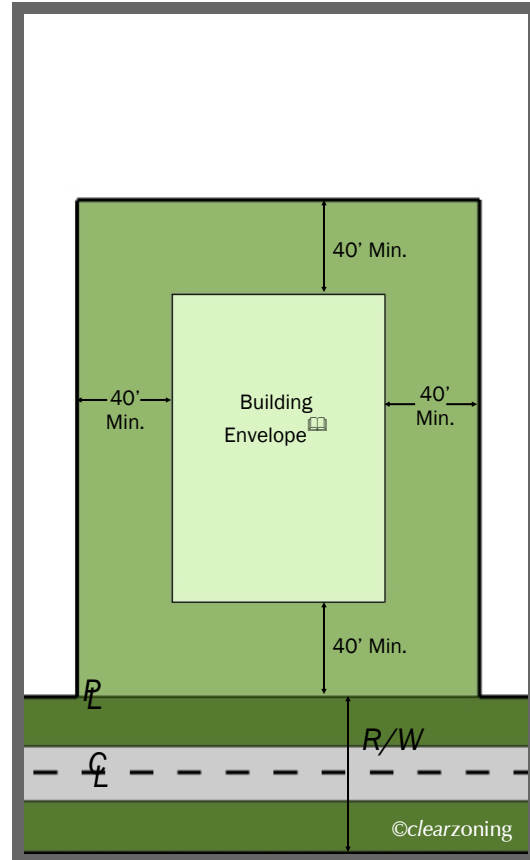
Minimum side yard setback: 40 ft

### Building Height<sup>■</sup>

Maximum building height: 25 ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 34-3.26

### 4. Use Standards

- **Special Land Uses**<sup>■</sup> § 34-4.20
- **Standards for Cellular Towers**<sup>■</sup> § 34-4.24.8

### 5. Site Standards

- **Accessory Buildings and Structures** § 34-5.1
- **Off-street Parking Requirements** § 34-5.2
- **Off-street Parking Space Layout Standards** § 34-5.3

- **Off-street Loading and Unloading** § 34-5.4

- **Signs**<sup>■</sup> § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6
- **Flood Zone Controls** § 34-5.8
- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary Thoroughfares** § 34-5.13
- **Landscape Development** § 34-5.14
- **Walls and Berms** § 34-5.15
- **Exterior Lighting** § 34-5.16

- **Screening of Rooftop Equipment** § 34-5.17
- **Tree Protection, Removal & Replacement** § 34-5.18
- **Pedestrian Access and Connectivity** § 34-5.19

### 6. Development Procedures

- **Site Plan Review** § 34-6.1

### 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2



# SP-4 Special Purpose District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The SP special purpose districts are designed to accommodate specific uses which are generally compatible with one-family residential areas, but which because of particular characteristics of size or use should not be permitted in a one-family district without review and rezoning by the council. Such uses are also permissible in multiple-family districts or business districts, but are less objectionable to single-family residential areas than are other uses permitted in these districts. Thus, the purpose of this district is to permit, upon request, the use of land or buildings for specific purposes in order that a high degree of control can be maintained over the use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to review and approval of the site plan by the planning commission and the conditions in [Section 34-3.8](#)

- i. [Indoor tennis or racquet court facilities](#) § 34-4.19
- ii. [Indoor ice or roller skating arenas](#) § 34-4.19
- iii. Accessory structures and uses<sup>m</sup> customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. [Electric vehicle<sup>m</sup> infrastructure](#) § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 5 Acres

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback:

Residential 100 ft

Non-residential 40 ft

Minimum rear yard setback:

Residential 100 ft

Non-residential 40 ft

Minimum side yard setback:

Residential 100 ft

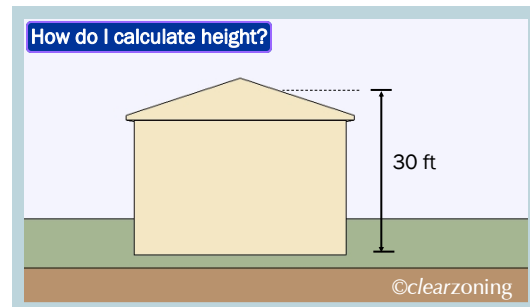
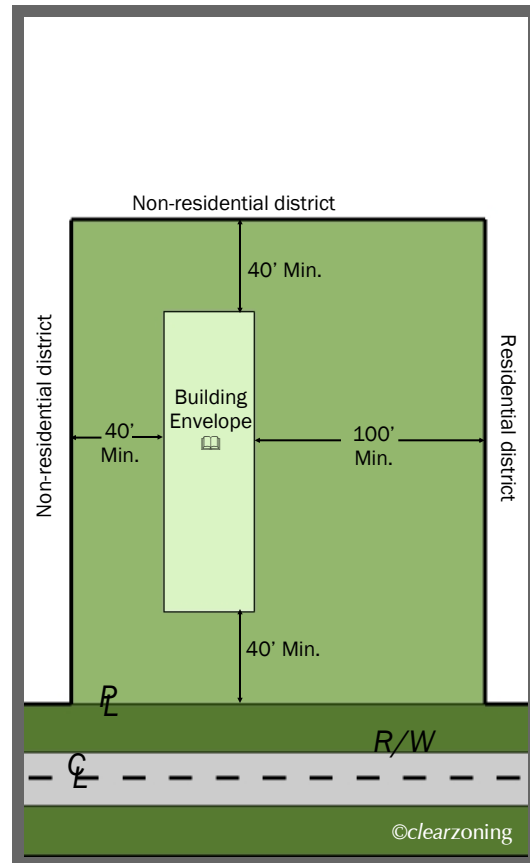
Non-residential 40 ft

### Building Height<sup>☐</sup>

Maximum building height: 30 ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4

- Signs<sup>☐</sup> § 34-5.5

- Acceleration-deceleration Passing Lanes § 34-5.6

- Flood Zone Controls § 34-5.8

- Entranceway Structures § 34-5.9

- Corner Clearance § 34-5.10

- Frontage on Public Street § 34-5.11

- Fences § 34-5.12

- Access to Major or Secondary Thoroughfares § 34-5.13

- Landscape Development § 34-5.14

- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17

- Tree Protection, Removal & Replacement § 34-5.18

- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2





## A. INTENT

The SP special purpose districts are designed to accommodate specific uses which are generally compatible with one-family residential areas, but which because of particular characteristics of size or use should not be permitted in a one-family district without review and rezoning by the council. Such uses are also permissible in multiple-family districts or business districts, but are less objectionable to single-family residential areas than are other uses permitted in these districts. Thus, the purpose of this district is to permit, upon request, the use of land or buildings for specific purposes in order that a high degree of control can be maintained over the use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are subject to review and approval of the site plan by the planning commission and the conditions in **Section 34-3.8**

- i. **Centers for elderly care and services** § 34-4.20
- ii. Site-built, one-family detached dwelling units
- iii. **Farms** § 34-4.1
- iv. Neighborhood parks
- v. **Manufactured one-family detached dwelling units** § 34-4.6
- vi. The following uses are permitted subject to the special conditions in **Section 34-3.6**
  - a. **Public, parochial or private elementary, intermediate or secondary schools offering courses in general education** § 34-4.2
  - b. **Golf course**, not including driving ranges or miniature golf courses § 34-4.3
  - c. **Churches** § 34-4.4
  - d. **Nursery schools, day nurseries, and day care centers** § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses customarily incidental to any of the above uses, and the following:
    - (1) **Private swimming pools** § 34-4.11
    - (2) **Private stables** § 34-4.12
    - (3) **Retail sale of farm goods** § 34-4.13
    - (4) **Commercial vehicles** § 34-4.14
    - (5) **Home occupations** § 34-4.15
    - (6) **State-licensed day care homes** § 34-4.16

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the special conditions in **Section 34-3.6 and 34-3.8**

- i. **Public utility** buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations § 34-4.8
- ii. **Private noncommercial recreational areas, institutional or community recreation centers, a nonprofit swimming pool club** § 34-4.9
- iii. **Colleges, universities and other such institutions of higher learning, public and private** § 34-4.10

## D. ACCESSORY USES

- i. **Electric vehicle** infrastructure § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	15,000 sq ft
Minimum average per subdivision	16,500 sq ft
Minimum lot width <sup>☐</sup> :	90 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	35%
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### Setbacks<sup>☐</sup>

Minimum front yard setback:	35 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	8 ft one side 20 ft total two sides

### Building Height<sup>☐</sup>

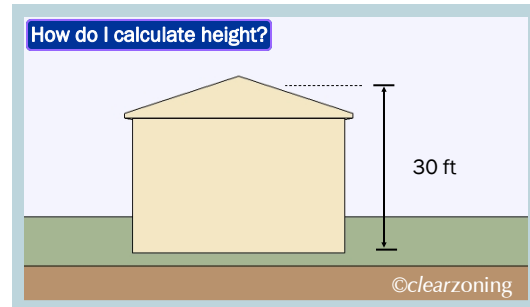
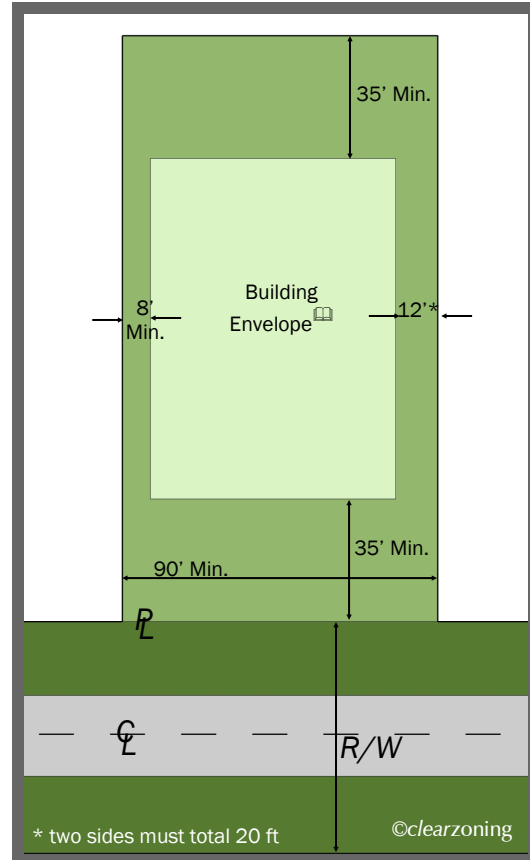
Maximum building height:	30 ft
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### Floor Area<sup>☐</sup>

Total floor area minimum per unit:	930 sq ft
Ground floor area minimum per unit:	600 sq ft

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4

- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Storage of Recreational Equipment or Trailers § 34-5.7
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17

- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.19

## OS-1 Office Service District

## A. INTENT

The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and nonresidential districts, and as other office areas to serve local needs. The districts also provide for personal services which are a convenience to persons working in office districts.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in [Section 34-3.9](#)

- i. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- ii. Medical offices including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only
- iv. Sanitariums or convalescent homes<sup>m</sup>
- v. **Churches** § 34-4.4
- vi. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- vii. Other uses similar to the above uses
- viii. **Cellular antenna**<sup>m</sup> § 34-4.24
- ix. **Secondary use which is accessory to and located in the same building as a principal permitted use** § 34-4.23
- x. Public offices, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations
- xi. **Private clubs and lodge halls** § 34-4.18
- xii. Accessory structures and uses customarily incident to any principal use permitted

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>m</sup> **infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 40 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

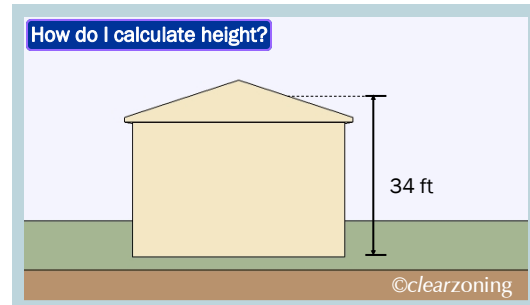
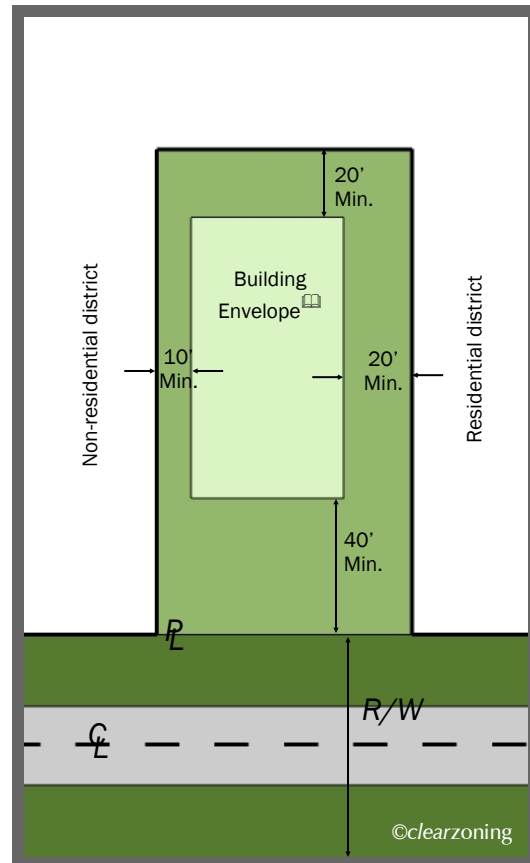
Maximum building height: 34 ft  
 Maximum number of stories: 2

### Open Space

Front yard open space required 50%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, I, J, K, L, M, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Office District Standards § 34-3.9
- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings<sup>☐</sup> and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

### Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14

### Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## A. INTENT

The OS-2 planned office service districts are designed to provide for various types of office uses performing administrative, professional and personal services and for businesses whose main operating hours do not generally coincide with the office uses and which do not require constant, short-term parking and traffic and which provide a service as opposed to selling a product.

These districts are located and planned so as to provide convenient customer parking and pedestrian movement within the district and a minimum of conflict with traffic on abutting thoroughfares. To assure optimum site planning relationships and minimum internal and external traffic conflict, each use will be reviewed as it relates to its site and abutting sites and as it relates to the entire OS-2 district and abutting districts.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in **Section 34-3.9**

- i. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- ii. Medical offices including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses
- iv. Sanitariums or convalescent homes<sup>■</sup>
- v. **Churches** § 34-4.4
- vi. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- vii. Other uses similar to the above uses
- viii. **Cellular antenna**<sup>■</sup> § 34-4.24
- ix. **Secondary use which is accessory to and located in the same building as a principal permitted use** § 34-4.23
- x. Public offices, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations
- xi. **Private clubs**<sup>■</sup> and **lodge halls** § 34-4.18
- xi. Accessory structures and uses<sup>■</sup> customarily incident to any principal use permitted

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in **Section 34-3.9**

- i. **Mortuary establishments, theaters, concert halls and other similar nonretail businesses** § 34-3.9.3.C
- ii. Banks, credit unions, savings and loan associations or similar uses which include drive-in facilities as accessory use only

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>■</sup> **infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 120 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

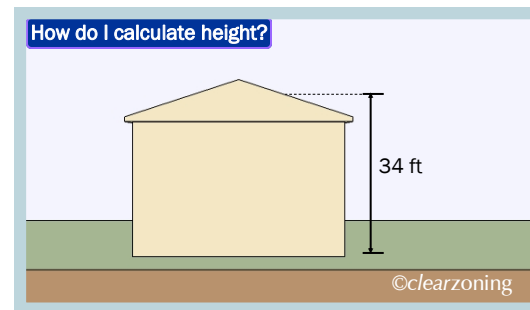
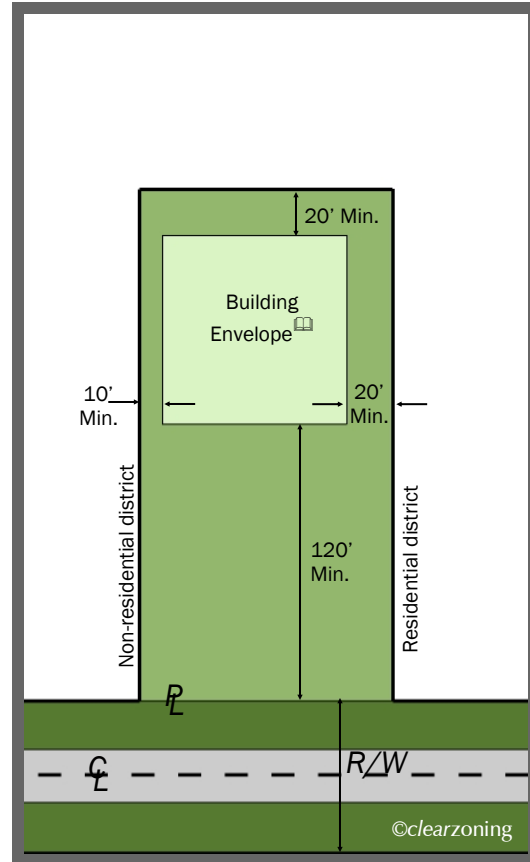
Maximum building height: 34 ft  
 Maximum number of stories: 2

### Open Space

Front yard open space required 10%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, K, L, M, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Office District Standards § 34-3.9
- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20
- Marginal Access Drive § 34-3.22

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2





## A. INTENT

The OS-3 special office districts are designed to be used in areas which have unique natural features of topography, vegetation and drainage. The purpose of the district is to provide for the protection of the natural features as much as practical and to retain such natural features as much as practical and to retain such natural features for physical separation of the offices and parking lots from adjacent residential uses.

Therefore, in such districts, construction should be carried out in such a manner as to preserve natural hillside and tree cover as much as possible. It is also, however, the intent of this district that off-street parking lots be obscured from view of adjacent residential area and, therefore, building into the sides of hills is encouraged. It is also the intent to screen the view of parking lots as seen from the public streets. In order to carry out this intent, the site plan for each zoning lot will be reviewed individually in relationship to the natural characteristics of the zoning lot and its relationship to adjoining single-family lots.

Vegetative materials which are natural to the area should be used as landscape plant materials and the construction of the landscaped areas will be in accordance with landscape design principles adopted by the planning commission.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in [Section 34-3.9](#)

- i. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- ii. Medical offices including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only when located within the main building
- iv. **Churches** § 34-4.4
- v. Other uses similar to the above uses
- vi. **Cellular antenna** <sup>m</sup> § 34-4.24
- vi. Accessory structures and uses <sup>m</sup> customarily incident to any principal use permitted

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in [Section 34-3.9](#)

- i. **Secondary use which is accessory to and located in the same building as a principal permitted use** § 34-4.23

## D. ACCESSORY USES

- i. **Electric vehicle** <sup>m</sup> **infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Adjacent to major thoroughfare: 40 ft\*  
 Adjacent to minor street: 40 ft or L+2H/3  
 whichever is greater\*  
 Adjacent to residential district: 102 ft\*  
 Minimum side yard setback: 30 ft\*

### Building Length

Maximum building length: 375 ft\*

### Building Height<sup>☐</sup>

Maximum building height: 34 ft  
 Maximum number of stories: 2

### Open Space

Front yard open space required varies\*

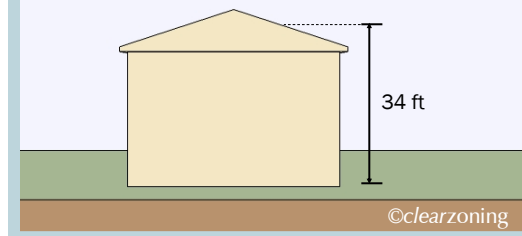
\* See [Section 34-3.9.4.B](#) for additional regulations.

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: [A](#), [N](#), [O](#), and [U](#).

See [Section 3.9.4.B](#) for graphics

### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- OS-3 District Requirements § 34-3.9.4

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

### Off-street Loading and Unloading

- § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17

### Tree Protection, Removal & Replacement

- § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## A. INTENT

The OS-4 office research districts are designed to provide for large office buildings in areas which have significant highway or road visibility thereby encouraging uses which have a relatively high value per acre of land that will supplement the city's tax base.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in **Section 34-3.9**

- i. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- ii. Medical offices including clinics, hospitals, and medical laboratories
- iii. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- iv. Business schools<sup>■</sup> or colleges
- v. Hotels
- vi. Public buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations without storage yards; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- vii. **Secondary use which is accessory to and located in the same building as a principal permitted use** § 34-4.23
- viii. **Cellular tower<sup>■</sup> and cellular antennae<sup>■</sup>** § 34-4.24
- ix. Other uses similar to the above uses
- x. Accessory structures and uses<sup>■</sup> customarily incident to any principal use permitted

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in **Section 34-3.9**

- i. **Research, testing, design, technical training or experimental product development** § 34-3.9.5

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 40 ft  
 Minimum side yard setback: 20 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 40 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage by all buildings: 20%

### Building Height<sup>☐</sup>

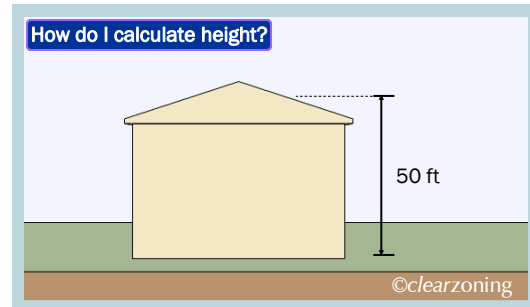
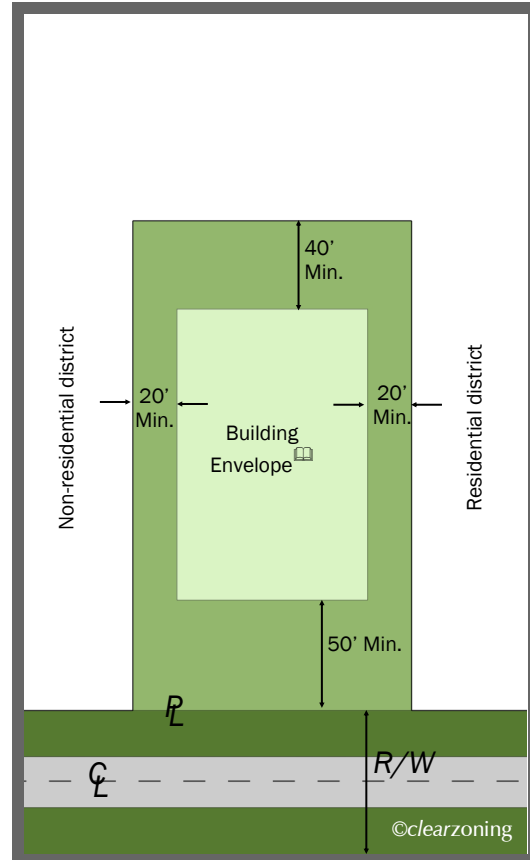
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 50%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, N, P, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

### Off-street Loading and Unloading

- § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17

### Tree Protection, Removal & Replacement

- § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.23

## B-1 Local Business District

## A. INTENT

The B-1 local business districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in [Section 34-3.10](#)

- i. Retail businesses which supply commodities on the premises
- ii. Personal service establishments which perform services on the premises
- iii. **Laundry, drycleaning establishments, or pickup stations, dealing directly with the consumer** § 34-4.25
- iv. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- v. Medical office including clinics
- vi. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- vii. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- viii. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- ix. Other uses similar to the above uses
- x. **Cellular antenna** § 34-4.24
- xi. Public buildings, public utility<sup>■</sup> buildings, telephone exchange buildings, electric transformer stations and substations without storage yards; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- xii. **Private clubs<sup>■</sup> and lodge halls** § 34-4.18
- xiii. **Carryout restaurant** § 34-4.27
- xiv. **Veterinary hospital or clinic** § 34-4.26
- xv. **Churches** § 34-4.4
- xi. Accessory structures and uses<sup>■</sup> customarily incident to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in [Section 3.10](#)

- i. **Gasoline service stations** § 34-4.28

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

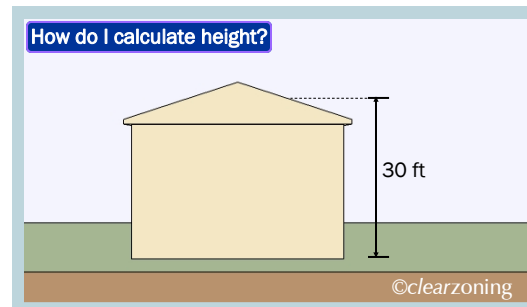
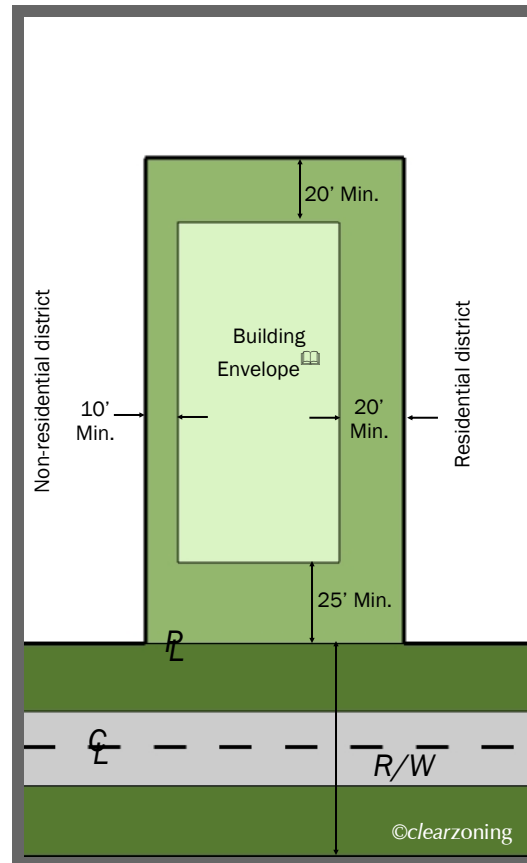
Maximum building height: 30 ft  
 Maximum number of stories: 2

### Open Space

Front yard open space required 50 %

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, K, L, M, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

### Off-street Loading and Unloading

- § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17

### Tree Protection, Removal & Replacement

- § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## 34-3.1.24

## B-2 Community Business District

## A. INTENT

The B-2 community business districts are designed to cater to the needs of a larger consumer population than is served by the B-1 districts and so are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in [Section 34-3.10](#)

- i. **Retail businesses** § 34-4.29
- ii. Personal service establishments which perform services on the premises
- iii. **Laundry, drycleaning establishments, or pickup stations, dealing directly with the consumer** § 34-4.25
- iv. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- v. Medical office including clinics
- vi. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- vii. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- viii. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- ix. **Fabrication, repair, and processing of goods** § 34-4.29
- x. **Fast food or carryout restaurant** § 34-4.27
- xi. **Veterinary hospital or clinic** § 34-4.26
- xii. **Automobile service centers** § 34-4.31
- xiii. **Open-air business** § 34-4.30
- xiv. **Outdoor space for seating areas accessory to a restaurant** § 34-4.32
- xv. **Cellular tower<sup>■</sup> and cellular antennae<sup>■</sup>** § 34-4.24
- xvi. Sit down restaurants<sup>■</sup>
- xvii. **Theaters, assembly halls, concert halls or similar places of assembly** § 34-4.44
- xv. **Churches** § 34-4.4

## B. PRINCIPAL PERMITTED USES (cont.)

- xvi. Business schools and colleges or private schools operated for profit
- xvii. Other uses similar to the above uses
- xviii. **Indoor Recreation Facilities<sup>■</sup> not exceeding 3,300 square feet in gross leasable area** § 34-4.19
- xxii. Accessory structures and uses customarily incident to any principal permitted use.

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in [Section 34-3.10](#)

- i. **Indoor Recreation Facilities<sup>■</sup> exceeding 3,300 square feet in gross leasable area** § 34-4.19
- ii. **Establishments with coin-operated amusement devices<sup>■</sup>** § 34-4.33

## D. ACCESSORY USES

- i. **Electric vehicle<sup>■</sup> infrastructure** § 34-4.55





## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 20 ft  
 Minimum from residential district: 75 ft  
 Minimum from side street: 75 ft

### Building Height<sup>☐</sup>

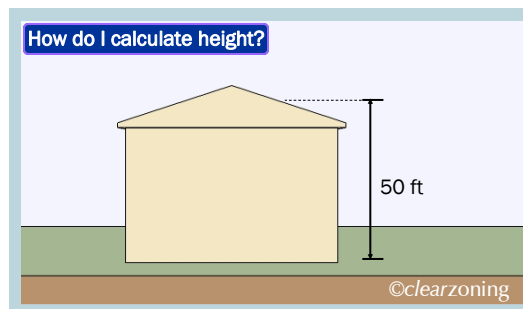
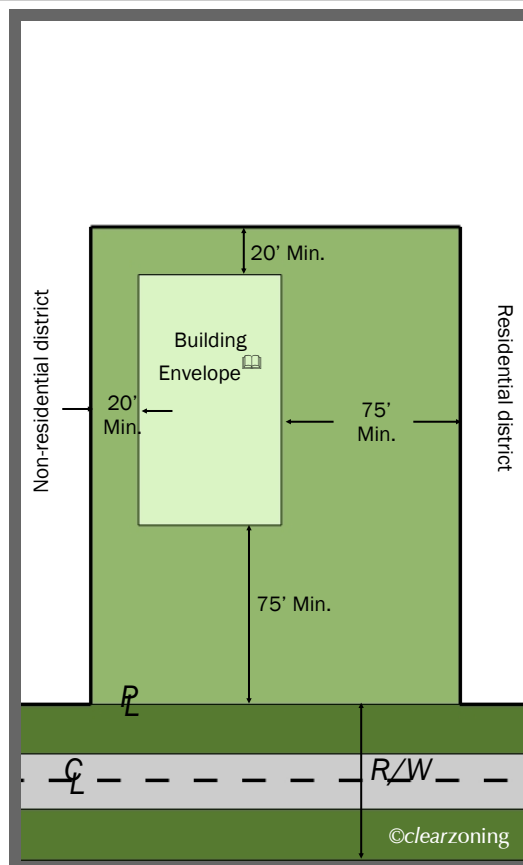
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 20%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2
- Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5

- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17

- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## A. INTENT

The B-3 General Business District is designed to provide sites for diversified business types that might be incompatible with the pedestrian movement within the B-1 Local Business District or B-2 Community Business District.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to [Section 34-3.11](#):

- i. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- ii. **Businesses in the character of a drive-in or open front store** § 34-4.37
- iii. Business schools and colleges or private schools operated for profit
- iv. **Bus passenger stations** § 34-4.38
- v. **Cellular towers** and **cellular antennae** § 34-4.24
- vi. **Churches** § 34-4.4
- vii. Cigar bars or lounges
- viii. **Coin-operated amusement device arcades** , **billiard parlors or other similar indoor recreation uses** § 34-4.19.4
- ix. **Commercial outdoor recreational space** § 34-4.39
- x. Dance halls or catering halls when conducted within a completely enclosed building
- xi. Data processing or computer centers
- xii. **Establishments with coin-operated amusement devices** § 34-4.33
- xiii. **Gasoline service stations** § 34-4.28
- xiv. Indoor health and fitness studio and instructional dance studios
- xv. **Indoor recreation facilities** § 34-4.19
- xvi. **Laundry, drycleaning establishments, or pickup stations, dealing directly with the consumer** § 34-4.25
- xvii. Lawn mower sales or service
- xviii. Medical offices or clinics
- xix. Mortuary establishments
- xx. **Motel** § 34-4.34
- xxi. New or used car salesroom, showroom or office when the main use is carried on within a building with open air display of vehicles as accessory
- xxii. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- xxiii. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, or sales
- xxiv. Other commercial uses of a similar and no more objectionable character
- xxv. **Outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products** § 34-4.36

## B. PRINCIPAL PERMITTED USES (cont.)

- xxvi. Personal service establishments that perform services on the premises
- xxvii. Private clubs or lodge halls
- xxviii. Post offices and similar governmental office buildings, serving persons living in the adjacent residential area
- xxix. Public buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations without storage yards; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- xxx. Restaurants , including fast food or carryout restaurants
- xxxi. **Retail businesses** § 34-4.29
- xxxii. Retail sales of plant materials, lawn furniture, playground equipment and other house or garden supplies
- xxxiii. **Theaters, assembly halls, concert halls or similar places of assembly** § 34-4.44
- xxxiv. Tire, battery and accessory sales
- xxxv. Accessory structures and uses customarily incident to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to [Section 34-3.11](#):

- i. **Automobile repair** § 34-4.31
- ii. **Drive-in restaurants** § 34-4.35
- iii. **Gasoline service stations** § 34-4.28
- iv. **Vehicle wash** § 34-4.40
- v. **Veterinary hospitals or commercial kennels** § 34-4.26

## D. ACCESSORY USES

- i. **Electric vehicle** **infrastructure** § 34-4.55
- ii. **Fabrication, repair, and processing of goods** § 34-4.29
- iii. **Outdoor space for seating areas accessory to a restaurant** § 34-4.32



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

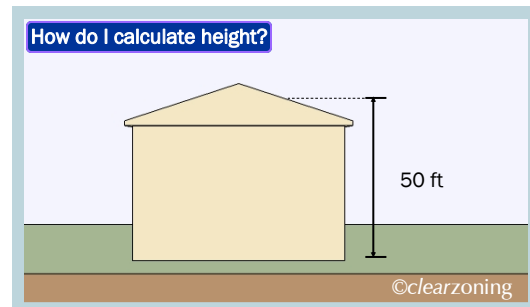
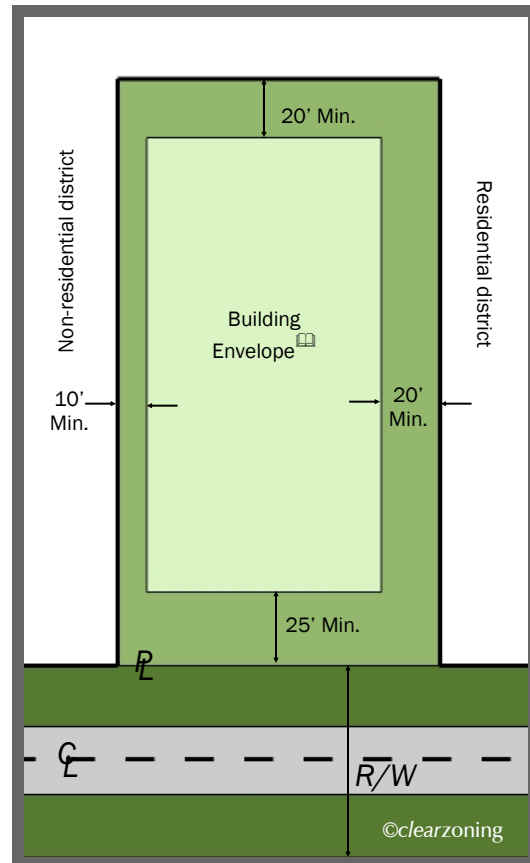
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 50%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, K, L, M, N, U** and **V**.



The above drawings are not to scale.

Δ Ord. No. C-9-2024

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20
- Marginal Access Drive § 34-3.22

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Adult Businesses<sup>☐</sup> § 34-4.21
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

### Off-street Parking Space Layout Standards § 34-5.3

- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

### Screening of Rooftop Equipment § 34-5.17

- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2



## A. INTENT

The B-4 planned general business districts are designed to provide for a variety of retail and service establishments in business areas abutting major thoroughfares and so located and planned as to provide convenient customer parking, store servicing and pedestrian traffic movement within the business district and with a minimum of conflict with traffic on abutting traffic arteries. To assure optimum site planning relationships and minimum internal and external traffic conflict, each use will be reviewed as it relates to its site and abutting sites and as it relates to the entire B-4 district and abutting districts



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in **Sections 34-3.10 and 34-3.22**

- i. **Retail businesses** § 34-4.29
- ii. Personal service establishments which perform services on the premises
- iii. **Laundry, drycleaning establishments, or pickup stations, dealing directly with the consumer** § 34-4.25
- iv. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- v. Medical office including clinics
- vi. Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only
- vii. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- viii. **Nursery schools, day nurseries, and day care centers** § 34-4.5
- ix. **Fabrication, repair, and processing of goods** § 34-4.29
- x. Sit down restaurant<sup>m</sup>
- xi. **Theaters, assembly halls, concert halls or similar places of assembly** § 34-4.44
- xii. **Churches** § 34-4.4
- xiii. Business schools and colleges or private schools operated for profit
- xiv. Motels
- xv. Other uses similar to the above uses
- xvi. Accessory structures and uses<sup>m</sup> customarily incident to any of the above uses

## B. PRINCIPAL PERMITTED USES (cont.)

- xvii. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment and other home garden supplies
- xviii. **Veterinary hospital or clinic** § 34-4.26
- xix. **Indoor Recreation Facilities**<sup>m</sup> § 34-4.19
- xx. **Outdoor space for seating areas accessory to a restaurant** § 34-4.32
- xxi. **Private clubs**<sup>m</sup> and lodge halls § 34-4.18
- xxii. **Fast food or carryout restaurant**<sup>m</sup> § 34-4.27
- xxiii. **Cellular antennae**<sup>m</sup> § 34-4.24

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in **Section 34-3.10 and 34-3.22**.

- i. **Coin-operated amusement device arcades, billiard parlors or other similar indoor recreation uses** § 34-4.19.3
- ii. **Establishments with coin-operated amusement devices**<sup>m</sup> § 34-4.33
- iii. **Mortuary establishment** § 34-4.41

## D. ACCESSORY USES

- i. **Electric vehicle**<sup>m</sup> **infrastructure** § 34-4.55



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 120 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

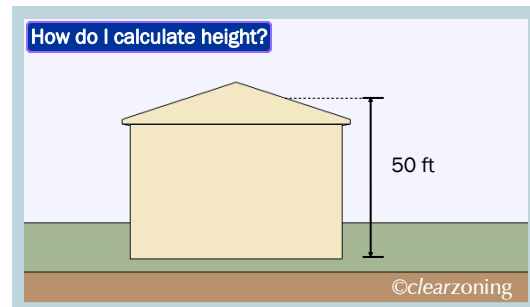
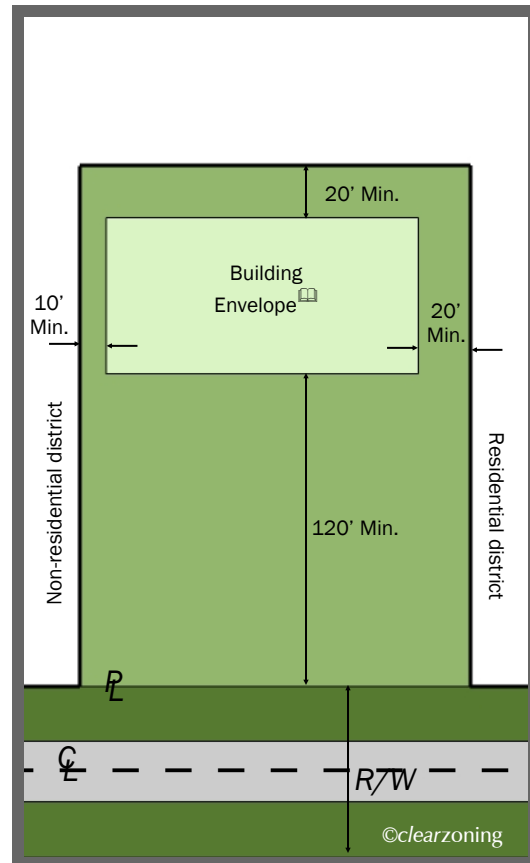
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 10%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, K, L, M, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20
- Marginal Access Drive § 34-3.22

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## A. INTENT

The ES expressway service districts are designed to provide for servicing needs of automobile highway traffic at the interchange areas of feeder roads and expressway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the freeway and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the application of this district.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in **Sections 34-3.12**.

- i. **Gasoline service stations** § 34-4.28
- ii. Parking garages
- iii. Bus passenger stations
- iv. Retail establishments to service the needs of the highway traveler including such facilities as drugstores, gift shops and restaurants (including fast food, drive-in and carryout restaurants )
- v. Motels , hotels and transient lodging facilities but not including recreation vehicle camps or tent sites
- vi. **Outdoor space for seating areas accessory to a restaurant** § 34-4.32
- vii. **Cellular tower** and **cellular antennae** §34- 4.24
- viii. Accessory structures and uses customarily incident to any principal permitted use

## C. SPECIAL APPROVAL USES

- i. Reserved

## D. ACCESSORY USES

- i. **Electric vehicle** **infrastructure** § 34-4.55





## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 20 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 75 ft

### Building Height<sup>☐</sup>

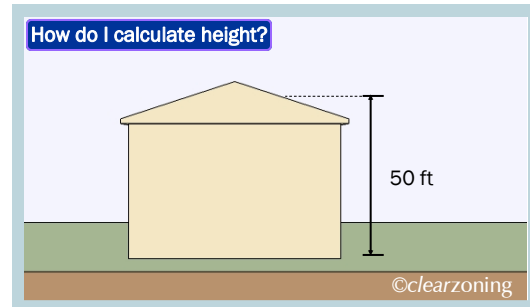
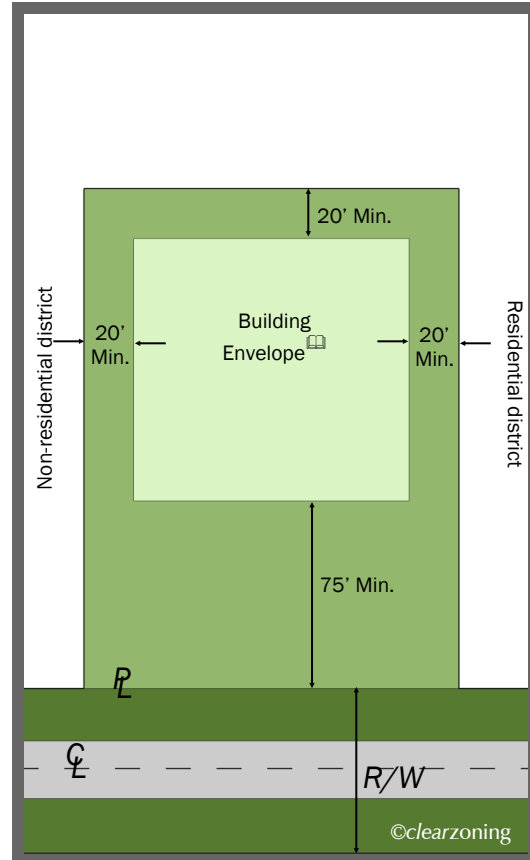
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 20%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, K, L, N, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>☐</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>☐</sup> § 34-4.20
- Cellular Towers<sup>☐</sup> and Cellular Antennae<sup>☐</sup> § 34-4.24
- Standards for Cellular Towers<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>☐</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
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- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2





## A. INTENT

The IRO industrial research office districts are designed to provide for uses which are office or research type or industrial uses which have limited impact outside of the industrial building. The district is designed to be used in areas which are not adjacent to lands indicated as single-family residential on the city's master plan. The district is intended to encourage uses which have a high value per acre of land that will supplement the city's tax base. Certain businesses are permitted within office buildings as secondary uses.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in **Sections 34-3.13**.

- i. Any use charged with the principal function of basic research, design, pilot or experimental product development in connection with any product or material permitted in the IRO district or with transportation products
- ii. Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales
- iii. Banks, credit unions, savings and loan associations.
- iv. Medical offices or clinics<sup>m</sup>
- v. Assembling or packaging of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products
- vi. Assembling or packaging of electrical appliances, electronic instruments and devices, computer hardware or software
- vii. Municipal buildings and uses
- viii. Business schools or colleges
- ix. **Churches** § 34-4.4
- x. **Community cable television operations** § 34-4.42
- xii. Accessory structures and uses<sup>m</sup> customarily incident to the of the above uses
- xiii. On a zoning lot which does not abut a RP, RC, SP-1, SP-2, SP-5, or MH district, the following uses shall be permitted
  - a. **Industrial uses** § 34-4.43
  - b. Laboratories—Medical, experimental, film or testing; not including laboratories engaging in genetic research
  - c. Motels<sup>m</sup> or hotels<sup>m</sup>

## B. PRINCIPAL PERMITTED USES (cont.)

- d. **Assembly halls, display halls or similar places of assembly** § 4.44
- e. Hospitals
- f. **Cellular tower<sup>m</sup> and cellular antennae<sup>m</sup>** § 4.24

## C. SECONDARY PERMITTED USES

The following uses are permitted subject to the required conditions in **Sections 34-3.13**.

- i. **Retail business or service establishments** § 34-4.45
- ii. **Personal service establishments** § 34-4.45
- iii. **Theaters, bowling alleys, billiard halls, health salons or similar forms of indoor recreation** § 34-4.45
- iv. **Restaurants<sup>m</sup> or other places serving food or beverage, but not including drive-in, fast food or carryout restaurants** § 34-4.45

## D. ACCESSORY USES

The following uses are permitted subject to the required conditions in **Section 34-3.13**.

- i. Electric vehicle<sup>m</sup> infrastructure § 34-4.55
- ii. On a zoning lot which does not abut an RP, RC, SP-1, SP-2, SP-5 or MH district, the following uses shall be permitted:
  - a. **Community cable television operations accessory tower** § 34-4.54



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>m</sup>: Not specified

### Setbacks<sup>m</sup>

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 40 ft  
 Minimum side yard setback: 30 ft  
 Minimum from residential district: 40 ft  
 Minimum from side street: 40 ft

### Building Height<sup>m</sup>

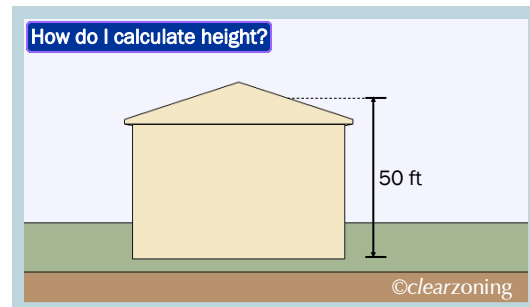
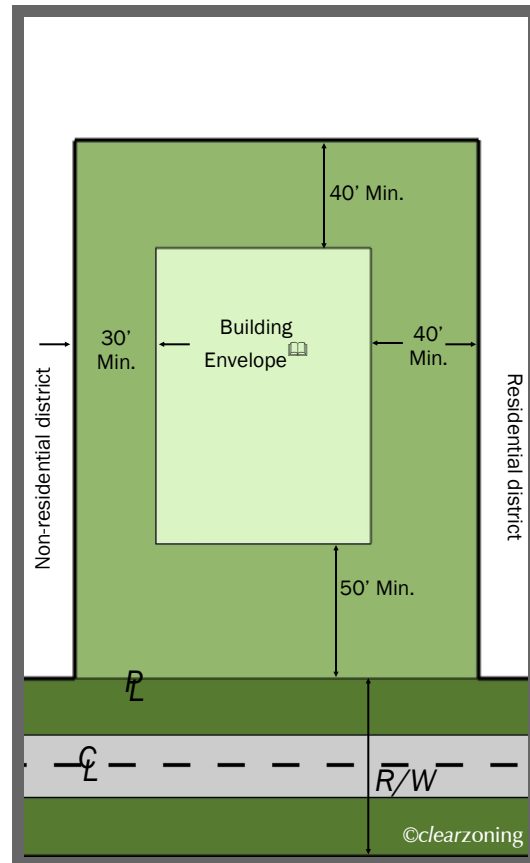
Maximum building height: 50 ft  
 Maximum number of stories: 3

### Open Space

Front yard open space required 50%

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: **A, J, N, Q, R, U** and **V**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development<sup>m</sup> § 34-3.20

### 4. Use Standards

- Special Land Uses<sup>m</sup> § 34-4.20
- Standards for Cellular Towers<sup>m</sup> § 34-4.24.8

### 5. Site Standards

- Accessory Buildings and Structures § 34-5.1
- Off-street Parking Requirements § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>m</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement § 34-5.18
- Pedestrian Access and Connectivity § 34-5.19

### 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

### 7. Admin and Enforcement

- Guarantee for Improvements § 34-7.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## A. INTENT

The LI-1 Light Industrial District is intended to accommodate wholesale activities, warehouses and industrial operations whose external physical effects, in the form of nuisance factors, are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts. The LI-1 District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing or raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

**i User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to [Section 34-3.14](#).

- i. The following uses are permitted subject to [Section 34-4.46.1](#)
  - a. **Automobile repair** <sup>m</sup> § 34-4.31
  - b. Laboratories—experimental, film or testing, except biological laboratories engaging in genetic research
  - c. Manufacturing <sup>m</sup>
  - d. 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, and water and gas tanks and holders
- ii. **Cellular towers** <sup>m</sup> and **cellular antennae** <sup>m</sup> § 34-4.24
- iii. Commercial kennels
- iv. Farms <sup>m</sup>
- v. Freestanding signs located within a freeway sign zone for purposes of [Section 34-5.5.3.A.xi](#)
- vi. **Primary caregivers** <sup>m</sup> § 34-4.57
- vii. **Storage facilities for building materials, sand, gravel, stone, lumber, open storage for construction contractor's equipment, and supplies** § 34-4.47
- viii. Trade or industrial schools
- ix. **Vehicle wash** § 34-4.40
- x. Reserved
- xi. The following uses shall be permitted subject to [Section 34-4.46.2](#) and [Section 34-4.46.3](#):
  - a. Any service establishment or an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that may include a retail adjunct
  - b. Banks or credit unions, savings and loan associations
  - c. Bowling alleys
  - d. Commercial outdoor recreational space
  - e. Data processing, computer centers
  - f. **Drive-in restaurants** <sup>m</sup> § 34-4.35
  - g. **Gasoline service stations** <sup>m</sup> § 34-4.28
  - h. **Indoor recreation facilities** <sup>m</sup> § 34-4.19
  - i. **Laundry, drycleaning establishments, or pickup stations** § 34-4.25
  - j. Lawnmower sales or service
  - k. Medical offices or clinics <sup>m</sup>

## B. PRINCIPAL PERMITTED USES (cont.)

- l. New or used motor vehicle salesroom, showroom or office when the use is carried on within a building and open-air display of vehicles is accessory
- m. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or sales
- n. **Outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products** § 34-4.36
- o. Personal service establishments that perform services on the premises
- p. Restaurants <sup>m</sup>, including fast food or carryout restaurants
- q. Retail sales of plant materials not grown on-site and sales of lawn furniture, playground equipment and other home garden supplies
- r. Other industrial uses of a similar and no more objectionable character
- xii. Accessory buildings and uses customarily incident to any of the above uses

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to [Section 34-3.14](#).

- i. **Automobile or other machinery assembly plants** § 34-4.48
- ii. Junkyards <sup>m</sup>
- iii. **Lumber and planing mills and lumber cutting and other finishing processes** § 34-4.53
- iv. **Metal plating, buffing, polishing, and the manufacturing, compounding, processing, packaging or treatment of solvents, surface coatings, degreasing/metal cleaning materials, pesticides (including storage), pharmaceuticals or chemicals** § 34-4.50
- v. **Painting, varnishing and undercoating shops** § 34-4.49
- vi. **Other industrial uses of a similar and no more objectionable character** § 34-4.51

## D. ACCESSORY USES

- i. **Electric vehicle** <sup>m</sup> **infrastructure** § 34-4.55
- ii. **Outdoor space for seating areas accessory to a restaurant** § 34-4.32



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup>

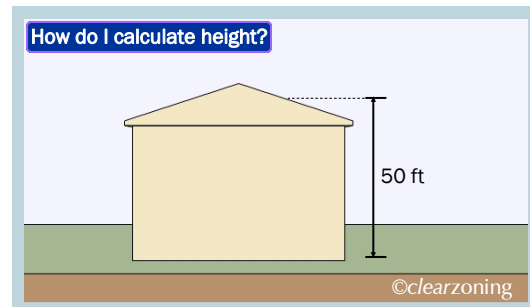
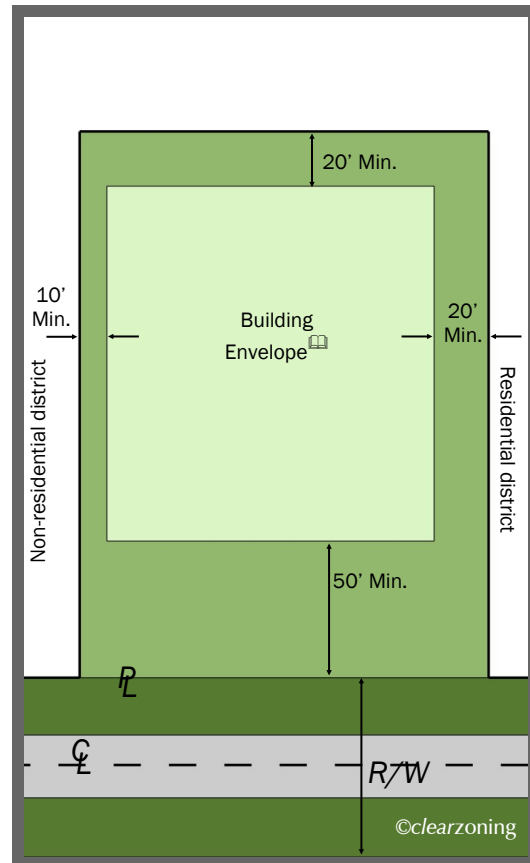
Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft  
 Minimum from residential district: 20 ft  
 Minimum from side street: 25 ft

### Building Height<sup>☐</sup>

Maximum building height: 50 ft  
 Maximum number of stories: 3

### NOTES

- For additions to the above requirements, refer to Section 34-3.5: [A](#), [M](#), [N](#), [S](#), [T](#), [U](#) and [V](#).



The above drawings are not to scale.

Δ Ord. No. C-9-2024

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#) § 34-3.26
- [Planned Unit Development](#)<sup>☐</sup> § 34-3.20

### 4. Use Standards

- [Special Land Uses](#)<sup>☐</sup> § 34-4.20
- [Adult Businesses](#)<sup>☐</sup> § 34-4.21
- [Standards for Cellular Towers](#)<sup>☐</sup> § 34-4.24.8

### 5. Site Standards

- [Accessory Buildings](#)<sup>☐</sup> and Structures § 34-5.1
- [Off-street Parking Requirements](#) § 34-5.2

- [Off-street Parking Space Layout Standards](#) § 34-5.3

- [Off-street Loading and Unloading](#) § 34-5.4

- [Signs](#)<sup>☐</sup> § 34-5.5

- [Acceleration-deceleration Passing Lanes](#) § 34-5.6

- [Flood Zone Controls](#) § 34-5.8

- [Entranceway Structures](#) § 34-5.9

- [Corner Clearance](#) § 34-5.10

- [Frontage on Public Street](#) § 34-5.11

- [Fences](#) § 34-5.12

- [Access to Major or Secondary Thoroughfares](#) § 34-5.13

- [Landscape Development](#) § 34-5.14

- [Walls and Berms](#) § 34-5.15

- [Exterior Lighting](#) § 34-5.16

- [Screening of Rooftop Equipment](#) § 34-5.17

- [Tree Protection, Removal & Replacement](#) § 34-5.18

- [Pedestrian Access and Connectivity](#) § 34-5.19

### 6. Development Procedures

- [Site Plan Review](#) § 34-6.1

- [Notice of Public Hearing](#) § 34-6.2

- [Special Land Use and Special Approval Use Standards](#) § 34-6.3

### 7. Admin and Enforcement

- [Guarantee for Improvements](#) § 34-7.2



# P-1 Vehicular Parking District

## A. INTENT

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.

## B. PRINCIPAL PERMITTED USES

The off-street vehicular parking area. Applications for P-1 district zoning shall be made by submitting a dimensioned layout of the area requested showing the intended parking plans in accordance with Section 34-5.3.

## C. LIMITATION OF USE

- i. The P-1 district 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 office buildings or institutions, or with a multiple-family residential development.
- ii. Parking areas shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- iii. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- iv. No signs of any kind, other than signs designating entrances, exists and conditions of use, as recognized in the Michigan Manual of Uniform Traffic Control Devices, shall be maintained on such parking area.
- v. No building, other than those for shelter of attendants, shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
- vi. Such parking lots shall be situated on premises which have an area of not less than five thousand (5,000) square feet and shall be contiguous to an RC or nonresidential district or use, and in all cases shall be adjacent successive lots from the above-mentioned districts or use, or adjacent successive lots from either end of a block where lots front 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 the contiguous district.
- vii. A site plan shall be submitted to the planning commission for its review and approval prior to the issuance of any building permit.

## D. SETBACKS AND WALLS

- i. Side and rear yards: Where the P-1 district is contiguous to the side or rear lot lines of premises within a residentially zoned district, the required wall shall be located along such lot line.
- ii. Front yards: Where the P-1 district has a common boundary with a residential district and the districts have frontage on the same street, a setback from the street shall be required which is equal in depth to the required front yard setback of the adjacent residential district, or twenty-five (25) feet, whichever is the greater. The required wall shall be located on this minimum setback line. The land between such setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance. Planting shall be in accordance with Section 34-5.14.
- iii. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively or where it is determined that the adjoining property is indicated on the future land use plan as a nonresidential area.

# P-1 Vehicular Parking District

34-3.1.30

## E. PARKING SPACE LAYOUT, CONSTRUCTION AND MAINTENANCE

P-1 districts shall be developed and maintained in accordance with the requirements of Section 34-5.3.

## F. NOTES

- For additions to the above requirements, refer to Section 3.5: **A** and **V**.

## G. SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 34-3.26
- **Planned Unit Development** <sup>m</sup> § 34-3.20

### 4. Use Standards

- **Electric Vehicle** <sup>m</sup> **Infrastructure** § 34-4.55
- **Special Land Uses** <sup>m</sup> § 34-4.20
- **Standards for Cellular Towers** <sup>m</sup> § 34-4.24.8

### 5. Site Standards

- **Accessory Buildings** <sup>m</sup> **and Structures** § 34-5.1

- **Off-street Parking Requirements** § 34-5.2
- **Off-street Parking Space Layout Standards** § 34-5.3
- **Off-street Loading and Unloading** § 34-5.4
- **Signs** <sup>m</sup> § 34-5.5
- **Acceleration-deceleration Passing Lanes** § 34-5.6
- **Flood Zone Controls** § 34-5.8
- **Entranceway Structures** § 34-5.9
- **Corner Clearance** § 34-5.10
- **Frontage on Public Street** § 34-5.11
- **Fences** § 34-5.12
- **Access to Major or Secondary Thoroughfares** § 34-5.13

- **Landscape Development** § 34-5.14
- **Walls and Berms** § 34-5.15
- **Exterior Lighting** § 34-5.16
- **Screening of Rooftop Equipment** § 34-5.17
- **Tree Protection, Removal & Replacement** § 34-5.18
- **Pedestrian Access and Connectivity** § 34-5.19

### 6. Development Procedures

- **Site Plan Review** § 34-6.1
- **Notice of Public Hearing** § 34-6.2
- **Special Land Use and Special Approval Use Standards** § 34-6.3

### 7. Admin and Enforcement

- **Guarantee for Improvements** § 34-7.2

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement





**FWR-1 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 1****A. INTENT**

The FWR-1 freeway redevelopment overlay district is designed to encourage redevelopment and reinvestment within the district by allowing increased building height and greater flexibility in the location of buildings, while requiring incorporation of recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality (e.g., “silver” level or higher LEED 2 certification) as well as utilization of Best Management Practices for storm water quality and control.

**B. USES PERMITTED**

FWR-1 freeway redevelopment overlay district. No building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, special approval uses, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section.

**C. HEIGHT**

The maximum height of structures permitted shall be fifty (50) feet, and all structures shall adhere to the applicable requirements of the underlying zoning district; provided, however, that a structure may be permitted to exceed fifty (50) feet in height if such structure is part of a Planned Unit Development (PUD) approved under Section 34-3.20 of this chapter. Buildings in excess of fifty (50) feet shall be subject to the following:

1. The maximum height of structure shall be one-hundred (100) feet.
2. In order for consideration of a building height greater than fifty (50) feet, a finding shall be made by the approving body that the standards in Section 34-3.1.31.D are met.

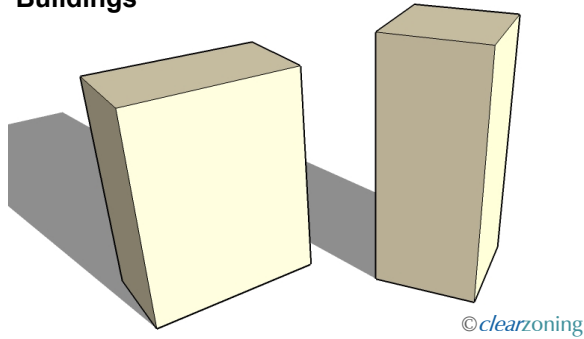
**D. APPEARANCE, USE, AND CONTEXTUAL STANDARDS FOR BUILDINGS IN EXCESS OF FIFTY (50) FEET WHEN APPROVED AS PART OF A PUD****1. General**

- A. The site plan and building design (the plans) shall relate to its immediate and neighborhood surroundings.
- B. The plans shall avoid box-like, monolithic, and “chunky” buildings and those that do not have an appropriate scale at the pedestrian level (see Figure 34-3.1.31.D.1.B.(1)). Buildings should be subdivided into smaller elements to express an integrated sum of parts rather than a solid mass (see Figure 34-3.1.31.D.1.B.(2)).
- C. The plans shall avoid freestanding towers without bases.
- D. For buildings containing six (6) stories or more, the topmost floor(s) and penthouses shall be designed to express the upper termination of the building and the bottom shall contain a Building Base. All buildings fronting on an Urban Street shall have a Building Base.
- E. Building massing shall be oriented to adjacent public streets, using multiple orientations for sites with more than one adjacent street frontage (see Figure 34-3.1.31.D.1.E).
- F. The plans shall incorporate energy efficient design and function to enhance sustainability. The plans shall reflect excellence in design and reasonable contextual relationships to the nearby pedestrian and vehicular circulation system (internal and off-site) and to existing nearby structures. Compliance with the standards below shall be deemed to substantially fulfill the requirements of this general standard.

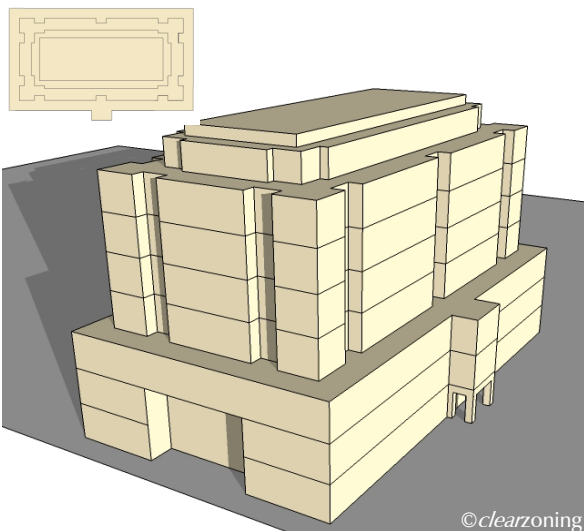
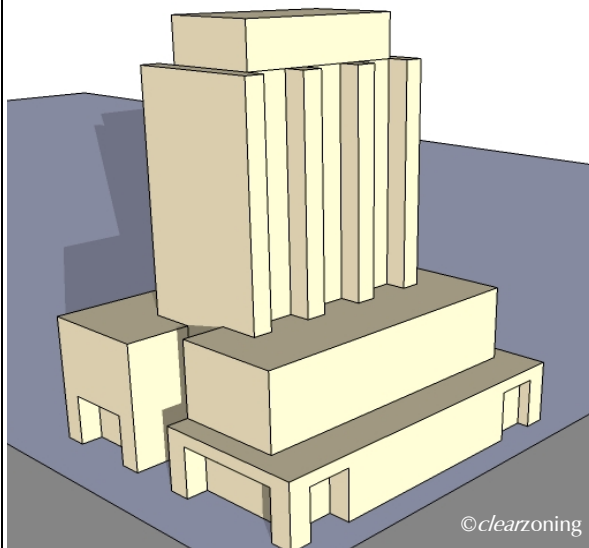




## FWR-1 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 1

**Figure 34-3.1.31.D.1.B.(1) Avoid Monolithic Buildings****Figure 34-3.1.31.D.1.B.(2) Visually Articulate the Mass of Large Buildings**

Plan View

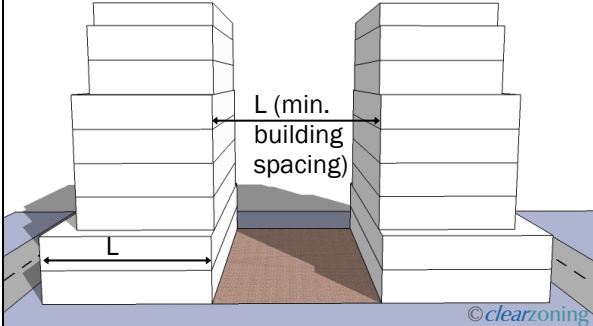
**Figure 34-3.1.31.D.1.E Orientate Building Mass to Adjacent Public Streets****2. Setback and Building Siting Standards**

- A. Buildings and structures shall conform with the setback requirements of the underlying zoning district; provided, however, that the maximum street-side setback shall be one hundred (100 feet) and the minimum setback shall be twenty five (25 feet). The minimum setback of a building from a freeway right-of-way shall be twenty five (25 feet). For buildings containing six (6) stories or more, see additional setback requirements that apply to the Building Base, Building Middle and Building Top.
- B. Whenever a Building Base is required, it shall be a minimum of two (2) stories and a maximum of three (3) stories.
- C. The minimum horizontal spacing between the Building Middle of two tall buildings (those having six (6) stories or more) shall be equal to the widest tower width (L), where L = the total length of a line which, when viewed directly from above, is parallel to the front lot line and intersects the widest part of the building, but shall be no less than forty (40) feet (see Figure 34-3.1.31.D.2.C). The minimum setback from the Building Middle to any property line shall be thirty-five (35) feet. This subsection shall not apply to façade of buildings fronting an Urban Street and developed as part of a Zero Front Setback Pattern.

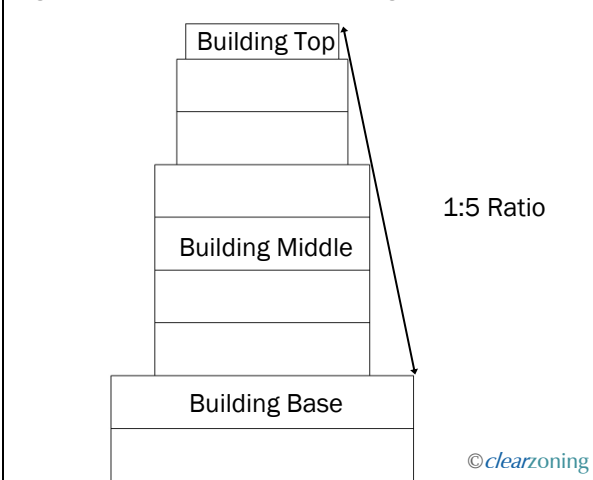
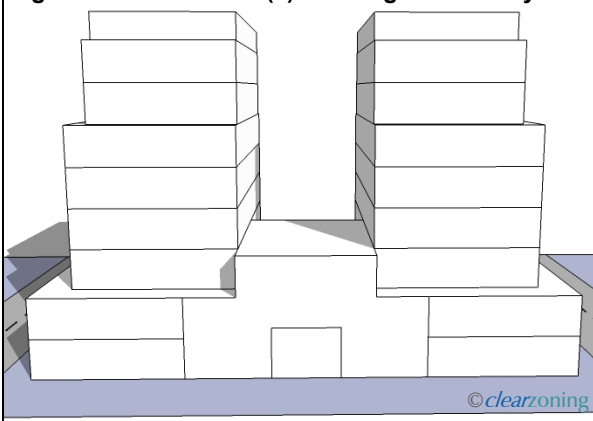
**3. Scale**

- A. In order to conform to the general standard of avoiding monolithic, box-like structures and in order to open the adjacent ground level to sunlight, additional building setback requirements are established that apply to the Building Middle and Building Top.
- B. For buildings containing five (5) stories, the fifth floor shall be setback from the fourth floor exterior walls by a minimum of ten (10) feet in order to increase sunlight at the ground level, reduce the visual impact of the structure, and provide opportunities for roof top uses, terraces, and the like.
- C. For buildings containing six (6) or more stories, a Building Base shall be established including two or three stories above grade facing adjacent properties

**1** Purpose and Introduction**2** Definitions**3** Zoning Districts**4** Use Standards**5** Site Standards**6** Development Procedures**7** Admin and Enforcement

**Figure 34-3.1.31.D.2.C Middle Building Spacing**

L = widest tower width (when viewed from above) determines minimum tower separation between the middle of two buildings

**Figure 34-3.1.31.D.3.C.(1) Building Setbacks****Figure 34-3.1.31.D.3.C.(2) Building with Courtyard**

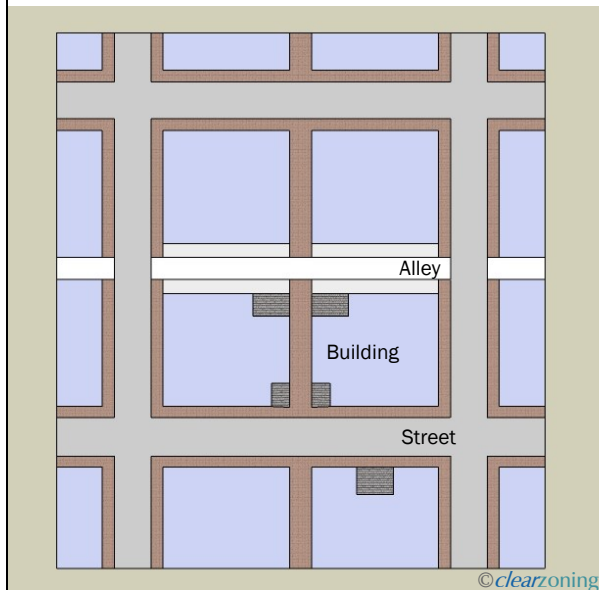
and any public or private street frontage (not required adjacent to freeways). All floors above the Building Base shall be setback from the edge of the Building Base by a minimum of ten (10) feet (Figure 34-3.1.31.D.3.C.(1)). A setback ratio of 1:5 (1 foot building setback for each 5 feet in increased height) shall be applied above a point thirty (30) feet in height or the top of the Building Base, whichever is higher. This setback ratio shall not apply to buildings with a courtyard or alley separating the towers (Figure 34-3.1.31.D.3.C.(2)).

4. Building Entrances and Storefronts. Pedestrian building entrances shall be defined with distinct architectural features, with clear and safe sight lines, individual illumination, and appropriate overhead protection from inclement weather.
5. Zero Front Setback Pattern Development Option

At the option of the Applicant, the plans may incorporate a Zero Front Setback Pattern, at least one Urban Street, and Zero Front Setback Storefront design principles. By incorporating these features, the Applicant will be eligible to include upper floor residential uses and additional design flexibility, as outlined in the following Main Street standards.

- A. If the plans propose a Zero Front Setback Pattern (see Figure 34-3.1.31.D.5.A), there shall be no required minimum setback requirement from local public and private Urban Streets. Rather, buildings shall be constructed to the Build-to-line on Urban Streets and shall, at buildout, occupy 70 percent or more of the full width of the parcel or, where the development is under unified ownership, the full width of the designated Urban Street frontage. To allow variation and design flexibility, portions of the building façade may include jogs up to two feet from the Build-to-line. Additional variations in setback for architectural features that meet the intent and spirit of a Zero Front Setback Pattern may be permitted at the discretion of the City Council.
- B. The horizontal Building Middle separation standard in subsection 34-3.1.31.D.2.C above shall not apply to façade of buildings fronting an Urban Street and developed as part of a Zero Front Setback Pattern.

## FWR-1 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 1

**Figure 34-3.1.31.D.5.A Zero Front Setback Pattern**

- C. Zero Front Setback Storefront Designs shall be required along Urban Streets and they shall include the following design and appearance elements:
- Each storefront shall have transparent or lightly tinted areas, equal to at least 70 percent, but not more than 90 percent of its portion of the façade, between two (2) and eight (8) feet from the ground. These required window areas shall be windows that allow views into retail space, dining areas, office work areas, lobbies, pedestrian entrances, and merchandise display windows.
  - At least one functioning doorway shall be provided for every streetfacing storefront, with the primary entrance on the street. For a single ground floor use, one doorway shall be provided for every 75 feet in horizontal building length.
  - Buildings shall be constructed to the Build-to-line on Urban Streets (See subsection 34-3.1.31.D.2.C).
  - Building Entrances: Recessed areas from three (3) to five (5) feet from the Build-to-line shall be provided for primary building entrances.
- D. The City Council may permit multiple-family residential uses within a Planned

Unit Development if the following conditions are met:

- The plans shall incorporate a Zero Front Setback Pattern of development with Urban Streets and mixed use buildings.
- Residential uses shall only be permitted above the first floor and shall not constitute more than fifty (50) percent of the gross floor area of any single building.
- Other commercial uses shall be incorporated into the plans to serve the convenience needs of the residential population and to encourage non-motorized trips.
- In order to qualify for approval, the City Council shall review the plans and find, after consideration of a recommendation from the Planning Commission, that residential uses would be compatible with the development plans and the surrounding area.
- There shall be separate elevators designed to serve residential uses within a mixed use building.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



**E. ACCESSORY BUILDINGS AND STRUCTURES**

1. Accessory buildings and structures shall be subject to the provisions of Section 34-5.1, "Accessory buildings and structures," except for the following:
  - A. Accessory buildings and structures shall be subject to the same setback and height requirements as principal buildings, and may be located in a front yard or in a side yard that is abutting a street, provided that the Planning Commission finds that such location would not interfere with vehicular or pedestrian circulation on the site and would not adversely impact or interfere with the use of proposed uses and adjacent properties.
  - B. Notwithstanding paragraph A. above, accessory structures designed for off-street parking shall not abut a street or be located in a required front yard or in a required side yard that is abutting a street. This provision shall not apply to a parking structure facing an Urban Street where the ground floor façade meets the requirements of Section 34-3.1.31.D.5.C and the storefront design is built into the street-side façade of the parking structure.
  - C. The exterior finish material of off-street parking structure facing a public or private street shall be of the same finished exterior material of the main building, unless the Planning Commission finds that alternative exterior finish materials proposed are compatible and harmonious in terms of color and texture with the exterior finish of the principal building.
  - D. The maximum percentage of lot area covered by all buildings shall not apply to off-street parking structures.

**F. OFF-STREET PARKING REQUIREMENTS**

Off-street parking shall be subject to the provisions of Section 34-5.2, Off-street parking requirements, except for the following:

1. The number of off-street parking spaces required may be reduced from ordinance requirements upon submittal of a Shared Parking Study by the Applicant and approval of the study by the body charged with approving the site plan.

2. In any yard abutting a street, landscaped areas abutting the street shall be provided in accordance with the City's landscaped design principles, including deciduous shrubs, evergreen material and ornamental trees. Such area shall be not less than fifteen (15) feet deep when the street is a major or secondary thoroughfare and not less than ten (10) feet deep when any other street or freeway.
3. For each off-street parking space not located in a parking structure, fifty (50) square feet of landscaped open space shall be provided on site. Landscaped open space required in the preceding subparagraph 2. above shall not be included in this calculation.

**G. OFF-STREET LOADING AND UNLOADING**

"Off-street loading and unloading shall be subject to the provisions of Section 34-5.4, Off-street loading and unloading," except for the following:

1. Requirements as to space and number of spaces shall be applied to the principal use, rather than to the district in which the use is located.
2. Unloading spaces provided in conjunction with offices or research facilities that do not have separate loading docks may be located in any yard, but shall be located within close proximity to the main building entrance or service entrance.
3. Such spaces shall be designed in such a manner as to allow trucks to enter and leave the space without having to back from or onto a public street, and so as not to interfere with the proper functioning of vehicular and pedestrian circulation on the site.
4. Aisles or drives providing access to trash receptacles may be included in the calculation of the area required for loading and unloading space.

**H. SUSTAINABLE DESIGN REQUIREMENTS**

For buildings in excess of fifty (50) feet, the following additional requirements shall be met and incorporated into an approved PUD agreement:

1. Best Management Practices shall be employed with regard to stormwater management.
2. The building shall be LEED certifiable at the "Silver" level (or higher), or shall meet the equivalent standards of a similar rating agency



## FWR-1 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 1

or organization as determined by the City. Alternatively, the building shall meet the intent of such standards by complying with equivalent or similar guidelines accepted by the City.

### I. PEDESTRIAN ACCESS

1. Pedestrian access-ways of sufficient width and design to allow convenient use shall be provided between public sidewalks and principal building entrances, between principal building entrances and off-street parking lots, and between uses on abutting parcels. Such access-ways may not be included in the calculations of open space as required under Section 34-3.1 Development Standards and 34-3.5.2.j unless, in the opinion of the planning commission, the access-way is an integral part of a larger open space.
2. Public access to bike paths will be encouraged. Bike paths providing such access may be included in the calculation of open space required under Section 34-3.1 Development Standards and 34-3.5.2.j.

### J. NOISE AND GLARE

1. Noise on the site shall not exceed the standards set forth in Chapter 17, Article VII.
2. The applicant shall also establish as part of the PUD review process that the materials used will not cause glare to emanate from the building in a manner that will adversely or negatively impact adjacent properties or traffic on adjoining roadways, and the City may require appropriate mitigation of glare as part of any approval.

### K. PUD QUALIFICATIONS

A zoning lot located within the FWR-1 district shall be deemed to be preliminarily qualified for the PUD option. Procedures for requesting final determination on the PUD shall be as follows:

1. The applicant shall submit a Schematic Land Use Plan for review by the Planning Commission. The Schematic Land Use Plan shall contain enough detail to explain the function of the site including the location of land use areas, streets and drives providing access to the site, pedestrian and vehicular circulation within the site; buildings, floor areas, land uses, number of floors and open spaces

contemplated. The applicant shall also indicate how the requirements of this Section 34-3.1.31 are to be met and shall also indicate any deviations that are requested from the City's Zoning Ordinance standards. Written justification for each requested deviation shall be provided. The commission may approve, disapprove, or make recommendations for changes to the plan.

2. Thereafter, the applicant may apply for a final determination on the PUD according to the provisions of Section 34-3.20.5.B Request for final determination.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement





## 34-3.1.32

## FWR-2 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 2

## A. INTENT

The FWR-2 freeway redevelopment overlay district is designed to encourage redevelopment and reinvestment within the district by allowing, in some instances, greater height and greater flexibility in the location of buildings, while also encouraging incorporation of recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality (e.g., “silver” level or higher LEED certification) as well as utilization of Best Management Practices for storm water quality and control.

## B. USES PERMITTED

Except as provided in Section 34-3.1.32.D, no building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, special approval uses, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section.

## C. HEIGHT REQUIREMENTS

The maximum height of non-single family residential structures permitted shall be fifty (50) feet, and all structures shall adhere to the applicable requirements of the underlying zoning district provided, however, that a structure may be permitted to exceed fifty (50) feet in height if such structure meets the following:

1. The zoning lot shall abut a freeway right-of-way and shall not abut a residential district;
2. Any proposed building exceeding fifty (50) feet shall be designed to be harmonious with the surrounding district and consistent with the intent of the City’s Master Plan;
3. Buildings and structures shall conform to the setback requirements of the underlying zoning district; and
4. In no case shall the maximum height exceed sixty five (65) feet.

## D. RESIDENTIAL USES THROUGH PUD APPROVAL

The City Council may permit multiple-family residential uses within a planned unit development (PUD) approved under Section 34-3.20, if the following conditions are met:

1. Residential uses shall only be permitted above the first floor;
2. Other commercial uses shall be incorporated into the PUD plan to serve the convenience needs of the residential population and to encourage non-motorized trips;
3. In order to qualify for approval, the City Council shall review the plans and find, after consideration of a recommendation from the Planning Commission, that residential uses would be compatible with the development plans and the surrounding area; and
4. There shall be separate elevators designed to serve residential uses within a mixed-use building.

## E. SELECTED REFERENCES

**3. Zoning Districts**

- [Sustainable Design](#) § 34-3.23
- [Pedestrian Access](#) § 34-3.24
- [Noise and Glare](#) § 34-3.25

**4. Use Standards**

- [Special Land Uses](#) § 34-4.20

**5. Site Standards**

- [Off-street Parking Requirements](#) § 34-5.2.15
- [Off-street Loading and Unloading](#) § 34-5.4.6



# FWR-3 FREEWAY REDEVELOPMENT OVERLAY DISTRICT 3

## A. INTENT

The FWR-3 freeway redevelopment overlay district is designed to encourage redevelopment and reinvestment within the district by allowing, in some instances, greater height and greater flexibility in the location of buildings, while also encouraging incorporation of recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality (e.g., “silver” level or higher LEED certification) as well as utilization of Best Management Practices for storm water quality and control.

## B. USES PERMITTED

No building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, special approval uses, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section.

## C. HEIGHT REQUIREMENTS

The maximum height of non-single family residential structures permitted shall be fifty (50) feet, and all structures shall adhere to the applicable requirements of the underlying zoning district provided, however, that a structure may be permitted to exceed fifty (50) feet in height if such structure is part of a planned unit development (PUD) approved under Section 34-3.20. Buildings in excess of fifty (50) feet shall be subject to the following:

1. The maximum height of structures shall be sixty five (65) feet; and
2. In order for consideration of a building height greater than fifty (50) feet, a finding shall be made by the approving body that the standards in Section 34-3.1.33.D are met.

## D. STANDARDS FOR CEERTAIN BUILDINGS APPROVED AS PART OF A PUD

The following standards shall apply for buildings in excess of fifty (50) feet in height when approved as part of a PUD:

1. The zoning lot shall be within the boundary of the Freeway Redevelopment Overlay District 3 (FWR-3);
2. Any proposed building exceeding fifty (50) feet shall be designed to be harmonious with the surrounding district and consistent with the intent of the City’s Master Plan; and
3. Buildings and structures shall conform to the setback requirements of the underlying zoning district.

## E. SELECTED REFERENCES

### 3. Zoning Districts

- [Sustainable Design](#) § 34-3.23
- [Pedestrian Access](#) § 34-3.24
- [Noise and Glare](#) § 34-3.25

### 4. Use Standards

- [Special Land Uses](#) § 34-4.20

### 5. Site Standards

- [Off-street Parking Requirements](#) § 34-5.2.15
- [Off-street Loading and Unloading](#) § 34-5.4.6

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



## A. INTENT

This overlay district is created to implement 1) the City of Farmington Hills Master Plan, including the Southeast Business and Industrial Redevelopment Areas and Botsford Special Planning Area, and 2) the Grand River Corridor Vision Plan 2013. The City seeks to provide flexibility in zoning regulations to foster redevelopment either through renovation and/or expansion of existing buildings or construction of new buildings in the district. Protection of natural areas, including the Rouge River floodplain, shall be incorporated into new and redevelopment projects. The use of this overlay district shall require Planned Unit Development (PUD) approval, however, all property zoned with the GR-1 overlay is pre-qualified for PUD approval, which saves time in the development review process. Development solely in accordance with the underlying zoning district does not require PUD approval unless otherwise required in the Zoning Ordinance.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted in the GR-1 district in addition to those principal permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district:

- i. **Retail businesses** § 34-4.29
- ii. Personal service establishments that perform services on the premises
- iii. Sit-down and fast food restaurants<sup>m</sup>
- iv. **Outdoor space for seating accessory to a restaurant** § 34-4.32
- v. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales
- vi. Medical office including clinics
- vii. Banks, credit unions, savings and loan associations and similar uses
- viii. Post office and similar governmental office buildings
- ix. Nursery schools, day nurseries, and day care centers
- x. Multi-family dwellings<sup>m</sup> per RC-3 district requirements, except as modified in this district
- xi. Hotels<sup>m</sup>

## C. ACCESSORY USES

Any accessory use listed in the underlying zoning district or otherwise customary to a permitted use.

## D. PUD QUALIFICATIONS

All properties located within the Grand River Corridor Overlay 1 district shall be deemed to be preliminarily qualified for the PUD option. Development can proceed under the customary approval process for the use in the underlying district. The optional PUD approval process provides for greater flexibility in development including in many cases additional permitted uses, reduced building setbacks, and additional building height. All properties with the GR-1 Overlay are preliminarily qualified for PUD approval. Procedures for requesting final determination on the PUD shall be as follows:

1. The applicant shall apply for and participate in a Pre-Application Conference with the Planning and Community Development Department prior to submitting an application for final determination. At least 10 days prior to a Pre-Application Conference, the applicant shall submit a Schematic Land Use Plan for review by staff. The Schematic Land Use Plan shall contain enough detail to explain the function of the site including the location of land use areas, streets and drives providing access to the site, pedestrian and vehicular circulation within the site; buildings, floor areas, land uses, number of floors and open spaces contemplated. The applicant shall also indicate how the requirements of this Section 34-3.1.34 are to be met and shall also indicate any deviations that are requested from the City's Zoning Ordinance standards. The Applicant may request that the Pre-Application meeting take place with staff and the Planning Commission.
2. Thereafter, the applicant may apply for a final determination on the PUD according to the



# GR-1 Grand River Corridor Overlay 1

34-3.1.34

provisions of Section 34-3.20.5.B Request for final determination. The Applicant shall indicate if the application is for 1) final determination of the PUD or 2) if the Applicant is seeking concurrent Final Determination, Site Plan, and Landscape Plan approval. If concurrent approval is requested, all required information for PUD, site plan, and landscape plan approval shall be provided with the application.

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>1</sup>: Not specified

### Setbacks<sup>1</sup>

Minimum front yard setback:  
Front and exterior yards 15 ft

Maximum front yard setback:  
Front and exterior yards 30 ft \*\*

Minimum rear yard setback:  
Adjacent to nonresidential 10 ft  
Adjacent to residential 25 ft\*

Minimum side yard setback:  
Interior 0 ft  
Adjacent to residential 25 ft\*

### Building Height<sup>1</sup>

Minimum building height:  
First/ground floor to ceiling height 14 ft  
One story buildings 18 ft

Maximum building height:  
South of Grand River 5 stories or 65 ft

East of Whittington and south of Grand River 7 stories or 87 ft for hotels

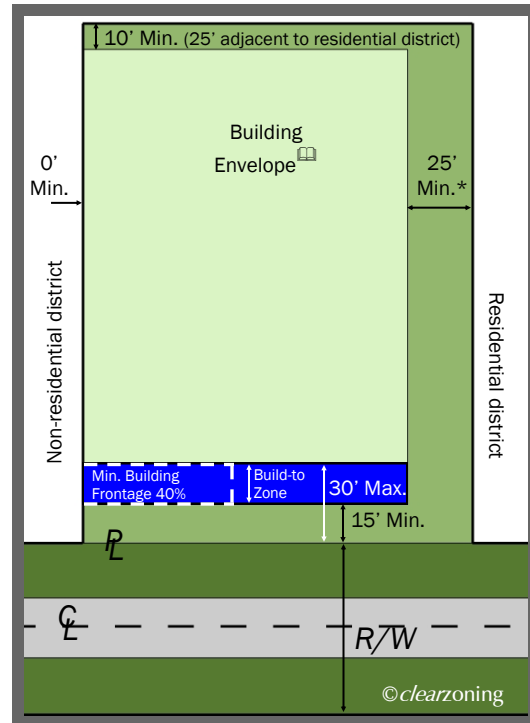
North of Grand River 4 stories or 54 ft

### Parking

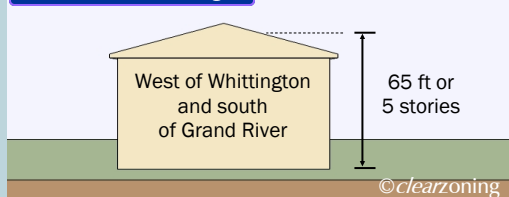
Off-street parking shall be prohibited in the front yard

### NOTES

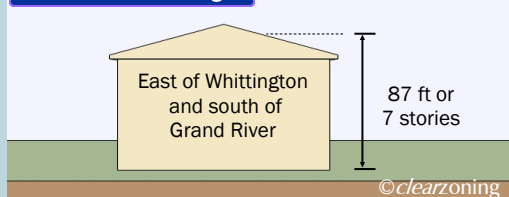
- \* The Applicant may request that the required 25 foot setback be reduced to 5 feet if the adjacent residential property is in a 100-year flood plain, regulated wetland or otherwise not likely to be developed with a principal structure within 200 feet of the GR-1 parking area.
- \*\* The building façade may set back up to five feet from the maximum building setback for up to 50 percent of the building frontage in order to encourage variation and design flexibility.



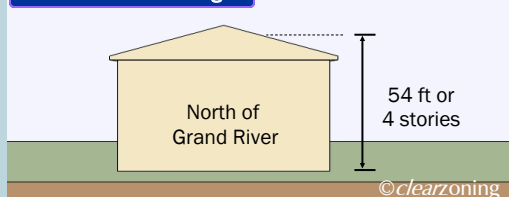
#### How do I calculate height?



#### How do I calculate height?



#### How do I calculate height?



The above drawings are not to scale.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



**F. BUILDING PLACEMENT**

The intent of this section is to provide flexibility in building placement. In most cases, the GR-1 Overlay relaxes building and parking setback requirements. It also provides specific requirements to foster a pedestrian-friendly environment and provide a quality environment for this unique district.

Buildings shall be constructed to the front yard build-to zone (between the minimum and maximum setback lines) and occupy at least 40 percent of the full width of the parcel, subject to the following:

1. **Build-to zone:** The build-to zone is the area between the minimum and maximum building setback line. The building façade may set back up to five feet from the maximum building setback for up to 50 percent of the building frontage in order to encourage variation and design flexibility. Additional variations in setback for architectural features that meet the intent and spirit of this ordinance, may be permitted at the discretion of the approving body.
2. **Building Entrances:** Recessed areas from three (3) to five (5) feet from the building line are encouraged for primary building entrances.
3. **Forecourts:** The approving body may grant an exception for a building façade to retreat up to thirty (30) feet from the building line, into the building mass, to provide an open space plaza, courtyard or outdoor dining area provided that at least thirty-five (35) percent of the total building frontage falls within the build-to zone.
4. **More than one building:** In the case where more than one building is placed on a zoning lot, as long as one or more buildings meet the above setback and placement requirements (frontage buildings), other buildings may be placed behind frontage buildings, subject to the requirements of the Zoning Ordinance.
5. **Frontage zones:** All areas located between the frontage building(s) and the public right-of-way shall be either landscaped or paved for pedestrians. The intent of this district is to provide a landscaped amenity in front of each building, located near and parallel to the front or exterior lot line. These frontage zones shall have pedestrian-scale lighting. These areas shall be accented by plaza and landscape features. Examples of features and materials include, but are not limited to, brick pavers, colored and textured concrete, benches, flowers, ornamental grasses, shrubs, shade trees, decorative rain gardens, outdoor dining areas (when permitted by the approving body) and similar features.

**G. BUILDING ELEMENTS**

The requirements listed in this subsection shall apply to façades that directly face a street, park, plaza or river. Walls shall not be blank. The following additional requirements shall apply:

1. **Building Composition.** Building façades shall be comprised of at least two distinct components, a base or ground floor and a top, and they shall be vertically varied to avoid large expanses of monotonous wall space.
  - A. **Base:** The base of a building shall be designed to clearly define where the building begins. It shall enhance the pedestrian experience by providing quality durable materials as well as ample windows that encourage views into a ground floor space.
  - B. **Floors:** Building floors above the ground floor shall be visually distinguished from the exterior by horizontal banding of building materials and/or colors / textures or similar treatments to separate one floor from another.
  - C. **Top:** The top of the building shall be distinguished with a cornice or noticeable roof edge. Flat roofs shall be enclosed with parapets. Roofs may be accessible and may be used as balconies or terraces. Vegetated roofs are encouraged to cool buildings and limit stormwater runoff. The City will not count vegetated roofs as impervious surfaces for the purpose of determining stormwater detention requirements.
  - D. **Vertical variation of façades:** Street facing façades shall be divided vertically into segments no greater than sixty (60) feet wide.
2. **Windows and Doors.** The following shall regulate the placement and visual appearance of windows and doors:
  - A. **Materials.** Structural elements to support canopies or signage, along with mullion and frame systems for windows and doors, shall be painted, powder-coated or stained (or the equivalent).
  - B. **Shutters.** When shutters are used, whether operating or decorative, they shall be equal to the width of one half of the adjacent window opening
  - C. **Glass.** All ground floor glass facing a street shall be clear or lightly tinted. Reflective





# GR-1 Grand River Corridor Overlay 1 34-3.1.34

glass is not permitted. Glass block windows shall not be permitted unless the approving body grants an exception for use as an accent.

- D. Ground floor windows and doors. These elements shall be integrally designed. Each ground floor shall have transparent or lightly tinted areas equal to at least 40 percent but not more than 90 percent of its portion of the façade, between two (2) and eight (8) feet from the ground.

These required ground floor window areas shall be either windows that allow views into retail space, dining areas, office work areas, lobbies, pedestrian entrances, merchandise display areas or other windows consistent with encouraging an active pedestrian environment along the building front. If no merchandise display area is in place, there shall be at 5-foot wide minimum interior aisle provided adjacent to required windows.

- E. Ground Floor Entry: At least one functioning doorway shall be provided for every street-facing storefront.
- F. Upper Windows. The glazed area of a façade above the first floor shall be

between 25 and 70 percent, with each façade being calculated separately, floor to floor. All upper floor windows shall be vertically proportioned. See Exterior Building Appearance below for other materials permitted on upper floors.

- G. Sill height: All windows shall maintain a consistent sill height, unless the approving body grants an exception for a decorative window element or similar feature.

3. Exterior Building Appearance. The following shall regulate the appearance of exterior building facades:

- A. For facades facing a street, park, river or plaza: At least 90% of all exterior building facades facing a street, park, river or plaza shall be finished with a combination of two or more of the following: Glass, brick, cut or cast stone, integrally colored concrete units with brick proportions (e.g., half-high "C" brick), split-faced, scored, or fluted block, textured stucco or other material deemed equivalent in quality and/or appearance by the approving body. Frosted and translucent panels may be permitted as an additional material on upper floors subject to review by the approving body, taking into consideration

34-3.1.34.G Building Elements



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



the intent of this ordinance. For multi-family residential and residential care facilities (assisted living, nursing homes, and similar uses), decorative fiber cement panels (e.g., Hardy Plank) may be used as an additional exterior material. See subsection G.2. above for regulations related to minimum requirements for exterior glass.

- B. All other building sides not facing a street, park, river or plaza: At least 70% of the exterior façade shall consist of the materials specified in G.3.A. above.
  - C. There shall be a change in the vertical or horizontal building plane when there is a change in color or material.
  - D. Buildings located at a street corner shall have appropriate architectural features and details that accentuate its prominent corner location through additional building height and /or adding a building peak or tower element at the corner. Other creative techniques may be used, subject to the acceptance of the approving body based on the intent of this ordinance. Special architectural corner features may be permitted to exceed the maximum building height by up to ten (10) feet if deemed appropriate by the approving body.
4. Canopies and Awnings. Facades may be supplemented with awnings that meet the following:
    - A. Style & Height: Straight sheds shall be used. Awnings shall be at least 8 feet above sidewalk grade at the lower drip edge.
    - B. Encroachment: Awnings may encroach beyond the front or street-side build-to zone and into the street right-of-way or easement, but must avoid the canopy area of street trees (based on tree maturity); and be set back a minimum of five (5) feet from the face of the road curb. Awnings shall be positioned immediately above the ground floor window, in scale with the window and overall building façade.
    - C. Colors: Awnings shall be complementary to the building façade, as determined by the approving body.
    - D. Materials: Awnings shall be constructed of a durable material such as canvas or other material approved by the Building Official that is durable and will not easily fade. Plastic and vinyl awnings are not permitted.
  5. Balconies and Overhangs. Balconies and overhangs may be added to façades with the following conditions:
    - A. Balconies and overhangs shall not extend more than six feet from the building face.
    - B. Materials shall be compatible with the building and be integrally designed.
    - C. Whenever balconies are proposed on the side of a building facing a residential district, the building design shall give reasonable consideration to adjacent residential privacy.
  6. Building Lighting.
    - A. Height: For building front and exterior side facades, exterior lights must be mounted between six and fourteen feet above adjacent grade. The minimum shall be eight feet if the light projects from the building face by more than one inch.
    - B. All other lighting shall comply with applicable City lighting requirements (Section 34-5.16).

#### H. OFF-STREET PARKING.

All off-street parking shall comply with Sections 34-5.2 and 34.5.3 of the Zoning Ordinance. The number of off-street parking spaces required may be reduced from ordinance requirements when a mix of uses is proposed on the site or adjacent sites and upon approval of the Applicant's Shared Parking Study by the Planning Commission.

#### I. OFF-STREET LOADING AND UNLOADING.

All off-street loading and unloading shall comply with Section 34-5.4 of the Zoning Ordinance. The approving body shall have the discretion to permit off-street loading to take place in parking lot aisles or other non-conforming areas subject to a finding that the spirit and intent of the ordinance is preserved and that the scheduled loading and unloading activities do not conflict with parking and access in the same area.



## J. LANDSCAPING AND SCREENING.

All landscaping and screening shall comply with the requirements of Sections 34-5.14 and 34-5.15 of the Zoning Ordinance with the following exceptions, additions, and modifications:

1. **Parking.** Parking lots fronting on Grand River Avenue shall be setback 20 feet from the Grand River right-of-way. A 2.5 foot decorative masonry wall constructed of red-brown brick and/or stone – with a stone cap - shall be placed 15 feet from and parallel to the right-of-way to provide screening from an adjacent roadway. The Planning Commission may, as an alternate, approve a decorative black metal fence with vertical red-brown brick columns, supplemented by a continuous evergreen hedge (e.g., boxwood) if it provides the same effective screening up to at least 2.5 feet in height. For all other street-facing parking lots the same screening requirements apply, except that the parking setback from the right-of-way shall be not less than 10 feet from the street right-of-way and screen wall or fence shall be not less than 5 feet from the street right-of-way. Interior parking lot trees required in Section 34-5.14.4. shall be provided.
2. **Screening Adjacent to Residential.** The requirements of Section 34-5.14, Landscape Development, shall be met. When adjacent to residential, required deciduous trees may be placed on the residential side of a required screenwall. When a screenwall is required on the residential side of an alley, the approving body may permit the screenwall to be placed on the non-residential side of the adjacent alley. In the case where the screenwall adjacent to an alley is intended to screen only off-street parking and no outdoor storage, outdoor sales or loading/unloading areas are visible from an adjacent residential district, the wall may be reduced to 2.5 feet in height provided a 10-foot wide landscape buffer strip is provided between the alley and the wall or between the wall and off-street parking or other development on the non-residential development side. Vegetation in the landscape buffer strip shall be designed to provide for at least 40 percent winter and 60 percent summer screening opacity between 2.5 feet and 6 feet in height after three years of growth (see illustration). All screenwalls intended to screen residential districts and uses shall be constructed of red-brown brick (clay brick, integrally colored concrete half-high block or the equivalent) to provide a uniform appearance.

3. **Pedestrian Pathways.** Pedestrian pathways shall include deciduous, salt-tolerant, low-maintenance street trees to help shade pedestrian walkways and beautify the corridor. For frontages along public streets, a minimum of one large deciduous street tree shall be planted within 10-feet of the public sidewalk for every 40 lineal feet of lot frontage. Tree wells in sidewalks, when provided, must be 5 ft. by 5 feet and meet city tree planting requirements. A decorative metal tree grate shall be provided to allow infiltration of stormwater and irrigation. City tree planting details shall be followed. Perimeter fencing shall not be permitted for tree wells.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

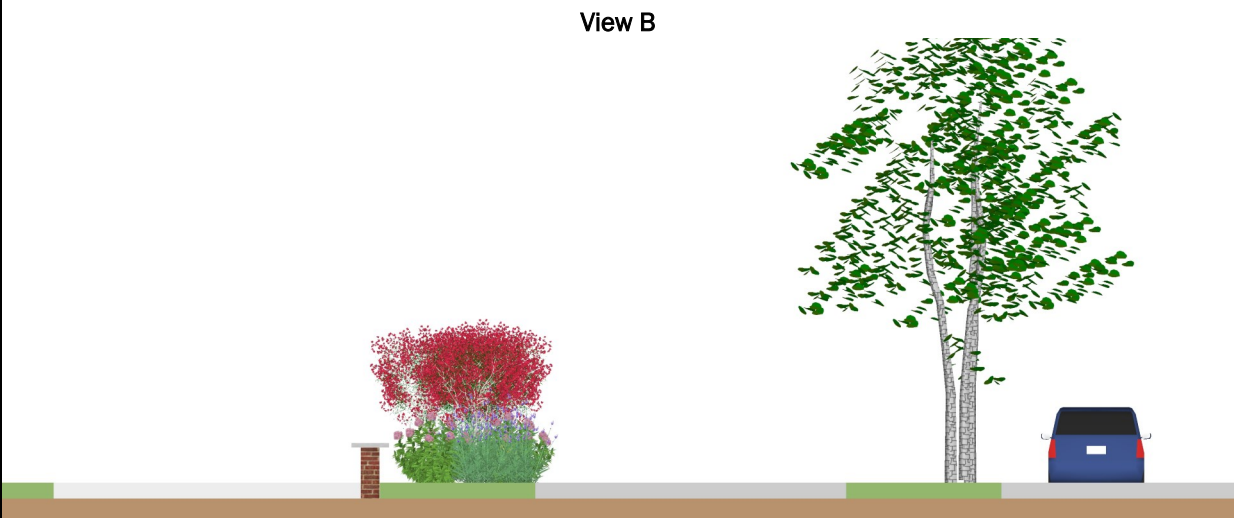
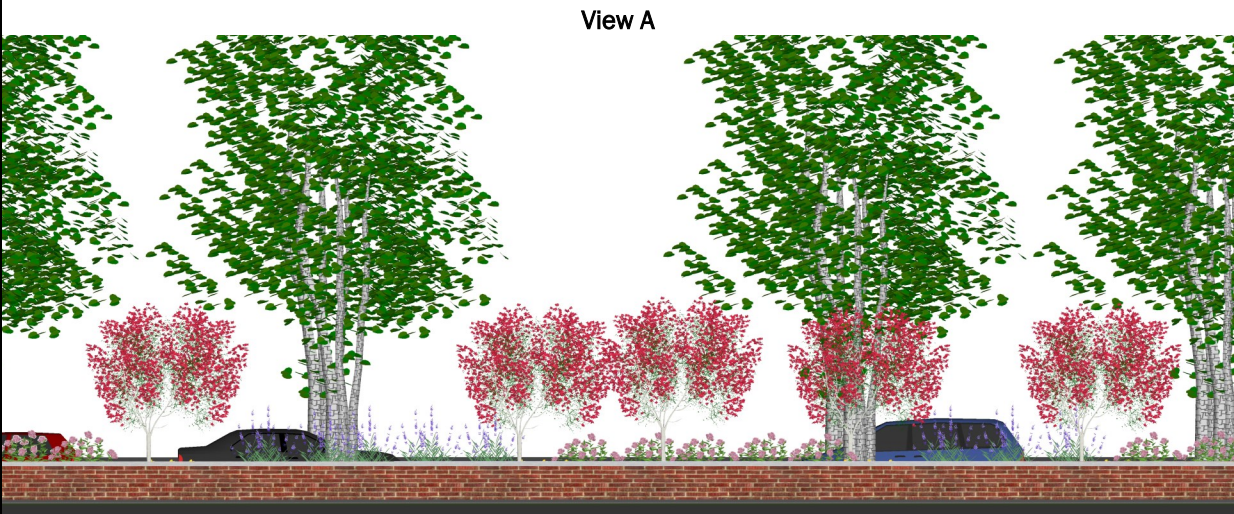
**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



## 34-3.1.34.J.2 Options for Screening Residential When Adjacent to Alley



# GR-1 Grand River Corridor Overlay 1

34-3.1.34

## K. PEDESTRIAN ACCESS

The Grand River Corridor is intended to be a pedestrian-friendly environment. Towards this end, the following elements are required:

1. Pedestrian pathways shall be provided and interconnected as follows:
  - A. There shall be provided along Grand River Avenue, within the Grand River Avenue right-of-way, a minimum 8-foot wide pedestrian path constructed of concrete and built according to City specifications. This requirement shall be waived by the approving body if 1) there is an existing sidewalk in place that is at least 5 feet wide and 2) the City or road agency has a minimum 8-foot wide sidewalk planned along the site frontage and it is included in an adopted Capital Improvements Program, with a construction date planned within 5 years of the date of final site plan approval.
  - B. Internal pedestrian pathways shall connect parking areas and building entrances to each other and to public pathways to provide an interconnected system. At a minimum, one connection shall be made for every zoning lot. For zoning lots wider than 100 feet, one connection shall be made for each 100 feet of public street frontage.
2. If the development site abuts the existing or planned Rouge River pathway system, a non-motorized path or walkway connection shall be made to enable access to the principal buildings on the site. Two or more properties may share a private connection to the Rouge River pathway system provided all have an internal connection to the shared private connector. If the Rouge River pathway is not yet constructed or under construction, the applicant shall post cash or an automatically renewing letter of credit equal to 1.5 times the estimate cost of construction to connect from the subject site to the Rouge River pathway system.

## L. SUSTAINABLE DESIGN REQUIREMENTS AND OPTIONS

The Applicant shall incorporate the following into development plans submitted within the GR-1 district:

1. Best management practices for stormwater management, with special emphasis on protecting the Rouge River watershed.
2. Bicycle parking. At least two bicycle parking spaces shall be provided for each principal building. If sheltered bicycle parking spaces are provided indoors or using contained bicycle lockers, the Applicant may reduce the number of required off-street vehicle parking spaces on a 1:1 ratio up to 5 spaces provided that at least 80 percent of required off-street vehicle parking spaces are provided on site.

LEED certifiable standards are encouraged.

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



### 34-3.2 BOUNDARIES

1. The boundaries of the zoning districts are hereby established as shown on the official zoning district maps maintained by the city clerk, which shall be open to examination at any time during regular office hours. Such maps with all notations, references and other information shown thereon shall be as much a part of this chapter as if fully described herein.
2. Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets, alleys, roads, streams or such lines extended and the limits of the city.
3. Where due to the scale, lack of detail or illegibility of the zoning map accompanying this chapter, or the quarter section maps maintained by the city clerk, 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.

### 34-3.3 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the city is vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action acquire and be subject to the same zoning regulations as are applicable to the lands to which the same shall attach, and the same shall be used for the same use as is permitted under this chapter for such adjoining lands.

### 34-3.4 ZONING OF ANNEXED AREAS

Whenever any area is annexed to the city one of the following conditions shall apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the council and the council shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as an RA-1 district until a zoning map for such area has been adopted by the council. The planning commission shall

recommend the appropriate zoning district for such area within three (3) months after the matter is referred to by the council.

### 34-3.5 NOTES TO SCHEDULE OF REGULATIONS

1. Applicability. The notes contained in Section 3.5.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of individual notes to each district is provided in the tables on the following pages.
2. Notes to District Standards.
  - A. For all uses except one-family detached residential units, landscaping of all yards abutting a street shall be provided. A landscape plan shall be submitted in accordance with the applicable provisions of Section 34-5.14. The objective of such landscaping is not to totally obscure, but to soften the overall appearance of the use. Planning commission approval of the landscape plan shall be required when the site plan is reviewed by the planning commission and whenever a water retention area is proposed to be located in any yard abutting a street. Landscaping of water retention areas shall be guided by the water retention area design principles adopted by the planning commission.
  - B. Utility transformers or pedestals not exceeding four (4) feet in height may be placed within the minimum yard setbacks after a determination of the director of public services that such placement is necessary to preserve and protect a valuable physical feature of the land and its vegetation.
  - C. Yards abutting a public right-of-way shall be treated as front yards and shall be provided a minimum setback of fifty (50) feet.
  - D. See Section 34-3.15 and Section 34-3.17 regarding flexibility allowance.
  - E. The minimum yard abutting a street shall be ten (10) feet and off-street parking shall not be permitted. When a rear yard is abutting a side yard, the setback abutting a street shall not be less than the minimum front yard setback of the district and all regulations applicable to a front yard shall apply.



## 34-3.5.1 Applicability of Notes to District Standards

Note to District Standard	Residential Districts*									
	RA-1A	RA-1B	RA-2B	RA-1	RA-2	RA-3	RA-4	RC-1	RC-2	RC-3
A										
B	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
C	✓	✓								
D		✓	✓	✓	✓	✓	✓			
E			✓	✓	✓	✓	✓			
F								✓	✓	✓
G								✓	✓	✓
H								✓	✓	✓
I										
J										
K										
L										
M										
N										
O										
P										
Q										
R										
S										
T										
U										
V			✓	✓	✓	✓	✓	✓	✓	✓

\*The following residential districts do not have district notes: MH Mobile Home, RP-1 Planned Residential and RP-2 Planned Residential

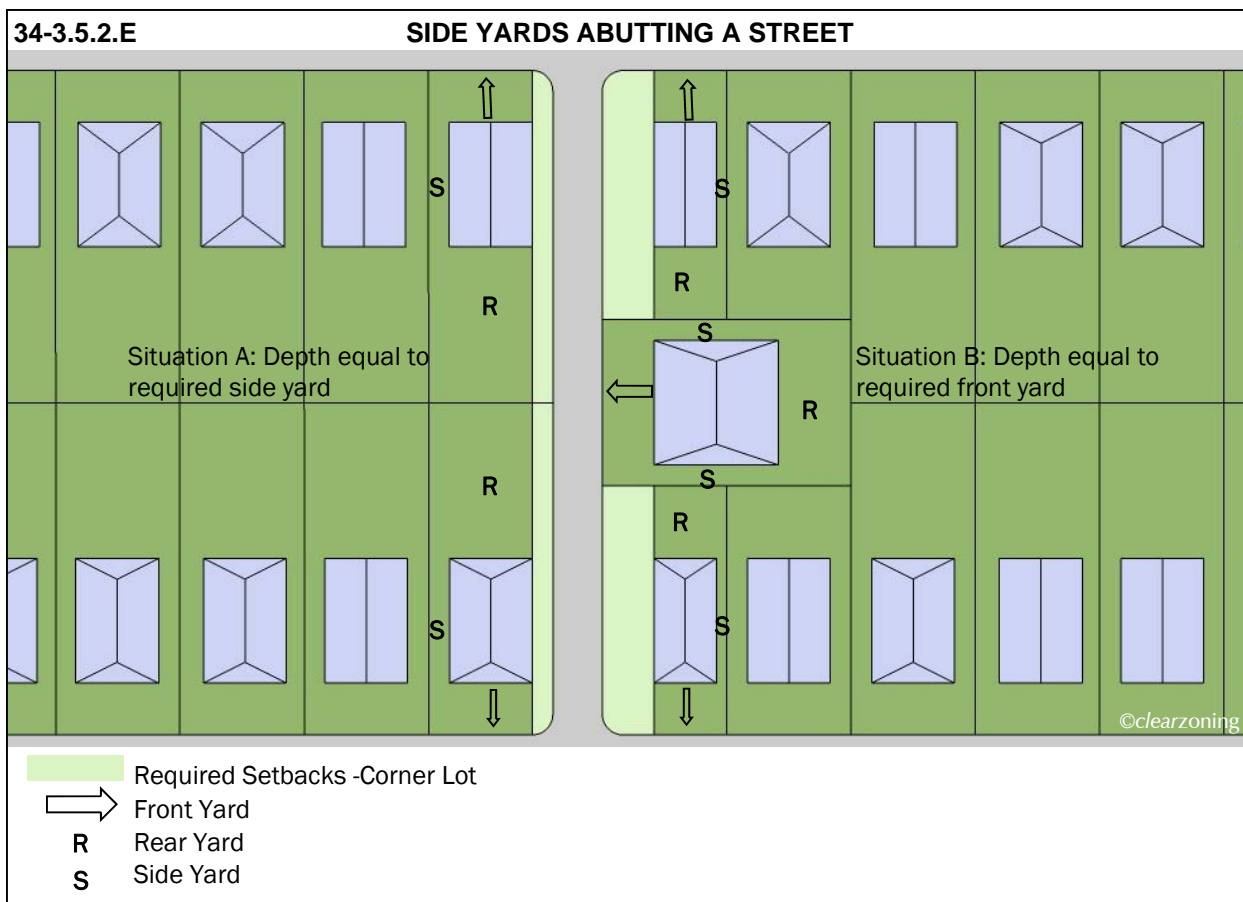


## 34-3.5.1 Applicability of Notes to District Standards

Note to District Standard	Business Districts												
	SP	OS-1	OS-2	OS-3	OS-4	B-1	B-2	B-3	B-4	ES	IRO	LI-1	P-1
A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
B													
C													
D													
E													
F													
G													
H													
I		✓											
J		✓	✓		✓	✓	✓	✓	✓	✓	✓		
K		✓	✓			✓		✓	✓	✓			
L		✓	✓			✓		✓	✓	✓			
M		✓	✓			✓		✓	✓			✓	
N		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
O				✓									
P					✓								
Q											✓		
R											✓		
S												✓	
T												✓	
U		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
V	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓







F. No multiple dwelling shall be erected on a lot or parcel of land which has an area of less than eight thousand (8,000) square feet or has a width of less than eighty (80) feet. In no instance shall more than fifteen (15) percent of the total number of units of any multiple-family development be utilized for efficiency apartment development.

i. In the RC districts, the total number of rooms in multiple-dwelling structures shall not be more than the area of the parcel in square feet divided by the following square feet:

- RC-1 = 1,900
- RC-2 = 1,400
- RC-3 = 1,050

ii. For the purpose of computing number of rooms, the following shall control:

- Efficiency apartment unit: one room.
- One-bedroom unit: two (2) rooms.
- Two-bedroom unit: three (3) rooms.

d. Three-bedroom unit: four (4) rooms.

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

iii. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way boundary roads.



G. All main buildings shall have a setback of at least fifty (50) feet from any street and shall have a setback of at least twenty (20) feet from any other property line, unless exceeded by the following requirements as defined in paragraph i. below:

- i. Setbacks shall be controlled in relationship to the length and height of buildings based upon the formula :  $Y = \frac{L + 2H}{D}$

$$Y = \frac{L + 2H}{D}$$

Where:

Y = The required yard.

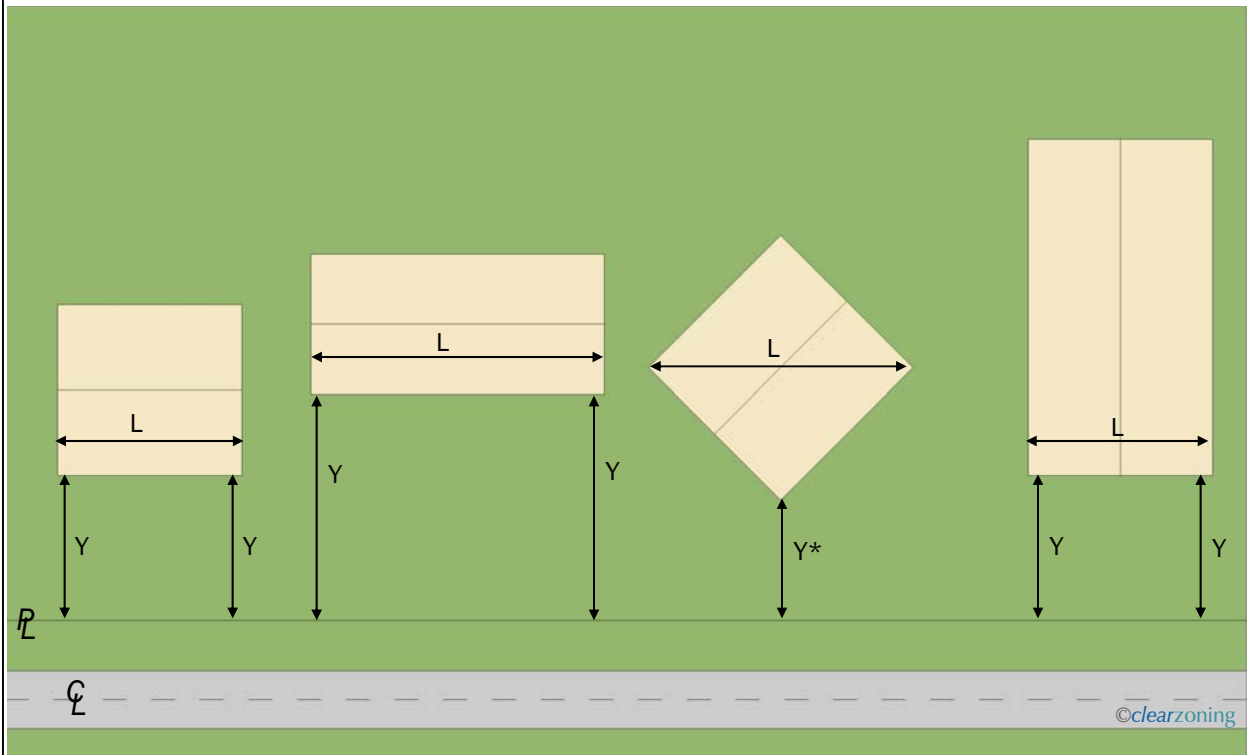
L = The total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.

H = The height of the building.

D = Divisor (see subparagraphs ii and iii of this paragraph G, which subparagraphs immediately follow the diagram entitled "Yard Setbacks for Multiple Dwellings")

#### 34-3.5.2.G.i

#### YARD SETBACKS FOR MULTIPLE DWELLINGS



$$Y = \frac{L + 2H}{3 \text{ or } 6}$$

\* If formula not applicable minimum distance applies

- ii. Along those property lines which abut a one-family residential district, or which abut one-family detached units or lots of an approved P.R.D. plan, and which are not separated from such units, lots or one-family district by a major or secondary thoroughfare, or where the abutting one-family residential district is not already developed for a permitted use other than one-family residential, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{3}$$

- iii. In all other instances, or where the planning commission determines that the adjoining property is indicated on the future land use plan as an area of other than one-family residential use, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

- H. The minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, but in no instance shall this distance be less than thirty (30) feet unless there is a corner-to-corner relationship between buildings in which case the minimum distance shall be fifteen (15) feet.
- i. The formula regulating the minimum distance between two (2) buildings is as follows :

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

Where:

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L<sub>A</sub> = Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn

perpendicular to building A will intersect any wall of building B.

L<sub>B</sub> = Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

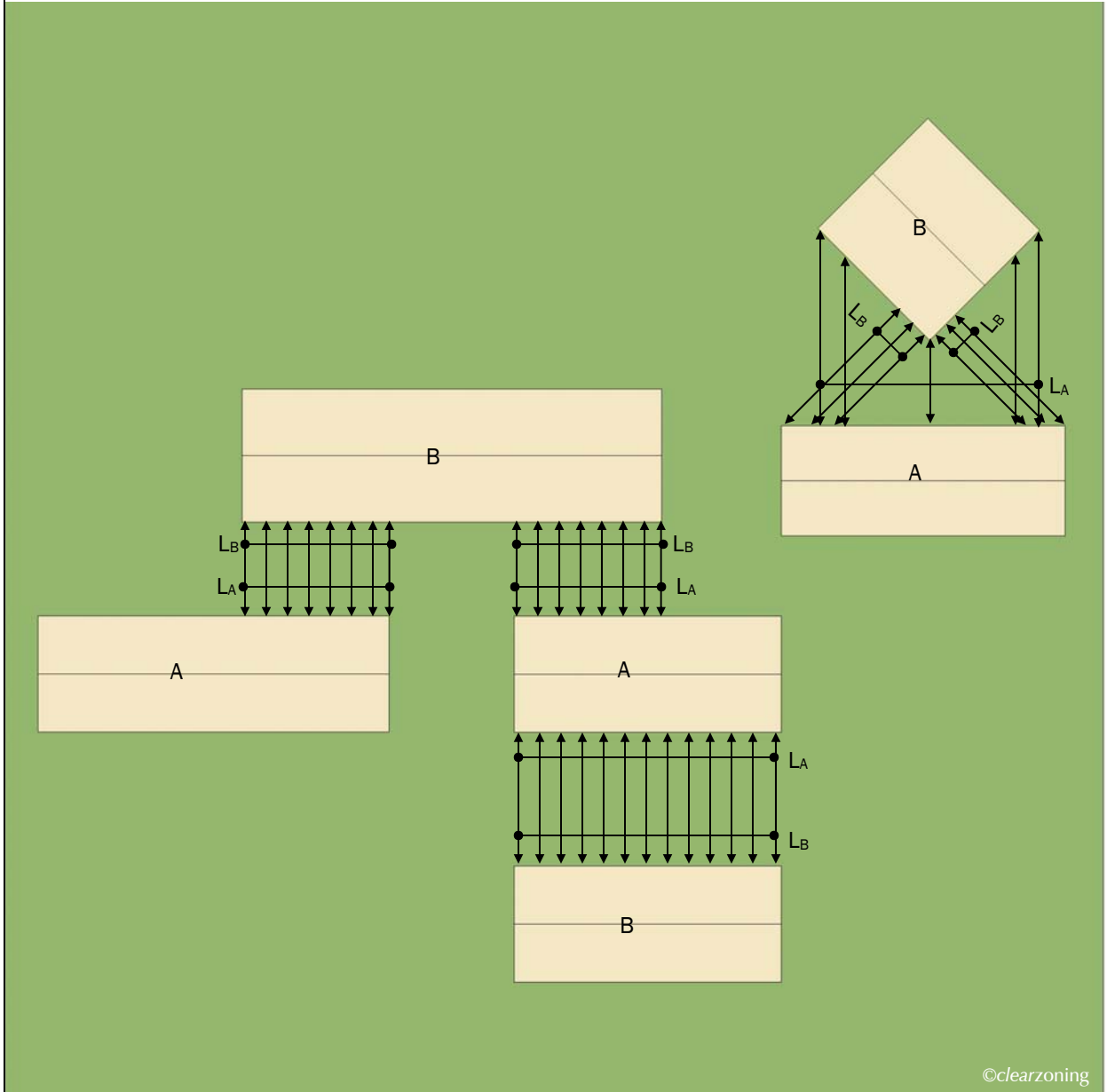
H<sub>A</sub> = Height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A.

H<sub>B</sub> = Height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



# 34-3.5.2.H.i

## DISTANCE SPACING FOR MULTIPLE DWELLINGS



©clearzoning

$$\text{Minimum Distance Between Buildings} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

34-3.5.2.P Setbacks	
Setback Formula	Adjacent District or Use
$Y = \frac{L + 2H}{6}$	Freeway, nonresidential districts or lots which have frontage on a street system which the planning commission finds is an internal street system, that is, one that serves this district exclusively.
$Y = \frac{L + 2H}{3}$	Other public street right-of-way, multiple-family or mobile home district, existing use in a single-family residential district other than a single-family dwelling.
$Y = \frac{L + 2H}{1}$	Other one-family residential district.

- ii. The depth of any court shall not be greater than three (3) times its width.
- I. The required front yard setback may be reduced to not less than twenty-five (25) feet, provided that there are no off-street parking spaces located within the front yard.
- J. Parking may be permitted within the required front yard setback, provided that the parking setback is not less than ten (10) feet and an area within the front yard, including the ten (10) feet, remains as lawn or landscaped area which is equal to the specified percentage of the area of the required front yard setback. In those instances where the setback required by the application of a formula exceeds the stated minimum setback, the percentage shall be applied to the stated minimum setback. See required conditions in the B-3 district if a marginal access drive is required.
- K. If adequate and permanent access is provided to the rear of the property by a public alley, the side yard requirements may be waived; provided, however, that side yards shall be provided as required by the building code.
- L. The setback from any residential district shall be not less than twenty (20) feet or ten (10) percent of the depth of the lot as measured from the residential district, whichever is the greater. Such setback, however, need not exceed fifty (50) feet.
- M. The setback from any side street shall not be less than twenty-five (25) feet or ten (10) percent of the width of the lot as measured from the street, whichever is the greater. Such setback, however, need not exceed the front yard setback of the district or the front yard setback of an adjoining residential district, whichever is the greater, except that it need not exceed fifty (50) feet in any instance.
- N. See Section 34-5.4.
- O. See Section 34-3.9.4.B.
- P. The setback shall be the minimum indicated or as required by the following formula (as explained in footnote G. above), whichever is greater:
- Q. The setback shall be the minimum indicated or shall be equal to the height of the building, whichever is the greater; provided, however, that setbacks abutting a street or a residential district shall be as required by Section 34-3.5.2.R.
- R. The setback shall be the minimum indicated or as required by the following formula (as explained in Section 34-3.5.2.G.), whichever is greater; provided, however, that the setback need not exceed one hundred (100) feet:



**34-3.5.2.R Setbacks**

Setback Formula	Adjacent District or Use
$Y = \frac{.5L + 2H}{6}$	Freeway, nonresidential districts or platted zoning lots which have frontage on a street system which the planning commission finds is an internal street, that is, one that serves this district exclusively.
$Y = \frac{.5L + 2H}{3}$	Other public street right-of-way, multiple-family or mobile home district, existing use in a single-family residential district other than a single-family dwelling.
$Y = \frac{.5L + 2H}{1}$	Other one-family residential district provided, however, that the planning commission may designate use of one of the other two (2) applicable formulas where it is determined that the adjoining property is indicated on the future land use plan as an area of other than one-family residential use.

- S. Off-street parking for visitors, over and above the number of spaces required under Section 34-5.2, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and provided further that the number of such spaces does not equal more than ten (10) percent of the total number of spaces required.
- T. All storage shall be located in the rear yard and shall comply with Section 34-3.14.
- U. Rooftop equipment shall be screened in accordance with Section 34-5.17.
- V. In any yard abutting a street or freeway, a landscaped area not less than ten (10) feet deep and abutting the street or freeway shall be provided in the setback.

**34-3.6 RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, AND RA-4 DISTRICT SPECIAL CONDITIONS**

When indicated, the following conditions apply to uses in the one family residential districts:

- Access to the site shall be in accordance with Section 34-5.13.
- Buildings shall have the minimum setback required for each use or as required by the formula contained in Section 34-3.5.2.G, whichever is the greater.
- The use shall be subject to the review and approval of the site plan by the planning commission.
- For special approval uses, notice of a public hearing shall be given in accordance with Section 34-6.2.

**34-3.7 RC-1, RC-2, AND RC-3 DISTRICT REQUIRED CONDITIONS**

The following conditions apply to all but one- and two-family dwellings in the RC-1, RC-2, and RC-3 districts:

- All access to the site shall be in accordance with Section 34-5.13.
- Uses permitted shall require the review and approval of the site plan by the planning commission.
- All multiple-family developments shall be provided with improvements for utilities as provided in the city subdivision regulations. In those instances where the multiple-family development is not platted as a subdivision and where reference is made to subdivisions, such reference shall also apply to multiple-family developments.
- In those instances where there are a number of narrow lots adjacent to each other, which may develop independently of each other, and where the planning commission determines that it would be in the best interests of the community to reduce the number of access drives to a major or secondary thoroughfare in order that traffic safety will be improved, the planning commission may require that a marginal access road be provided in accordance with the requirements of Section 34-3.9.1 through 34-3.9.3, with the following modifications:
  - The marginal access road shall be set back twenty-five (25) feet from the front lot line and shall be twenty-five (25) feet wide.
  - The area between the marginal access road and the front lot line shall be kept in grass and landscaped. All buildings shall be set back at least seventy-five (75) feet



from the front lot line unless the following paragraph C. applies.

- C. Off-street parking spaces may be permitted to be located perpendicular to the marginal access road and in such a manner as to allow vehicles to use the marginal access road as the means of access to the parking spaces; provided, however, that if this technique is used, the land area between the marginal access road and the front lot line shall be developed as a landscaped berm. Such berm shall have a maximum slope of 3:1 (three-foot horizontal to one-foot vertical) with side slopes designed in such a way as to prevent erosion. All berms shall have a nearly flat, horizontal area at their highest point, at least two (2) feet in width. A planting and design plan shall be prepared for the berm which shall be reviewed by the planning commission in accordance with general design plans developed by the commission. Any main building wall which contains windows or doors shall be set back at least fifteen (15) feet from the parking spaces. Walls containing no window or door shall be set back at least five (5) feet from the parking spaces.
  - D. The planning commission may alter the requirements of this subsection 4. where it is determined that an alternative would better serve the purposes of this subsection.
5. See Section 34-5.14.6 for buffer yard requirements

#### 34-3.8 SP-1, SP-2, SP-3, SP-4, AND SP-5 DISTRICT REQUIRED CONDITIONS

Uses permitted in the special purpose districts are subject to the following conditions:

1. All access to the site shall be in accordance with Section 34-5.13.
2. The lot area covered by all buildings shall not exceed thirty-five (35) percent.
3. Buildings shall have the minimum setback required for each use or as required by Section 34-3.5.2.G, whichever is the greater.

#### 34-3.9 OS-1, OS-2, OS-3 AND OS-4 DISTRICT REQUIRED CONDITIONS

1. In the OS-1, OS-2, OS-3, and OS-4 districts the following conditions apply:
  - A. Uses permitted shall require review and approval of the site plan by the planning commission.
  - B. No interior display shall be visible from the exterior of the building.
  - C. The outdoor storage of goods or materials shall be prohibited.
  - D. Warehousing or indoor storage of goods or materials, beyond that normally incident to the permitted uses, shall be prohibited.
2. In the OS-1, OS-2, and OS-4 districts the following condition applies
  - A. All activities, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. In the OS-2 district the following conditions apply:
  - A. Drive-in facilities are not permitted unless otherwise stated.
  - B. The site plan shall also indicate the location of existing driveways on the opposite side of abutting thoroughfares.
  - C. Mortuary establishments, theaters, concert halls and other similar nonretail businesses are permitted within the OS-2 district provided that they do not require constant short-term parking and traffic and which can demonstrate to the satisfaction of the planning commission that the development proposal will not cause a conflict in vehicular pedestrian traffic within the OS-2 district or in its points of access to and from the OS-2 district nor be cause for deterring office development within the district.
4. In the OS-3 district the following conditions shall apply:
  - A. The existing conditions map and site plan shall be submitted in accordance with Section 34-6.1 and at a scale of not less than one inch equals forty (40) feet.
  - i. The existing conditions map shall indicate the following:
    - a. Existing topography, based on USGS datum and with contour interval of not more than two (2) feet;



- b. All single trees having trunk diameters of six (6) inches or more at six (6) inches above the ground and identified as to type. Wooded areas shall be delineated by symbolic lines tracing the spread of outermost branches and shall be described as to the general sizes and kinds of trees contained;
  - c. All watercourses, including defined intermittent drainageways, identified as to character and size;
  - d. All recorded easements across the site and all evidence of possible unrecorded easements such as existing roadways, pipelines, pole lines, etc.;
  - e. The details of improvement of abutting streets and thoroughfares, including width and kind of surfacing curbs, shoulders and ditches (with all dimensions and elevations requisite to providing a clear definition of existing conditions). Trees or planting within street or highway right-of-way shall be shown;
  - f. All existing structures on the site and on abutting property. The dimensions, type of construction and use of each structure shall be noted.
- ii. The site plans shall indicate the following (separate sheets of the same scale map may be used):
  - a. The site plan shall be prepared at the same scale and in the same sheet orientation as the topographic map. Proposed contours with contour interval not to exceed two (2) feet shall be shown;
  - b. Any drawing altered after initial submission to the planning commission shall bear notations stating the date and nature of the revision;
  - c. The survey dimensions of the site shall be shown on the site plan;
  - d. All abutting thoroughfare and street rights-of-way with centerline indicated and all existing street improvements which will be undisturbed by the site development shall be reproduced on the site plan;
- e. All dividing lines between abutting properties and all topographic survey information relative to abutting properties shall be reproduced on the site plan for a distance of at least one hundred (100) feet beyond the limits of the site;
- f. The outside dimensions of each building and the building distances from property lines shall be completely dimensioned on the plan;
- g. The location and orientation of each structure shall be positively fixed on the plan by dimensions and directions;
- h. Straight cross-sections, drawn to a scale of not less than one inch equals ten (10) feet, and passing through the nearest point of the proposed building or buildings, and any abutting residential structures shall be submitted. The purpose of the section or sections is to illustrate the relationship between adjacent homes, parking lots and proposed buildings. The planning commission may require additional cross-sections if they are found necessary to fully illustrate these relationships.
- iii. Detailed plans of any berm, greenbelt or wall shall be submitted in accordance with the following:
  - a. Minimum scale of one inch equals forty (40) feet;
  - b. Existing and proposed contours with contour interval not to exceed two (2) feet;
  - c. Planting plan indicating location, size, spacing and root type (bare root or B and B) of all plant materials;
  - d. Typical straight cross-section including slope, height and width of berms and type of ground cover, or height and type of construction of all, including footings;
  - e. All significant construction details to resolve specific site conditions,

e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns;

- f. Site location map if not submitted with site plan;
  - g. The OS-3 district landscape design principles as adopted by the planning commission.
  - i. Exterior lighting fixtures shall not be located more than fifteen (15) feet above the ground level below the light fixture. All outdoor lighting shall further be subject to the provisions of Section 34-5.16. Furthermore, the light source shall be totally shielded with opaque material on all sides and on the top and the plane of the light diffusing media and shall be parallel to the horizontal plane of the area to be lighted.
- B. Setback requirements.
- i. Setbacks, yards adjacent to major thoroughfare: Building setbacks shall be at least forty (40) feet. Parking may be permitted within the required minimum building setback, provided that an area between the building and the major thoroughfare remain as lawn or landscaped area which is equal to at least fifty (50) percent of the area of the required minimum building setback area. If any parking area is located in the setback, it shall be obscured by a four-foot-high landscaped berm located between the parking and the major thoroughfare or other suitable natural screen. Off-street parking located in a side or rear yard shall have a greenbelt located adjacent to the parking lot, between the parking lot and the major thoroughfare.
  - ii. Setbacks, yards adjacent to minor street: Building setbacks shall be at least forty (40) feet or as provided by the following formula:  $L + 2H/3$  whichever is greater. (See Section 34-3.5.2.G.i). Off-street parking shall be set back at least twenty-five (25) feet from the street right-of-way and this area shall contain heavily planted greenbelt, planted as illustrated in the landscape design principles adopted by the planning commission.

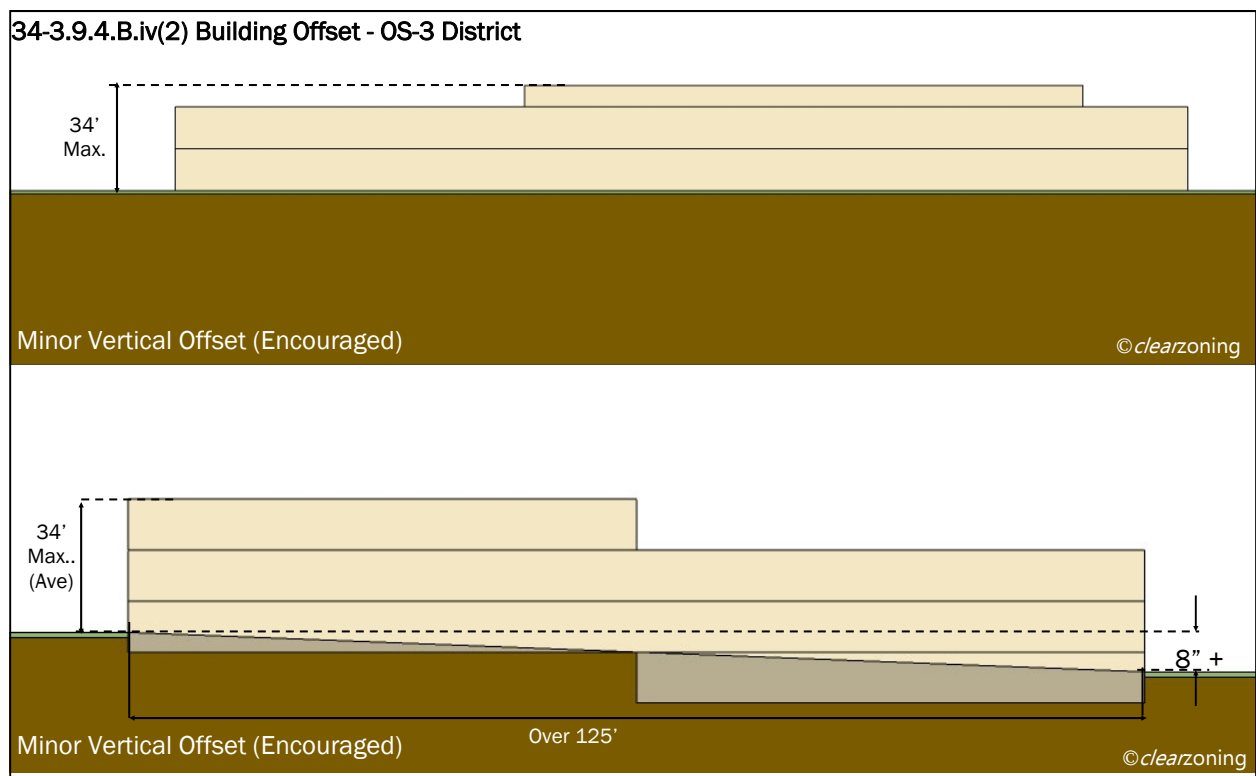
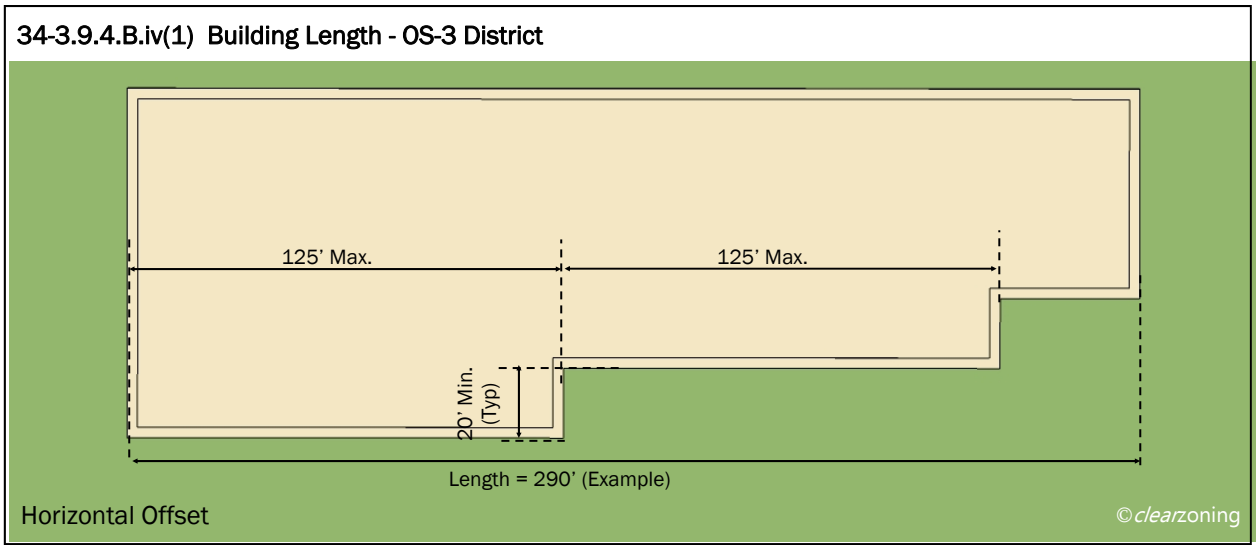
iii. Setbacks, yards adjacent to residential district:

- a. Building setbacks shall be at least one hundred two (102) feet, but need not exceed forty (40) percent of the depth of the lot as measured from the adjoining residential district. A forty (40) foot setback shall be applied to all other structures and off-street parking spaces. The forty (40) foot setback area shall be maintained by one of or a combination of the following, depending upon the characteristics of the area:
  - (1) The forty (40) foot setback area may be left in its natural state if, in the judgment of the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
  - (2) Wherever a parking lot is located adjacent to a residential district, the parking lot shall be screened by a minimum five (5) foot high wall located adjacent to the parking lot and between the parking lot and the residential area. The planning commission may waive the requirement for a wall provided the surface of the parking lot is located at least five (5) feet below the elevation of the ground at the forty (40) foot setback line. The construction of the wall shall be in accordance with the requirements of Section 34-5.15.9.
  - (3) If sufficient natural vegetation does not exist in the forty (40) foot setback area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum five (5)



foot high landscaped earth berm shall be constructed in the forty (40) foot setback area. Landscaping shall be carried out in accordance with the landscape design principles.

- (4) In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the residential area and shall also consider the overall natural and manmade characteristics of the OS-3 district.
- b. The planning commission may recommend to the zoning board of appeals reductions in the setback requirements for buildings or off-street parking if the commission determines that all of the following conditions are met:
  - (1) Undue hardship applies to the property because of its unusual size, shape or dimensions.
  - (2) A significantly better preservation of the natural topography or natural vegetation will occur if the minimum setback requirements were not applied.
  - (3) Effective screening of adjoining residential areas is achieved.
- iv. Building length:
  - a. Buildings shall not exceed three hundred seventy-five (375) feet in length.
  - b. The planning commission may approve alternatives to the following requirements when, in its opinion, the objectives of openness, design variety and preservation of existing grades or vegetation are met:
    - (1) Any portion of a building face which exceeds one hundred twenty-five (125) feet in length shall contain a setback or offset of at least twenty (20) feet in the building face.✍
    - (2) A vertical offset, or change in elevation, is encouraged in conjunction with any horizontal offset in order to interrupt the roofline. Whenever the change in the existing ground elevation exceeds eight (8) feet along any building face over one hundred twenty-five (125) feet long, a one-story vertical offset in the roofline shall be required.✍
- iv. Distance between buildings: The minimum distance between main buildings on the same zoning lot shall be not less than sixty (60) feet or the distance required by the application of Section 34-3.5.2.H, whichever is the greater, unless there is a corner-to-corner relationship between buildings in which case the minimum distance shall be twenty (20) feet.
- c. In the OS-3 district, all exterior building facades and any accessory buildings shall be of the same finish material as the front facade of the main building and all materials used shall be recognized as finished materials.
5. In the OS-4 district the following conditions apply:
  - A. Manufacturing shall not be an assembly-line type and shall be limited to prototype equipment, products or materials for experimental purposes which are not generally for sale. Repair work shall be limited to prototypes, or products being tested, designed, or experimentally produced, and shall not be for customer services.
  - B. Warehousing or storage of products may be permitted when clearly accessory to a principal use.





**34-3.10 B-1, B-2 AND B-4 DISTRICT REQUIRED CONDITIONS**

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, except for off-street parking, loading, unloading and those open air uses indicated as being permissible in 34-3.1.24.B.x through 34-3.1.24.B.xv of the B-2 and B-4 districts, shall be conducted within completely enclosed buildings.
3. All uses shall require review and approval of the site plan by the planning commission.

**34-3.11 B-3 DISTRICT REQUIRED CONDITIONS**

1. All uses shall also be subject to the conditions of Section 34-3.22 on marginal access drives , provided however, that:
  - A. The edge of the marginal access drive nearest the street shall be located ten (10) feet from the future street right-of-way.
  - B. The front yard setback shall be a minimum of sixty (60) feet from the future right-of-way.
  - C. The front yard open space required may be reduced to twenty-five (25) percent of the required sixty (60) foot setback area.
2. All uses permitted shall require review and approval of the site plan by the planning commission.

**34-3.12 ES DISTRICT REQUIRED CONDITIONS**

1. All developments in an ES district shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized accessways.
2. Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a feeder road. Such accessways shall not be located closer than three hundred (300) feet to the intersection of an entrance or exit ramp and a feeder road. In those instances where properties fronting a feeder road are of such width or are in multiple ownerships and accessways to property cannot be provided within the minimum three-hundred

(300) foot distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.

3. The use shall be permitted subject to the review and approval of the site plan by the planning commission.

**34-3.13 IRO DISTRICT REQUIRED CONDITIONS**

1. The outdoor storage of goods or materials shall be prohibited.
2. Any use established in the IRO district shall be operated so as to comply with the performance standards set forth in Chapter 17, Article VII.
3. On land that abuts an RP, RC, SP-1, SP-2, SP-5 or MH district, the following shall apply:
  - A. Structures or any portion thereof located within two hundred (200) feet of these districts shall not exceed thirty (30) feet in height.
  - B. Exterior lighting fixtures shall not be located more than twenty (20) feet above the ground level below the light fixture. All outdoor lighting shall further be subject to the provisions of Section 34-5.16 on exterior lighting, and furthermore, the light source shall be totally shielded with opaque material on all sides and on the top and the plane of the light-diffusing media shall be parallel to the horizontal plane of the area to be lighted.
4. Secondary uses in the IRO district are further subject to the following requirements:
  - A. Such uses shall not be permitted in a single-story building or in a building separate from a permitted principal use.
  - B. The total area devoted to such uses in a building shall not exceed twenty-five (25) percent of the total floor area of the building.
  - C. All secondary uses shall have customer entrances from the interior of the principal building in which they are located.
  - D. All secondary uses shall provide off-street parking spaces at a ratio of one (1) space for each two hundred (200) square feet of usable floor area, regardless of specific use requirements of Section 34-5.2.



**34-3.14 LI-1 DISTRICT REQUIRED CONDITIONS**

1. Any use established in the LI-1 districts shall be operated so as to comply with the performance standards set forth in Chapter 17, Article VII.
2. Outdoor storage of materials shall be permitted in the rear yard only, and no articles shall be stacked or piled so as to exceed the height of the wall or berm. The outdoor storage areas shall be screened from the view of any adjoining public street, thoroughfare or freeway and shall be constructed in accordance with the applicable requirements of Section 34-5.15.
3. All uses permitted in Section 34-3.1.29 shall require review and approval of the site plan by the planning commission.
4. Unless otherwise provided, special approval uses shall not occupy a zoning lot which is located within three hundred (300) feet of a residential district.

**34-3.15 SUBDIVISION OPEN SPACE PLAN**

1. The purpose of a subdivision open space plan is to promote the preservation of open space while allowing a reduction in lot sizes in instances where the reduction would be compatible with lot sizes existing in the surrounding area. In reviewing a subdivision open space plan, the council shall consider the following objectives:
  - A. To encourage appropriate relationships in orientation and size of yards and open spaces with other developed parcels in the area.
  - B. To provide a more desirable living environment by preserving the natural character of wetlands, stands of trees, brooks, hills, and similar natural assets;
  - C. To encourage developers to use a more creative approach in the development of residential areas;
  - D. To encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities or preservation of natural environmental assets;
  - E. 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.

2. Modifications of the standards as outlined in Section 34-3.1 may be made in the RA-1B, RA-2B, RA-1 and RA-2 districts when the following conditions are met:

- A. Lot dimensions may be reduced in accordance with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided was developed in the minimum square foot lot areas as required for each one-family district under there Section 34-3.1, Development Standards. All calculations of density for residential development shall be predicated upon the one-family districts having the following gross densities (including roads):

<b>34-3.15.2.A Density of Residential Development</b>	
Districts	Dwelling Units Per Acre
RA-1B, RA-2B	1.3
RA-1	1.7
RA-2	2.0

- B. Lot widths shall not be less than the following:

<b>34-3.15.2.B Minimum Lot Width</b>	
Districts	Lot width (in feet)
RA-1B, RA-2B	110
RA-1	90
RA-2	85

- C. Lot depths shall not be less than the following:

<b>34-3.15.2.C Minimum Lot Depth</b>	
Districts	Lot depth (in feet)
RA-1B, RA-2B	140
RA-1 and RA-2	120

- D. Minimum front and side yard setbacks may be reduced as follows:
  - i. RA-1B districts, 45-foot front yard, side yard shall remain at fifteen (15) feet.
  - ii. RA-2B, RA-1 and RA-2 districts, setbacks of the RA-2 district as indicated in Section 34-3.1 shall apply.



3. For each square foot of land gained under the provisions of subsection 34-3.15.2 within a residential subdivision, through the reduction of lot sizes below the minimum requirements as outlined in the schedule of regulations, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the city.
4. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian access ways.
5. Under this subdivision open space approach, the proprietor shall dedicate sufficient park area so that each final plan is within maximum density requirements; provided, however, that the entire park area within a single block shall be dedicated as a whole.
6. Application for approval of the subdivision open space plan shall be submitted at the time of submission of the preliminary plan for approval as required by the State Subdivision Control Act and the subdivision of land ordinance of the city.

#### 34-3.16 NUISANCE FACTORS

No activity or use shall be permitted in any single-family residential district which becomes or constitutes a nuisance factor as defined in Section 34-2.2.

#### 34-3.17 ONE-FAMILY CLUSTER OPTION

1. Intent:
  - A. The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas where a parcel of land has characteristics which hinder practical development under the normal subdivision approach or where the alternative will permit better preservation of natural features. Also, this option may permit increased densities under certain circumstances. To accomplish this, modifications to the one-family residential standards, as outlined Section 34-3.1 of this Chapter, may be permitted in the RA-1B, RA-2B, RA-1, RA-2, RA-3 and RA-4 districts.
  - B. In RA-1B, RA-2B, RA-1, RA-2, RA-3 and RA-4 districts, the requirements of Section 34-3.1 of this chapter may be waived and the

attaching of one-family dwelling units may be permitted subject to the standards of this section.

2. Conditions for qualification:

- A. Qualification for the cluster option shall be based on two (2) findings by the planning commission with final density dependent upon whether or not the site qualifies under both findings:
  - i. First, the planning commission shall find that the parcel will qualify for the cluster development option as defined in Section 34-3.17.2.B.i-viii. Development would be at the single-family densities permitted in subsection 34-3.17.3.A. This finding must be made in all cases.
  - ii. Second, the planning commission may additionally find that the parcel is located in a transition area or is impacted by nonresidential uses or traffic on major or secondary thoroughfares or other similar conditions. If the planning commission makes such a finding, it may permit an increase in density up to the maximum densities established in subsection 34-3.17.3.B.
- B. The planning commission may approve the clustering or attaching of buildings on parcels of land under single ownership and control which, in the opinion of the planning commission, have characteristics that would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving a parcel for cluster development, the planning commission shall find at least one of the following conditions to exist:
  - i. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to such thoroughfare and is of shallow depth as measured from the thoroughfare.
  - ii. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the

thoroughfare, which makes platting difficult.

- iii. The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
  - iv. A substantial portion of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
  - v. A substantial portion of the parcel's perimeter is bordered by land that is located in other than an RA district or is developed for a use other than single-family homes.
  - vi. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
  - vii. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the city would be impossible unless the site were mass graded. The providing of one-family clusters will, in the opinion of the planning commission, allow a greater preservation of the natural setting.
  - viii. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.
- C. In order to qualify for development under subsection 34-3.17.2.B.vi, vii, or viii. above, the planning commission shall determine that the parcel has those characteristics and the request shall be supported by written and/or graphic

documentation, prepared by a landscape architect, engineer, professional community planner, registered architect or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two-foot contour interval, inventory of natural assets.

- D. This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.
3. Permitted densities. In a cluster development, the maximum densities permitted shall be as follows (including streets):
- A. For those parcels qualifying under subsection 34-3.17.2.A.i.:

3.17.3.A Cluster Development Maximum Densities	
Districts	Dwelling units per acre
RA-1B, RA-2B	1.4
RA-1	1.8
RA-2	2.1
RA-3	2.6
RA-4	3.8

- B. For those parcels under both subsections 34-3.17.2.A.i. and 34-3.17.2.A.ii.:

3.17.3.B Cluster Development Maximum Densities	
Districts	Dwelling units per acre
RA-1B, RA-2B	2.8
RA-1	3.1
RA-2	3.1
RA-3	3.9
RA-4	4.8

- C. Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.
- D. In those instances where increased densities may be permitted under Section 34-3.17.3.B. above, the planning commission must find that such increased density does not preclude the application



of Section 34-3.17.4.E and does not result in the destruction or total removal of such natural features as enumerated under Section 34-3.17. 2.B.vi, vii, or viii.

4. Development standards and requirements. On parcels meeting the criteria of Section 34-3.17.2.A above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by Section 34-3.1 of this chapter, may be waived and the attaching of dwelling units may be accomplished subject to the following:
  - A. The attaching of one-family dwelling units, one to another, may be permitted when such homes are attached by means of one of the following:
    - i. Through a common party wall forming interior room space which does not have over fifty (50) percent of its length in common with an abutting dwelling wall, including garage. This may be increased to seventy-five (75) percent if, in the opinion of the planning commission, greater open space or preservation of natural assets would result;
    - ii. By means of an architectural wall detail which does not form interior room space;
    - iii. Through common garage party walls of adjacent structures;
    - iv. No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed three (3). This number may be increased to four (4) if, in the opinion of the planning commission greater preservation of natural assets would result.
  - B. Yard requirements shall be provided as follows:
    - i. Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least thirty (30) feet in an RA-1B district, twenty-five (25) feet in an RA-1 district, twenty (20) feet in RA-2 and RA-3 districts, and fifteen (15) feet in an RA-4 district, measured between the nearest points of adjacent buildings. The minimum distance between detached units within groups of four (4) shall be fifteen (15) feet, unless there is a corner to corner relationship in which case the

minimum may be reduced to ten (10) feet.

- ii. Building setbacks from minor residential streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from minor residential streets, the planning commission may use the following guidelines:
  - a. Garages or required off-street parking spaces shall not be located less than twenty (20) feet from the right-of-way of a public street unless such street or portion thereof is serving as access to not more than sixteen (16) residential units.
  - b. Where streets are private or the planning commission does not require the twenty-foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than twenty (20) feet from the pavement edge of the street or the shoulder of a street.
- iii. That side of a cluster adjacent to a major or secondary thoroughfare shall not be nearer to such street than twenty-five (25) feet, except that in those areas where topography meets the topographic conditions set forth in 34-3.17.2.B.vii. above lands immediately adjacent to such streets having slopes in excess of ten (10) percent, the front yard may be reduced by five (5) feet, but in no instance shall a structure be closer to the road right-of-way line than one-half the front yard setback for the district in which it is located.
- iv. Any side of a cluster adjacent to a private road shall not be nearer to such road than ten (10) feet.

- v. Buildings shall not be fewer than twenty-five (25) feet from any property line.
  - C. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Application of the definition of building height shall apply over and above this ten (10) feet of post height.
  - D. The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least fifteen (15) percent of the horizontal development area of a one-family cluster development.
  - E. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the planning commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
    - i. Single-family lots subject to the standards of Section 34-3.1 of this chapter;
    - ii. Detached buildings with setbacks as required by Section 34-3.1 of this chapter for the applicable residential district;
    - iii. Open or recreation space;
    - iv. Changes in topography which provide an effective buffer;
    - v. A major or secondary thoroughfare;
    - vi. Some other similar means of providing a transition;
    - vii. In those instances where the parcel has been qualified for the cluster option under subparagraph 34-3.17.2.B.i. or where the adjoining land may be used for purposes other than detached one-family dwellings, the planning commission may approve a plan in which the units are attached if the parcel is too small to provide the transition and the greatest setback possible is provided.
5. Procedures:
- A. In making application for approval under this section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.
  - B. Qualification for cluster development:
    - i. Application to the planning commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in Section 34-3.17.2 above. The planning commission shall hold a public hearing on the application for qualification, with notice given in accordance with Section 34-6.2.
    - ii. The planning commission shall make a preliminary determination as to whether or not a parcel qualified for the cluster option under one or both of the provisions of 34-3.17.2.A above, based upon the documentation submitted.
    - iii. Preliminary determination by the planning commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.
  - C. Site plan and cluster approval:
    - i. The planning commission shall hold a public hearing on the site plan after an initial review of a preliminary plan which shall not require a public hearing.
    - ii. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, the following:
      - a. Typical building elevations and floor plans, topography drawn at two-foot contour intervals, all computations relative to acreage and density, a preliminary grading plan and any other details which will assist in reviewing the proposed plan.
      - b. An accurate tree survey indicating the location of all trees on the site of six-inch DBH or greater. Such





survey shall be at the same scale as the site plan.

- iii. For those parcels which qualified under the provisions of Section 34-3.17.2.B.vi, vii, or viii., one copy of the site plan superimposed on a recent aerial photograph of a scale of at least one inch equals two hundred (200) feet shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent developments.
- iv. Site plans submitted under this option shall be accompanied by information as required in Section 27-60(2), (6) and (7); provided, however, that:
  - a. Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor;
  - b. The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- v. The planning commission shall give notice of the public hearing in accordance with Section 34-6.2.
- vi. If the planning commission is satisfied that the proposal meets the letter and spirit of this chapter and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the planning commission is not satisfied that the proposal meets the letter and spirit of this chapter, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore in the minutes of the planning commission meeting. Notice of approval or disapproval of the proposal together with copies of the proposal together with copies of all layouts and other relevant information shall be forwarded to the city clerk. If the proposal has been approved by the planning commission, the clerk shall place the matter upon the agenda of the council. If disapproved, the applicant shall be entitled to a hearing before the council, if requested in writing within thirty (30) days after action by the planning commission.

- vii. The council shall conduct a public hearing on the proposed open space plan and site plan for the cluster option and shall give notice in accordance with Section 34-6.2. If the council approves the plans, it shall instruct the city attorney to prepare a contract, setting forth the condition upon which approval is based, which contract, after approval by the council, shall be entered into between the city and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- viii. As a condition for the approval of the site plan and open space plan by the council, the applicant shall deposit cash, irrevocable letters of credit or other equivalent forms of security as approved by the city attorney in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the council. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.

#### 34-3.18 MAJOR ROAD FRONTAGE OPTION

- 1. Intent. The intent of this option is to permit alternative means of residential development for small lots that front on major thoroughfares.
- 2. Qualifications for option. Zoning lots in the RA-3 and RA-4 districts may qualify for use under this option provided that the zoning lot has one lot line abutting a major thoroughfare. The options shall not apply to more than one building on a zoning lot, it being the intent to limit their application to small zoning lots which border major thoroughfares.
- 3. Options permitted:
  - A. Notwithstanding the requirements of Section 34-3.1 of this chapter, one- or two-family dwelling units may be permitted, subject to the requirements and standards of this section.
  - B. One-family dwellings may be permitted on a zoning lot with frontage on a major thoroughfare, subject to the following conditions:



- i. Notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption [February 18, 1985] or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area of width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the requirements of this section.
    - ii. Setbacks shall be as provided under Section 34-3.18.4.
  - C. Two-family dwellings may be permitted on lots which conform to the lot area and width requirements of the district, after public hearing and review and approval of a preliminary site plan by the planning commission and under such conditions as the planning commission imposes after finding that the use is not injurious to the district and environs; is not contrary to the spirit and purpose of this chapter; is not incompatible with already existing uses in the area; would not interfere with orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
    - i. The objective of site plan review shall be to discourage rows of two-family dwellings along the major thoroughfares. To accomplish this end, the planning commission may require variety in dwelling unit orientation or access as they relate to existing and potential future uses of adjoining property and to the major thoroughfare. Site plans which require backing vehicles onto the major thoroughfare shall be permitted only if there is no alternative. Combining of driveways and easements to permit such combination may be required.
    - ii. On a corner lot, no more than one dwelling entrance and/or garage shall face an existing one-family detached dwelling unit located across a separating minor residential street.
- iii. Notice of a public hearing shall be given in accordance with Section 34-6.2
  - 4. Setback, area and density requirements:
    - A. The front and rear yard requirements of Section 34-3.1 of this chapter shall apply, except that such yards need not exceed twenty (20) percent of the depth of the lot; but in no instance shall the yard be less than twenty-five (25) feet.
    - B. The side yard requirements of Section 34-3.1 shall apply except that exterior side yards abutting a street may be reduced to twenty-five (25) feet if a greater setback is required by Section 34-3.1.
    - C. All dwelling units shall meet the minimum height and floor area requirements of Section 34-3.1.

#### 34-3.19 PLANNED RESIDENTIAL DEVELOPMENT

- 1. Height, bulk, density and area standards:
  - A. For the purpose of computing and controlling population density in RP-1 and RP-2 districts, the following standards shall apply:
    - i. The entire gross area of the PRD, including street rights-of-way, parks, schools and other public or private open space, shall be included in the computation of area; provided, however, that school sites may be included only to a maximum of fifteen (15) acres or twenty-five (25) percent of the total open space, whichever is the lesser amount. Subaqueous or submerged bottom land or lakes or streams shall be excluded in computing the area of a parcel except that when land abutting such lakes or streams is substantially developed in park or open space for the use of residents of the PRD, the surface area of such lakes or streams may be used to compute density.
    - ii. Maximum density permitted shall be eight (8) bedrooms per acre in RP-1 and ten (10) bedrooms per acre in RP-2, subject to the following:
      - a. A minimum of fifty (50) detached one-family dwelling units must be included within the PRD.



- b. Not less than thirty-three and one-third (33 1/3) percent of the total number of bedrooms shall be in detached single-family dwellings.
    - c. One-family detached dwellings shall be assumed to have four (4) bedrooms for each dwelling, no more and no less.
    - d. No more than ten (10) percent of the total bedrooms shall be included in efficiency apartments or one-bedroom multiple-family dwelling units.
    - e. For the purposes of computing density, a den, library or other extra room shall not count as a bedroom unless a closet opens directly to such room.
    - f. Notwithstanding Section 34-3.19.1.A.ii.c. above, subject to the approval of the planning commission, one-family detached dwellings may be assumed to have three (3) bedrooms, no more and no less, for each dwelling, provided that not less than fifty (50) percent of the total number of bedrooms shall be in detached single-family dwellings.
  - iii. Not less than twenty-five (25) percent of the gross area of the site shall be provided as park or open space for the use of the residents of the PRD, or as a private golf course whose membership need not include residents of the PRD. The planning commission may modify the requirements of this subsection when the character of the development makes such requirements burdensome or impractical.
  - iv. Open space may include parks and recreation area, wooded lots, schools, golf courses, water areas and any use of a similar nature approved by the council; provided, however, that at least one acre for each two hundred (200) bedrooms shall be preserved as park, recreation or open space rather than as a golf course, water area, school or similar limited use area.
- B. In order to provide an orderly transition of density, where the project being proposed for use as a PRD immediately abuts an RA district (not including districts separated by a major or secondary thoroughfare), the city may require that the area immediately abutting and within three hundred (300) feet of such RA district shall be developed as single-family lots, as open or recreation space, or as detached one-family dwelling units with setbacks as required in the abutting residential district.
- C. One-family dwellings shall be subject to the requirements of Section 34-3.1 of this chapter as modified by Section 34-3.15 or 34-3.17 applicable to the RA-1 and RA-2 districts, except as otherwise modified in the approved plan or the preliminary plat. Modified setbacks shall be indicated specifically on the approved preliminary plat.
  - D. Multiple dwellings shall be subject to the requirements of Section 34-3.1 of this chapter, except as otherwise modified in the approved plan. See also Section 34-5.14.6 for buffer yard requirements.
2. Application, approval procedure. Application may be made to the council for consideration under this section. The applicant shall be required to submit the following materials to the council:
- A. Submittal of proposed PRD plan. An application shall be made to the city clerk for review and recommendation by the planning commission of the following:
    - i. A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale not smaller than one inch equals two hundred (200) feet).
    - ii. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water and unbuildable areas (scale: not smaller than one inch equals two hundred (200) feet).
    - iii. A recent aerial photograph of the area shall be provided (scale: not smaller than one inch equals two hundred (200) feet).
    - iv. A preliminary plan for the entire area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved

for schools, service activities, playgrounds, recreation areas and other open spaces and areas to be used for the public or by residents of the planned residential development (scale: not smaller than one inch equals two hundred (200) feet).

- v. One copy of the site plan, superimposed on a recent aerial photograph on a scale of at least one inch equals two hundred (200) feet, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent development.
  - vi. A preliminary grading plan, indicating the extent of grading and delineating those open space areas which are not to be graded. Water retention areas shall be indicated.
  - vii. An indication of the contemplated storm and sanitary sewer plan.
  - viii. A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated and resultant population and providing supporting documentation such as soil surveys, studies supporting land use requests and the intended scheduling of the development.
- B. Review of proposed PRD plan. Upon receipt of an application as a preliminary submittal, the city clerk shall refer such request to the planning commission for its report and recommendation. Prior to making such report and recommendation, the planning commission shall hold a public hearing on the application. Following a public hearing held by the council, and receipt of the planning commission's report and recommendation, the council shall approve the application and accompanying plan upon finding that:
- i. All applicable provisions of this article and this chapter have been met. Insofar as any provision of this article shall be in conflict with the provisions of any other section of this chapter, the provisions of this article shall apply to the lands embraced within a PRD area.
  - ii. Adequate areas have been provided for all utilities, schools, walkways,

playgrounds, recreation areas, parking areas and other open spaces and areas to be used by the public or by residents of the community.

- iii. There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system is adequate.
  - iv. The plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character of the city and the area surrounding the development.
  - v. The applicant has made provision to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The council may require that conveyances or other documents be placed in escrow to accomplish this.
  - vi. Provisions have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that maintenance of such improvements is assured.
  - vii. That provision has been made for the installation of all streets and the necessary utilities.
- C. Approval of by council:
- i. If the council shall determine to grant the application and approve the plan, it shall instruct the city attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by resolution of the council, shall be executed by the city and the applicant and recorded in the office of the county register of deeds. Approval shall be effective upon recording.
  - ii. Once an area has been included within a plan for PRD and such plan has been approved by the council, no development may take place in such area nor may any use thereof be made except in accordance with such plan or



in accordance with a council-approved amendment thereto, unless the plan is terminated as provided herein.

- iii. An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
  - iv. No approved plan shall be terminated after development commences except with the approval of the council and of all parties in interest in the land.
  - v. Within a period of two (2) years following approval by the council, final plats or site plans for an area embraced within the PRD must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the city.
- D. Notice of public hearings. Notice of the public hearings conducted by the planning commission and the council as required by this section shall be given in accordance with Section 34-6.2.
3. Submission of final plats, site plans; schedule for completion of PRD:
- A. Before any building permits shall be issued for buildings and structures within the area of PRD, final plats or site plans and open space plans for a project area shall be submitted to the city clerk for review and recommendation by the planning commission of the following:
    - i. Such site plans and plats shall be fully dimensioned and shall show a fully scaled plan view of all buildings (except detached single-family dwellings), all public rights-of-way, and private streets, areas within each project area and the proposed ultimate density thereof, parking areas, utilities, churches, schools and areas to be set aside for the use of the public or by residents within the development (scale: one inch equals fifty (50) feet).
    - ii. An estimate of the costs of improvements to the open space areas, such as plant materials, ground cover, recreation equipment, etc., shall be submitted for review. The estimate will be used to establish an escrow amount to cover the cost of the improvements.
  - iii. The proposed topography (contour interval of not more than two (2) feet) shall be superimposed on all plats and plans (scale: one inch equals fifty (50) feet).
  - iv. Floor plans typical of all residential buildings except detached single-family shall be submitted and the site plan shall indicate which floor plan is applicable to each such building.
  - v. For each final plat or site plan submitted as a phase of the approved PRD plan, the standard of four (4) bedrooms per one-family detached unit and thirty-three and one-third (33 1/3) percent of the total bedrooms as one-family may be applied to that phase of the approved PRD plan; provided, however, that the total development shall be in accordance with the approved PRD plan.
  - vi. A summary of land area in the various use areas (one-family, multiple-family, streets, open space) and the number of units in each previously approved phase shall be submitted with each final plan or plat.
- B. Review and approval of site plans for multiple-family dwellings shall comply with Sections 34-3.1.10.D, 34-3.1.11.D, and 34-3.1.12.D as well as this article except as otherwise modified in the approved plan. Review and approval of plats shall comply with Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, and the subdivision regulations of the city in addition to the requirements of this article.
- C. Before approving of any final plat or plan, the council shall determine that:
- i. All portions of the project area shown upon the approved plan for the PRD for use by the public or the residents of lands within the PRD have been committed to such uses in accordance with the PRD contract.
  - ii. The final plats or site plans are in substantial conformity with the approved plan for the PRD.





- iii. Provisions have been made in accordance with the PRD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PRD contract.
  - iv. A dedication of roads shall have been made pursuant to the provisions of Section 34-5.11 so as to cause continuity of roadway access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.
- D. If development of approved final plats or site plans is not substantially completed in three (3) years after approval, further final submittals under the PRD shall cease until the part in question is completed or cause can be shown for not completing same.
- E. In order to assure the development of open space in conjunction with a PRD, the council shall include in the contract recorded with the register of deeds a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The developer may suggest a schedule for review by the council.
- 4. Fees. Fees for review of site plans under this article shall be established by resolution of the council.
- 5. Interpretation of approval. Approval of a PRD under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the city and the applicant.
- 6. Amendments to PRD plan. Proposed amendments or changes to an approved PRD plan shall be submitted to the director of public services. The director shall determine whether the proposed modification is of such minor nature as not to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the director determines the proposed amendment is substantial in nature, the amendment shall be reviewed in accordance with the provisions and procedures of Section 34-3.19.2.

### 34-3.20 PLANNED UNIT DEVELOPMENT

1. Purpose; applicable regulations:
  - A. The Planned Unit Development (PUD) option is intended to permit, with city approval, private or public development which is substantially in accord with the goals and objectives of the Master Plan for Land Use.
  - B. The development permitted under this section shall be considered as an optional means of development only upon terms agreeable to the city. The provision of this option imposes no obligation of the city to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the city.
  - C. Utilization of the PUD option will permit flexibility in the regulation of land development by encouraging innovation through an overall development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open spaces particularly suited to the needs of the parcel in question; and provide appropriate housing, employment, service and shopping opportunities suited to the needs of the residents of the city.
  - D. It is further intended that the Planned Unit Development may be used to permit nonresidential uses of residentially zoned areas; to permit residential uses of non-residentially zoned areas; to permit densities or lot sizes which are different from the applicable district and to permit the mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development would promote the public health, safety and welfare.
  - E. It is further intended that the development will be laid out so that the various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
2. Criteria for qualifications. In order for a zoning lot to qualify for the Planned Unit Development option, the zoning lot shall either be located within an overlay district or other area



designated in this chapter as qualifying for the PUD option, or it must be demonstrated that all of the following criteria will be met as to the zoning lot:

- A. The PUD option may be effectuated in any zoning district.
  - B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.
  - C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Asserted financial problems shall be substantiated with appraisals of the property as currently regulated and as proposed to be regulated.
  - D. The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Future Land Use Plan unless the proponent can demonstrate to the sole satisfaction of the city that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.
  - E. The Planned Unit Development must meet, as a minimum, one of the following objectives of the city:
    - i. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
    - ii. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
    - iii. To accept dedication or set aside open space areas in perpetuity.
    - iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.
    - v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
    - vi. To promote the goals and objectives of the Master Plan for Land Use.
    - vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
    - viii. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.
  - F. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.
3. Uses permitted:
    - A. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined by the districts of the zoning ordinance which are to be applicable to the parts of the PUD area.
    - B. Principal permitted uses in Sections 34-3.1.1 through 34-3.1.30 of this chapter shall be allowed within the districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan. Alternatively, the city may permit uses not permitted in the district if specifically noted on the PUD plan. Conditions applicable to uses permitted subject to special conditions shall be used as guidelines for design and layout but may be varied by the planning commission provided that such conditions are indicated on the PUD plan.
  4. Height, bulk, density and area standards. The standards as to height, bulk, density, setbacks of each district shall be applicable within each district area designated on the plan except as



specifically modified and noted on the PUD plan.

5. Submittal procedures and conditions:

A. Request for qualification:

- i. Any person owning or controlling land in the city may make application for consideration of a Planned Unit Development. Unless otherwise provided, such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
- ii. A request shall be submitted to the city. The submission shall include the information required by subparagraph iii. below.
- iii. Based on the documentation submitted, the planning commission shall make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Section 34-3.20.2 above. A preliminary determination that the parcel qualifies will not assure a favorable recommendation or approval of the PUD option, but is intended only to provide an initial indication as to whether the applicant should proceed to prepare a PUD plan upon which a final determination would be based. The submittal must include the following:
  - a. Substantiation that the criteria set forth in Section 34-3.20.2 above, are or will be met.
  - b. A schematic land use plan containing enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated.
  - c. A plan for the protection of natural features. In those instances where such protection is not an objective of the PUD option, the plan need not be submitted.
- iv. The planning commission shall approve or deny the applicant's request for qualification. Whether

approved or denied, the applicant may then proceed to prepare a PUD plan upon which a final determination will be based.

B. Request for final determination. An applicant may apply for final determination with the submission of the following materials:

- i. Submittal of proposed PUD plan. An application shall be made to the Department of Planning and Community Development for review and recommendation by the planning commission of the following:
  - a. A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale not smaller than one inch equals one hundred (100) feet).
  - b. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas (scale: not smaller than one inch equals one hundred (100) feet).
  - c. A proposed land use plan indicating the following at a scale no smaller than one inch equals one hundred (100) feet (1" = 100'):
    - (1) Land use areas represented by the zoning districts enumerated in Section 34-3.1.1 through Section 34-3.1.30 of this chapter.
    - (2) Vehicular circulation including major drives and location of vehicular access. Preliminary proposals as to cross sections and as to public or private streets shall be made.
    - (3) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
    - (4) The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.



(5) The general location of residential unit types and densities and lot sizes by area.

(6) A tree location survey as set forth in Section 34-5.18, Tree Protection, Removal and Replacement.

(7) The location of all wetlands, water and watercourses and proposed water detention areas.

(8) The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof.

(9) A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.

d. A preliminary grading plan, indicating the extent of grading and delineating any areas which are not to be graded or disturbed.

e. An indication of the contemplated water distribution, storm and sanitary sewer plan.

f. A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.

ii. Planning commission review of proposed PUD plan:

a. The planning commission shall hold a public hearing on the PUD plan, with notice given in accordance with Section 34-6.2, Public Hearings.

b. After the public hearing, the planning commission shall report its findings and make its recommendations to the council. The planning commission shall review the proposed PUD plan and make a determination as to the proposal's qualification for the

PUD option and for adherence to the following objectives and requirements:

(1) The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the city.

(2) All applicable provisions of this article and this article and this chapter shall be met. Insofar as any provision of this article shall be in conflict with the provisions of any other section of this chapter, the provisions of this article shall apply to the lands embraced within a PUD area.

(3) There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system are adequate.

C. Final approval of Planned Unit Development:

i. Upon receipt of the report and recommendation of the planning commission, and after a public hearing, the council shall review all findings. If the council shall determine to grant the application, it shall instruct the city attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by resolution of the council, shall be executed by the city and the applicant. Approval shall be granted only upon the council determining that all provisions of this chapter have been met and that the proposed development will not adversely affect the public health, welfare and safety.

ii. The qualified voters of the city shall have the power to require referendum of the contract pursuant to the procedures provided below.

- iii. As to a referendum of an approved contract, if, within a 21-day period following the meeting at which the contract was approved, registered electors of the city consisting of at least one and one half (1 1/2) percent of the total vote cast for the secretary of state in the city at the last election at which a secretary of state was elected, file notice in writing with the city clerk of their intention to circulate a referendum petition, then said agreement shall not become effective until forty-five (45) days after its approval. If a sufficient petition is filed within said forty-five (45) days, the agreement shall remain suspended until the issue is determined. The filing of the preliminary notice shall be a mandatory condition precedent to the filing of a referendum petition.
- iv. The right of a referendum, subject to subsection 34-3.20.5.C.iii. above, may be commenced by the preparation of a petition addressed to the council and filed with the city clerk. The petition shall be prepared in accordance with the provisions of the Farmington Hills City Charter Section 4.09, subsection C. and shall be completed in conformance with said Charter section.
- v. All signatures shall be obtained within forty-five (45) days following the date of approval of the agreement. The petition shall be signed by registered electors of the city not less of a number than fifteen (15) percent of the total vote cast for secretary of state in the city at the last election at which a secretary of state was elected prior to the filing of the petition.
- vi. Within ten (10) days following the filing of a referendum petition with the city clerk, the city clerk shall canvas the signatures thereon to determine whether they contain a sufficient number of valid signatures obtained within the time limits herein mentioned. Signatures obtained more than forty-five (45) days following the date of approval of the agreement shall not be considered. If the petitions are insufficient, the sponsor shall be notified and no further action shall be required. When a petition with sufficient signatures is filed within the

time allowed and is in compliance with the provisions of this code, the city clerk shall present the petition to council, with his report, at its next regular meeting.

- vii. Upon receiving a referendum petition from the city clerk, the council, shall, within thirty (30) days, either repeal its approval of the agreement, or determine to submit the proposal to the electors of the city.
- viii. Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city, or at the discretion of council, at a special election called for that purpose within a time period not to exceed one hundred twenty (120) days. The result shall be determined by a majority vote of the electors voting thereon.
- ix. An agreement repealed by the electorate may not be reapproved by council for a period of one year after the date of the election at which it was repealed.
- x. Subject to the provisions of this section concerning referendums, the agreement shall become effective twenty-one (21) days after its approval and upon its recording in the county register of deeds.
- xi. Once an area has been included with a plan for PUD and such plan has been approved by the council, no development may take place in such area nor may any use thereof be made except in accordance with such plan or in accordance with a council-approved amendment thereto, unless the plan is terminated as provided herein.
- xii. An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- xiii. No approved plan shall be terminated after development commences except with the approval of the council and of all parties in interest in the land.



xiv. Within a period of two (2) years following approval of the PUD contract by the council, final plats or site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the city.

D. Submission of final plat, site plans; schedule for completion of PUD:

i. Before any permits are issued for any activity within the area of PUD, final plats or site plans and open space plans for a project area shall be submitted to the department of planning and community development for review by the planning commission of the following:

a. Review and approval of site plans shall comply with Section 34-6.1 as well as this section except as otherwise modified in the approved plan. Review and approval of plats shall comply with Act No. 288 of the Public Acts of Michigan of 1967 MCL 560.101 et seq., as amended, and chapter 27 of the city code in addition to the requirements of this article.

b. Before approving of any final plat or plan, the commission shall determine that:

(1) All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract;

(2) The final plats or site plans are in substantial conformity with the approved contract and plan for the PUD;

(3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by

the applicant and that maintenance of such improvements is assured in accordance with the PUD contract.

ii. If development of approved final plats or site plans is not substantially completed in three (3) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same.

E. Fees. Fees for review of PUD plans under this article shall be established by resolution of the council.

F. Interpretation of approval. Approval of a PUD under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the city and the applicant.

G. Amendments to PUD plan. Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the planning commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the planning commission and city council in accordance with the provisions and procedures of this section as they relate to final approval of the Planned Unit Development.

#### 34-3.21 MOBILE HOME DISTRICT

##### 1. Application, approval procedures:

###### A. Applications:

i. An application for approval of a mobile home park shall require submission of a preliminary site plan to the planning commission for review and approval.

ii. The date of receipt of the preliminary plan shall be not less than fifteen (15) days prior to the regular preliminary hearing meeting of the planning commission.

- B. Preliminary site plan:
- Preliminary site plans and specifications of the proposed mobile home park shall be submitted in accordance with Section 34-6.1.
  - The preliminary plan shall be submitted to the county road commission, the county health department, and the county drain commission where required by Section 11 of Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1111), as amended.
  - The planning commission shall either approve, modify or disapprove the site plan within sixty (60) days of the date of receipt of the preliminary plan.
  - The preliminary site plan shall be approved by the planning commission prior to submission of a final site plan. If the planning commission does not approve the preliminary plan, it shall indicate the reasons for such denial in the minutes of the planning commission meeting. The applicant shall have the right to appeal such decision of the planning commission to the council, provided it is done so in writing within seven (7) days of the planning commission meeting at which the denial took place.
- C. Final site plan. For purposes of record keeping, three (3) copies of drawings, approved by the state for construction, shall be submitted to the city by the applicant. Building permits are not required by this section.
2. Required conditions:
- Mobile home parks shall not be permitted on parcels of less than fifteen (15) acres in area.
  - Vehicular access to a mobile home park shall be directly from a major or secondary thoroughfare. If a mobile home park does not directly abut such thoroughfare, vehicular access shall be by means of a public right-of-way of not less than sixty (60) feet in width. Access shall not be permitted through one-family residential districts unless property bordering such access is publicly owned or is already developed for a permitted use other than one-family residential.
  - Storm drainage facilities shall be provided so as to protect residents of the mobile home park as well as adjacent property owners. Facilities shall be of a capacity which will ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park. Storm drainage facilities shall meet the requirements of the state department of public health and the applicable site plan design standards of the city.
  - All utility lines shall be underground.
  - All off-site connections to utilities (water, sanitary and storm sewer) shall be made in accordance with applicable city codes and ordinances.
  - All mobile homes shall be anchored by means of an anchoring system approved by the state construction code commission.
  - Where an off-street parking lot is abutting or adjacent to a residential district, an obscuring wall or landscaped berm as specified in Section 34-5.15 shall be provided.
  - Outdoor signs shall be permitted and regulated as provided in Section 34-5.5 for the RC districts.
  - The regulations and standards as provided for and promulgated under Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1101 et seq.), as amended, are hereby adopted and shall apply to and control in all mobile home parks unless exceeded by the requirements of this chapter.
3. Area, height, and bulk requirements:
- All mobile home sites shall have a site area of not less than five thousand five hundred (5,500) square feet, except that if parks provide common open space for use by the residents, site areas may be reduced by twenty (20) percent provided that the common open space shall be at least equal to the total area by which any sites have been reduced.
  - No mobile home, community building or service building shall be located closer than twenty-five (25) feet to any mobile home park perimeter lot line or fifty (50) feet to any existing or proposed major or secondary thoroughfare right-of-way line.
  - Accessory buildings servicing the mobile home park shall not exceed twenty-five





(25) feet in height. Mobile homes shall not exceed fourteen (14) feet in height.

- D. A mobile home park shall provide an open area of at least twenty-five thousand (25,000) square feet. For mobile home parks containing more than fifty (50) sites, the minimum area shall be increased by two hundred (200) square feet for each site over fifty (50). Open space resulting from site reductions permitted in subsection 34-3.21.3.A above may be applied to this open space requirement. Land designated for recreational use shall be so located and designed to facilitate access and usability and shall be shaped so that its length is no greater than three (3) times its width.

#### 34-3.22 MARGINAL ACCESS DRIVES

Uses in the OS-2 and B-4 districts may be subject to the following conditions:

1. In those instances where the planning commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the commission may require marginal access roads and, to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without reentering the public thoroughfare.
2. The marginal access road shall be adjacent to the front property line and shall be at least twenty-two (22) feet wide. The marginal access road shall be either dedicated as public right-of-way or shall be an easement which will permit the use of the marginal access road for traffic circulation from one property to another. Such easement shall be in a form acceptable to the council, and approved by the code enforcement officer prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement or right-of-way although temporary features such as wheel stops may be permitted. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the county register of deeds prior to the issuance of an occupancy permit.
3. In reviewing the site plan, the planning commission may permit parking in the easement area, provided that the layout is such that the parking can be removed at a later date when the marginal access road is needed for access to adjacent properties, without disrupting the layout of the parking area. Temporary parking spaces permitted within the marginal access drive shall not be included in computing the minimum off-street parking requirements under Section 34-5.2.
4. Where marginal access roads are required, the planning commission shall recommend that the entire twenty-two-foot area be paved up to the abutting properties. Backing from parking spaces onto the marginal access road shall not be permitted except on a temporary basis. The site plan shall indicate the proposed elevation of the marginal access road at the property line and the code enforcement officer shall maintain a record of all marginal access road elevations so that their grades can be coordinated. Marginal access road elevations shall conform to elevations established by the council or, if not so established, be not more than one foot above or below the elevation of the adjoining property. Paving of the marginal access road shall meet construction specifications set by the council.
5. The site shall be laid out so that a portion of the front yard open space required shall serve as a separation between the marginal access drive and the off-street parking lot.
6. Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to assure elimination of temporary entrances and exits. Occupancy permits shall not be issued until monies have been deposited with the city.
7. In determining which entrances and exits will be permanent and which will be temporary, the planning commission shall generally be guided by a minimum distance of six hundred (600) feet between entrances and exits and by the location of existing or approved drives on the opposite side of the street.

#### 34-3.23 SUSTAINABLE DESIGN.

The use of Best Management Practices with regard to stormwater management is strongly encouraged. In addition, buildings are strongly encouraged to achieve silver or higher LEED certification or meet the equivalent standards of a similar rating agency or organization as determined by the City.





Alternatively, the building can meet the intent of such standards by complying with the equivalent or similar guidelines adopted by the City.

For plans meeting the intent of the above paragraph, the approving body will permit an expedited plan review process including concurrent review of site plan and landscape plan, thereby combining Steps 1 and 2 in the approval process. In addition, for those underlying zoning districts requiring fifty (50%) percent of the required front yard to be open space, this requirement may be reduced to thirty (30%) percent in order to provide more flexibility to place rain gardens, landscaped areas, and similar open space features where they can have the greatest stormwater management or LEED certification (or equivalent) benefits.

#### 34-3.24 PEDESTRIAN ACCESS

1. Pedestrian access-ways of sufficient width and design to allow convenient use shall be provided between public sidewalks and principal building entrances, between principal building entrances and off-street parking lots, and between uses on abutting parcels. Such access-ways may not be included in the calculations of open space as required under Section 34-3.1 and Section 34-3.5.2.J unless, in the opinion of the Planning Commission, the access-way is an integral part of a larger open space.
2. Public access to bike paths shall be encouraged. Bike paths providing such access may be included in the calculation of open space required under Section 34-3.1 and Section 34-3.5.2.J.

#### 34-3.25 NOISE AND GLARE.

Noise and glare on the site shall not exceed the standards set forth in Chapter 17, Article VII

#### 34-3.26 GENERAL EXCEPTIONS

The regulations in this chapter shall be subject to the interpretations and exceptions in this article.

1. Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intent hereof to exempt such essential services from the application of this chapter.

2. Voting places. The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
3. Height limit:
  - A. The height limitations of this chapter shall not apply to farm buildings, chimneys, church belfries or spires, or public monuments; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a use permitted under Section 34-4.20 of this chapter and the planning commission may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval by the planning commission.
  - B. Rooftop equipment, solar collectors, TV antennas, cupolas, skylights:
    - i. In any RC, SP, OS, B, ES, IRO or LI-1 district, penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air-conditioning equipment, satellite reception antennas and other similar apparatus may be erected above the height limit of the zoning district in which located when, after review by the planning commission, the plans are found to meet the following conditions:
      - a. All rooftop equipment and apparatus shall be housed in a penthouse or structure constructed of building material compatible with the material used in the principal building.
      - b. Penthouses or structures shall be set back from the outermost vertical wall or parapet of the principal building a distance equal to at least two (2) times the height of such penthouse or structure and which shall in no instance exceed the height of ten (10) feet.
      - c. Such penthouse or structures shall not have a total floor area greater than fifteen (15) percent of the total roof area of the building.
    - ii. In any use district, solar energy collectors may be permitted to exceed the height limit after review by the



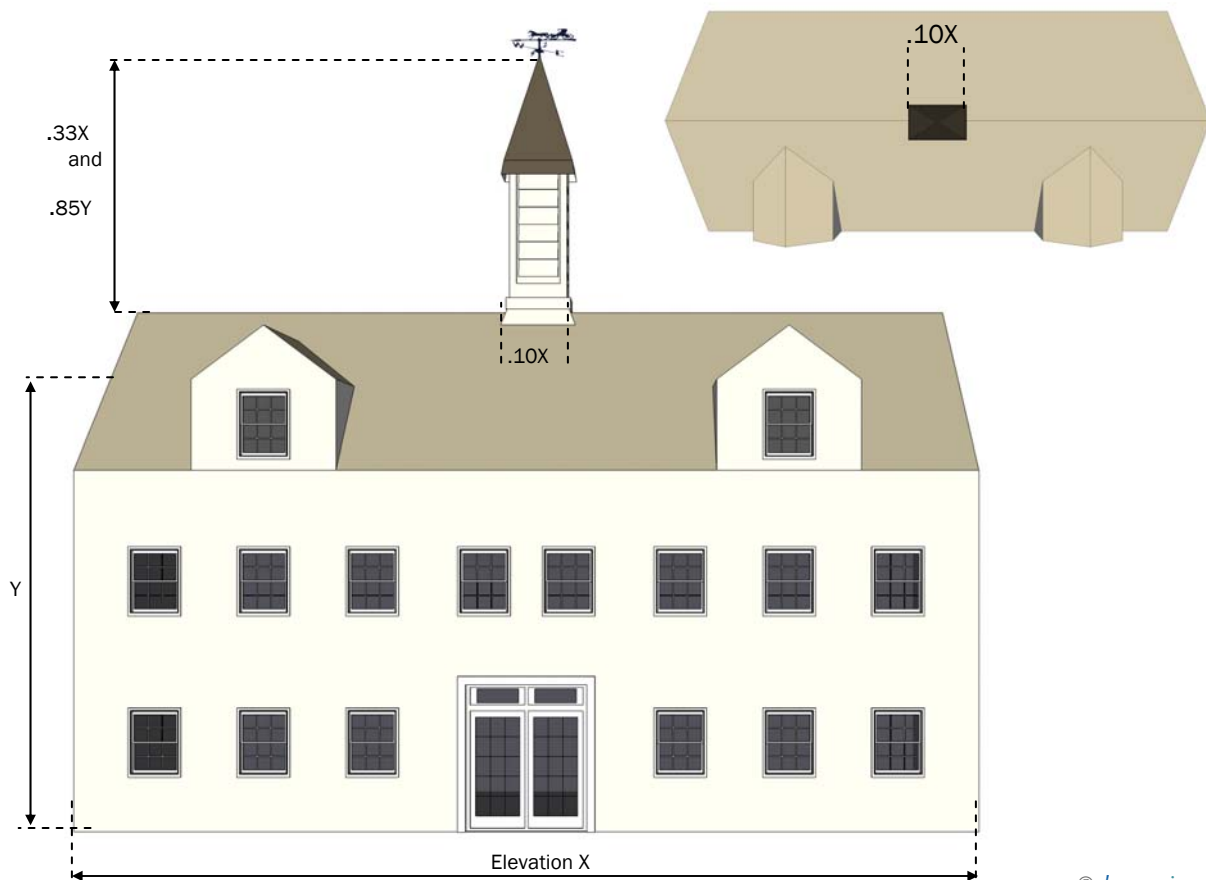
zoning board of appeals, subject to the following guidelines:

- a. Such structure is in addition to a roof; it is not intended to permit an increase in the overall building height as permitted by this chapter.
  - b. Such external solar collector shall not be placed so as to materially impair solar access to adjacent property.
- C. In any R or MH district, antenna structures for private, domestic radio or television reception, not including satellite reception antennas greater than two (2) feet in diameter, may be erected and maintained on the roof of any building without a building permit, provided that the antenna does not exceed twelve (12) feet in height.
- D. Cupolas or skylights may be permitted to exceed the height limit in OS, B, ES, IRO and LI-1 districts, subject to review and approval of the site plan by the planning

commission and provided that the following conditions are met:

- i. Such height exception may be permitted by the planning commission upon finding that a cupola and any extension thereof or skylight:
  - a. Is architecturally essential;
  - b. Shall contain no usable floor space or advertisement;
  - c. Has access for maintenance purposes only;
  - d. Shall not be designed for occupancy for any reason;
  - e. Cupolas shall be limited to one on a building.
- ii. The length of a cupola as measured parallel to the length of the building to which it is attached shall not exceed ten (10) percent of the length of the building. It shall not exceed twenty-five (25) feet in any instance.

#### 34--3.26.3.D.iii Cupola Height



©clearzoning

- iii. The height of any part of a cupola above the building roof or ridge line (to the top of the cupola roof) shall not exceed eighty-five (85) percent of the main building height; the cupola height shall not exceed an amount equal to thirty-three (33) percent of the length of the building to which it is attached.
  - iv. The height of any vertical extension of the cupola, such as a weather vane, shall not exceed two (2) inches for each one (1) foot of height between the base of such vertical extension and the building grade.
  - v. The maximum height of any part of a cupola or skylight including any vertical extension shall not exceed the horizontal distance between the part and any property line of the zoning lot on which it is located.
  - vi. The height of a skylight exceeding the height limit of the district shall not be more than twenty-five (25) percent of the height permitted for the main building but in no instance shall it exceed seven and one-half (7 1/2) feet as measured in the manner applied to buildings.
  - vii. Skylights shall be made entirely of transparent material with the exception of framing elements necessary for support.
  - viii. The combined area of skylights, cupolas and penthouses above the height limit shall not exceed twenty (20) percent of the total roof area as measured in a horizontal plane.
- 4. Lots adjoining alleys. In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area and setback requirements of this chapter, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- 5. Yard regulations. When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.
- 6. Attached porches, decks, and patios in residential districts.
  - A. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet or may project into a minimum rear yard setback for a distance not exceeding twenty (20) feet, but not to exceed a distance equal to sixty (60) percent of the depth of the rear yard; provided, however, that this shall not be interpreted to include or permit fixed canopies.
  - B. Such deck, porch, patio or paved terrace shall not be more than nine (9) inches above the grade level of the lowest story (excluding a basement) of the main building except for open, unenclosed railings which do not exceed four (4) feet in height above the elevation (level) of the deck, porch, patio or paved terrace.
  - C. Such deck, porch or paved terrace, together with all other accessory buildings and structures, shall not occupy more than forty (40) percent of the horizontal area of the rear yard.
  - D. Accessory buildings, such as gazebos, may be placed on porches, decks or patios located in a rear yard setback; provided, that they do not exceed fourteen (14) feet in height as measured from the ground. Such building, together with other detached accessory buildings, shall not occupy more than twenty-five (25) percent of a rear yard setback nor more than forty (40) percent of any rear yard in excess of the rear yard setback.
  - E. In a one-family residential condominium development that is not a site condominium, attached or detached units shall be subject to the following requirements:
    - i. An uncovered, unenclosed deck, porch, patio, or paved terrace may project into the setback of the front of a building for a distance not exceeding ten (10) feet or may project into a setback to the rear of a building for a distance not exceeding fifteen (15) feet or may project into a setback to the side of a building for a distance not exceeding eight (8) feet.
    - ii. Such deck, porch, patio or paved terrace shall not be more than nine (9) inches above the grade level of the lowest story (excluding a basement) of the main building except for open,



unenclosed railings which do not exceed four (4) feet in height above the elevation (level) of the deck, porch, patio or paved terrace. This provision shall be applied on a unit-by-unit basis.

- iii. Accessory buildings, such as gazebos, may be placed on porches, decks or patios located to the rear of a building, provided that they do not exceed fourteen (14) feet in height as measured from the ground.
7. Projections into yards:
- A. Architectural features, including solar energy collectors but not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.
  - B. Solar energy collectors may be permitted to exceed the limitation of subsection A above, subject to the approval of the zoning board of appeals and provided that:
    - i. Such projection may be permitted only on buildings existing at the time of adoption of this chapter (February 18, 1985).
    - ii. Such external collector shall not be placed so as to materially impair solar access to adjacent property.
8. Access through yards. For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure and shall be permitted in any required yard.
9. Lots having water frontage. Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a covered or uncovered boat well shall be permitted after review and approval of plans by the zoning board of appeals. Accessory structures shall be permitted in the yard between the abutting road right-of-way and the main building, provided that the minimum front yard setback required in Section 34-3.1 is met.
10. Accessory structures in front yards:
- A. In the RC, RCE, SP, OS, B, ES, IRO or LI-1 districts, one (1) statue, sculpture or other similar structure may be erected in the front yard when, after review by the planning commission, the plans and the structure are found to meet the following conditions:
    - i. The structure may not be located within the proposed right-of-way.
    - ii. The structure is not a sign as defined in the zoning ordinance, nor does it contain any commercial message.
    - iii. The structure meets all height requirements in the district in which it is to be located.
    - iv. The structure and its proposed location do not pose a danger to the health, safety or welfare of the people of the community.
    - v. The structure does not demean or degrade any racial, religious, ethnic or gender group.
  - B. One (1) flagpole for each zoning lot shall be permitted to be located within the required street setback area, provided that the distance between the base of a pole and the lot line is not less than the height of the flagpole. Two (2) such flagpoles shall be permitted in the LI-1, IRO, and OS-4 districts. The zoning board of appeals may permit exceptions for additional flagpoles provided that the flag is accessory to the use and is not a sign.
11. Licensed seasonal sales. The sale or transfer of goods which are licensed for sale permitted under Section 22-91 of the city Code shall not be subject to the requirements of this article.
12. Existing cellular towers. In order to promote the co-location of antennae and reduce the number of towers in the city, a cellular tower existing at the date of the adoption of Ordinance No. C-12-97 or subsequently erected in conformance with the zoning chapter may be replaced with the review and approval of the planning commission; provided, however,
- A. The purpose of the replacement is to permit the co-location of antennae of additional providers.
  - B. The maximum height of the tower shall not exceed one hundred twenty (120) feet



measured from the grade at the base of the tower.

- C. The replacement tower shall be subject to Section 34-4.24.8.
  - D. The base of the tower shall have a minimum setback of five hundred (500) feet to any lot line located in an RA, RC, MH, RP or SP-1 district and the tower is located in a B, ES, OS, IRO or LI-1 district.
13. Special events. For purposes of this chapter, special events that meet all of the following criteria are permitted in all districts and do not require temporary use permission under Section 34-7.14.6.E:
- A. The special event is not open to the public, and does not involve the offering of any goods or merchandise for sale to those attending the special event;
  - B. The special event complies with all otherwise applicable laws and ordinance regulations of this code, including, without limitation, obtaining a license under Section 5-101 et seq. of this Code;
  - C. The special event is held on property that is owned or occupied by the holder of the license for the special event;
  - D. The special event is limited to the hours of 9:00 a.m. to 10:00 p.m.;
  - E. The special event does not require or involve the erection of any capital improvements of a permanent structural nature.

For purposes of this section, the terms "special event" and "not open to the public" shall have the meanings ascribed to them in Section 5-102 of this Code.

14. Accessory temporary outdoor sales events. For purposes of this chapter, temporary outdoor sales events that meet all of the following criteria are permitted on zoning lots in the B-1, B-2, B-3, B-4, and ES districts and on lots having a church or nonprofit club as the primary use:
- A. The temporary outdoor sales event must be accessory to an existing principal use on the same property as the event is held, and may only be conducted by the owner or operator of such principal use;
  - B. The temporary outdoor sales event must comply with all otherwise applicable laws and ordinance regulations of this Code, including, without limitation, obtaining a

license under chapter 22, Article V, Section 22-101 et seq. of this Code;

- C. The temporary outdoor sales event must be held on property that is owned or occupied by the holder of the license for the event;
  - D. The temporary outdoor sales event shall not exceed more than fourteen (14) consecutive days and a total of twenty-eight (28) days during any twelve (12) month period, and the event shall begin no earlier than 9:00 a.m. and end no later than 10:00 p.m. on any day; and
  - E. The temporary outdoor sales event shall not require or involve the erection of any capital improvements of a permanent structural nature, and shall not require or involve any outdoor storage of items not related to the outdoor sale.
- Temporary outdoor sales events that are permitted pursuant to this section do not require temporary use permission under Section 34-7.14.6.E. For purposes of this section, the term "temporary outdoor sales event" shall have the meaning ascribed to it in Section 22-102 of this Code.
15. Accessory temporary trailers. For purposes of this chapter, temporary sales trailers and temporary medical use trailers may be permitted within an approved development in any district, subject to the following minimum regulations and requirements:

- A. The trailer shall comply with all otherwise applicable laws, codes and ordinance regulations of this Code, including, without limitation, all applicable non-use zoning requirements in this chapter and the noise, lighting, vibration, odor, and other performance standards set forth in chapter 17, article VII of this Code;
- B. The trailer shall be skirted, if it is located on the premises for a period exceeding two (2) months;
- C. A temporary sales trailer shall be used solely for purposes of marketing and/or sales directly related to the development of the property on which it is located, and the trailer shall be permitted for a period not to exceed the shorter of the following: Twelve (12) months from the date of approval, or the issuance of a certificate of occupancy for a model home or building in the development to be used for sales or marketing purposes;



- D. A temporary medical use trailer shall be used solely for purposes of temporarily providing magnetic resonance imaging or other similar imaging, diagnostic, or testing procedures for the patients of an existing medical facility on the property on which it is located, and the trailer shall be permitted for a period not to exceed the shorter of the following: Twenty-four (24) months from the date of approval, or the issuance of a determination by the State of Michigan concerning the need, or lack of need for a permanent MRI testing facility at the site;
- E. The days and hours of installation, removal and operation shall be determined by the city manager, and the hours of operation shall not exceed 7:00 a.m. to 9:00 p.m.;
- F. Paved public access, or other means of improved means of public access, determined by the fire marshal to be satisfactory for purposes of ingress and egress for fire and emergency vehicles, equipment and personnel, shall be provided to and from the trailer;
- G. The exterior design, appearance and color scheme of the trailer shall be such that it blends and is aesthetically harmonious with the dwellings, buildings and other structures located, or to be located, within the development, as well as the dwellings, buildings and other structures located on adjacent properties within close proximity to the location of the trailer;
- H. There shall be no outside storage and the use shall not require the erection of any capital improvements of a permanent structural nature;
- I. Plans shall be submitted to the city manager, or his or her designee, showing compliance with all of the above standards and requirements, and such plans shall also include the following:
  - i. The general layout of the zoning lot on which the trailer is proposed to be located;
  - ii. Identification of all existing structures and improvements on the property;
  - iii. The location and description of the temporary ingress and egress, parking and landscaping that shall be provided in connection with the trailer;
  - iv. The location and description of all temporary lighting, electrical, mechanical, plumbing, fire and sanitary facilities related to the trailer; and
  - v. Any other information related to the trailer that may be requested by the city in order to make informed decisions regarding the trailer;
- J. A cash bond shall be posted with the city, for purposes of ensuring that the temporary trailer and premises on which it is located are maintained in good condition and in accordance with this section, that the use is discontinued and the trailer removed in a timely manner, and that the property on which the trailer is located is rehabilitated in a manner consistent with the approved site plan for the development, and such bond shall be in a form and an amount reasonably estimated by the city manager to be sufficient to secure satisfaction of the foregoing purposes;
- K. Occupancy and use of a temporary trailer is not permitted under this section until the foregoing plans, bond, and temporary trailer have been reviewed and approved, or conditionally approved, by the city manager, or his or her designee, as being in compliance with this section. A nonrefundable review fee, in an amount determined by the city council, shall be paid at the time plans for the temporary trailer are submitted for approval. Temporary sales trailers and temporary medical use trailers that are permitted and approved pursuant to this section do not require temporary use permission under Section 34-7.14.6.E.



**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Chapter 34*

## *Article 4.0*

### *Use Standards*



## Article 34-4.0 Use Standards

- |         |   |         |   |
|---------|---|---------|---|
| 34-4.1  | Farms   | 34-4.21 | Adult Business Uses   |
| 34-4.2  | Public, Parochial, or Private Elementary Schools  | 34-4.22 | Sale of Mobile Homes  |
| 34-4.3  | Golf Courses  | 34-4.23 | Secondary Uses in the Office Districts  |
| 34-4.4  | Churches  | 34-4.24 | Cellular Tower and Cellular Antennae  |
| 34-4.5  | Nursery Schools, Day Nurseries, and Day Care Centers  | 34-4.25 | Laundry, Dry-Cleaning Establishments, or Pickup Stations  |
| 34-4.6  | Manufactured One-family Detached Dwelling Units   | 34-4.26 | Veterinary Hospital, Clinic, or Commercial Kennel   |
| 34-4.7  | Hospitals, Not Including Veterinary Hospitals   | 34-4.27 | Fast Food or Carryout Restaurant  |
| 34-4.8  | Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations, and Gas Regulator Stations | 34-4.28 | Gasoline Service Stations   |
| 34-4.9  | Private Noncommercial Recreational Areas, Institutional or Community Recreation Centers, and a Nonprofit Swimming Pool            | 34-4.29 | Retail Business and Fabrication, Repair, and Processing of Goods  |
| 34-4.10 | Colleges, Universities, and Other Such Institutions of Higher Learning, Public and Private  | 34-4.30 | Open-Air Business in the B-2 District   |
| 34-4.11 | Private Swimming Pools  | 34-4.31 | Automobile Repair   |
| 34-4.12 | Private Stables   | 34-4.32 | Outdoor Space for Seating Areas Accessory to a Restaurant   |
| 34-4.13 | Retail Sale of Farm Goods   | 34-4.33 | Establishments with Coin-Operated Amusement Devices   |
| 34-4.14 | Commercial Vehicles   | 34-4.34 | Motel   |
| 34-4.15 | Home Occupations  | 34-4.35 | Drive-in Restaurants (Including Drive-thru Windows)   |
| 34-4.16 | State-Licensed Day Care Homes   | 34-4.36 | Outdoor Space for Sale of Rental of New or Used Motor Vehicles, Trailers, Mobile Homes, Boats, Recreational Vehicles and Other Similar Products |
| 34-4.17 | Convalescent Homes or Orphanages  | 34-4.37 | Business in the Character of a Drive-in or Open Front Store   |
| 34-4.18 | Private Clubs or Lodges   | 34-4.38 | Bus Passenger Stations  |
| 34-4.19 | Indoor Recreation Facilities  | 34-4.39 | Commercially Used Outdoor Recreational Space  |
| 34-4.20 | Special Land Uses   | 34-4.40 | Vehicle Wash  |



- |         |  |         |                                 |
|---------|--|---------|---------------------------------|
| 34-4.41 | Mortuary Establishments  | 34-4.57 | Marihuana Uses                  |
| 34-4.42 | Community Cable Television Operations  | 34-4.58 | Reserved                        |
| 34-4.43 | Industrial Uses  | 34-4.59 | One-Family Dwelling Standards   |
| 34-4.44 | Assembly Halls, Display Halls, or Similar Places of Assembly   | 34-4.60 | Special Accommodation Residence |
| 34-4.45 | Secondary Uses in the IRO District   |         |                                 |
| 34-4.46 | Principal Permitted Uses in the LI-1 District  |         |                                 |
| 34-4.47 | Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Open Storage for Construction Contractor's Equipment, and Supplies |         |                                 |
| 34-4.48 | Automobile or Other Machinery Assembly Plants  |         |                                 |
| 34-4.49 | Painting, Varnishing, and Other Undercoating Shops   |         |                                 |
| 34-4.50 | Metal Plating, Buffing, Polishing Manufacturing, Compounding, Processing, Packaging or Treatment   |         |                                 |
| 34-4.51 | Other Land Uses  |         |                                 |
| 34-4.52 | Indoor Tennis or Racquet Court Facilities, Indoor Ice or Roller Skating Arenas and Other Similar Uses                                      |         |                                 |
| 34-4.53 | Lumber and Planing Mills and Lumber Cutting and Other Finishing Processes  |         |                                 |
| 34-4.54 | Community Cable Television Operations Accessory Tower  |         |                                 |
| 34-4.55 | Electric Vehicle Infrastructure  |         |                                 |
| 34-4.56 | Seasonal Outdoor Sales   |         |                                 |



# 4.0 Use Standards

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## 34-4.1 FARMS<sup>m</sup>

Farms are a principal permitted use subject to the following:

1. Buildings to house animals such as dairy and/or beef cattle, sheep, goats or pigs shall not be located within two hundred (200) feet of any property line.
2. Buildings to house animals such as fowl or rabbits shall not be located within seventy-five (75) feet of any property line.

## 34-4.2 PUBLIC, PAROCHIAL OR PRIVATE ELEMENTARY, INTERMEDIATE OR SECONDARY SCHOOLS

All buildings shall have a set back of at least forty (40) feet.

## 34-4.3 GOLF COURSES<sup>m</sup>

1. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit, are a principal permitted use subject to the following conditions:
  - A. Accessory uses not strictly related to a golf course which are generally of a commercial nature such as a restaurant and bar shall be housed in the main clubhouse. Accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be located in separate structures.
  - B. Buildings, outdoor swimming pools, tennis courts or similar concentrated recreation use areas (not including fairways or greens) shall have setbacks of not less than one hundred (100) feet.
  - C. Lighting of playing areas of the golf course for night use shall be prohibited.
2. In a RP-1 and RP-2 planned residential development, golf courses are subject to the above conditions, excepts as otherwise modified in the approved plan.

## 34-4.4 CHURCHES

Churches are a principal permitted use subject to the following conditions:

1. Off-street parking spaces and drives or aisles shall not be located within twenty (20) feet of a side or rear lot line when such lot line abuts an

RA District. This minimum setback area shall be landscaped as a greenbelt and shall include the wall or berm as required by Section 34-5.15.

2. All principal buildings shall have a setback of not fewer than fifty (50) feet unless exceeded by the requirements of Section 34-3.6.
3. All accessory buildings shall have a setback of not fewer than fifty (50) feet from any RA district unless such district is occupied by an existing use other than one-family detached dwellings and unless exceeded by the requirements of Section 34-3.6.
4. Garages for the storage of or the outside storage of more than four (4) buses or vans shall not be considered as normally accessory to a church use.

## 34-4.5 NURSERY SCHOOLS, DAY NURSERIES, AND DAY CARE CENTERS

1. Nursery schools, day nurseries, and day care centers are principal permitted uses, subject to the following conditions:
  - A. At least one side lot line of the zoning lot abuts an RC, SP, MH, OS, B, ES, IRO, LI-1, or P-1 district or a site occupied by a use other than one-family residential in an RA or RP district.
  - B. The site shall contain a minimum area of one acre, exclusive of any dedicated public road rights-of-way.
  - C. All principal buildings shall have a setback of not fewer than forty (40) feet unless exceeded by the requirements of Section 34-3.6.
  - D. All accessory buildings shall have a setback of not fewer than forty (40) feet from any one-family residential district unless occupied by an existing use other than a one-family detached dwelling and unless exceeded by the requirements of Section 34-3.6.
  - F. There shall be provided and maintained a minimum area of one hundred fifty (150) square feet of outdoor play space for each child cared for.
2. In the RA, RP and SP-5 districts the outdoor play space shall have a total minimum area of not less than five thousand (5,000) square feet.



3. Nursery schools, day nurseries and day care centers are permitted uses in the RC-1, RC-2, and RC-3 districts subject to the conditions that outdoor play space shall have a minimum area of five thousand (5,000) square feet or one hundred fifty (150) square feet for each child cared for, whichever is the greater.

#### 34-4.6 MANUFACTURED ONE-FAMILY DETACHED DWELLING UNITS

1. Manufactured one-family detached dwellings shall be subject to the following standards:
  - A. Principal buildings and accessory structures shall conform to all applicable city codes and ordinances.
  - B. Such dwellings shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and with site-built homes in the area.
  - C. Such dwellings shall provide a minimum width and depth of at least twenty-two (22) feet over eighty (80) percent of any such width or depth dimension in the RA-1, RA-2 and RA-3 districts and eighteen (18) feet over eighty (80) percent of any such width or depth dimension in the RA-4 district.
  - D. Such dwellings shall have an overhang or eave as required by the building code of residential dwellings or similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RA district.
  - E. Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RA district.
  - F. Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RA district.
2. Proposals for manufactured one-family detached dwelling units shall follow the procedures set forth below:
  - A. Applications to permit manufactured one-family detached dwelling units shall be submitted to the code enforcement officer who may require the applicant to furnish such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
  - B. In reviewing any such proposed dwelling unit with respect to items 34-4.6.1.E. through 34-4.6.1.H. above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the city at large.
  - C. Should the code enforcement officer find that any such dwelling unit does not conform with all of the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decision by requesting a public hearing before the planning commission. Notice of such hearing shall be given in accordance with Section 34-6.2. Thereafter, the planning commission shall take final action.
3. Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three (3) to one, or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RA district.
4. All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer sidewalls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.



#### 34-4.7 HOSPITALS, NOT INCLUDING VETERINARY HOSPITALS

Hospitals are permitted in the SP-2 district subject to the following conditions:

1. All access to the site shall be in accordance with Section 34-5.13.
2. Buildings dedicated primarily to the provision of inpatient medical or surgical care shall not exceed eighty-five (85) feet in height, any provisions of Section 34-3.26.3 to the contrary notwithstanding. Accessory buildings, whether attached or unattached, shall not exceed sixty (60) feet in height; vehicular parking structures shall not exceed thirty (30) feet in height.
3. Building setbacks shall be as required by Section 34-3.8; provided, however, that:
  - A. Buildings or any portion of buildings exceeding sixty (60) feet in height shall have setbacks as required by the following formula as set out in Section 34-3.5.2.G:
$$Y = \frac{L+2H}{1}$$
  - B. The minimum setback of any building from a one-family residential district shall be eighty (80) feet or as required by the applicable formula, whichever is greater.
  - C. Off-street parking shall not be permitted within fifty (50) feet of the front line and such fifty-foot area shall be in lawn or landscaped.
4. Accessory buildings, including parking structures, may be located in any yard provided that such buildings shall not be located between a public street and a principal building on the same site unless the following special conditions are met:
  - A. Location in a rear or interior side yard is not practical because of the operational and design needs of the hospital.
  - B. A landscape plan shall be submitted with the site plan. An objective of the landscape plan shall be to provide deciduous trees which will eventually grow to significant heights relative to the height of proposed buildings. The landscape plan shall be submitted with Section 34-5.14.
5. Parking structures shall be designed so as to prevent vehicle headlights from shining toward the street or any residential area.

6. The minimum distance between adjacent buildings on the low site shall be not less than the height of the lowest building, or fifteen (15) feet, whichever is greater.
7. Signs shall be subject to the provisions of Section 34-5.5, including the maximum height.

#### 34-4.8 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS

Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operating requirements necessitate locating within the district in order to serve the immediate vicinity, are permitted provided that:

1. Building setbacks shall not be less than forty (40) feet.
2. A landscape plan shall be submitted in accordance with Section 34-5.14.

#### 34-4.9 PRIVATE NONCOMMERCIAL RECREATIONAL AREAS, INSTITUTIONAL OR COMMUNITY RECREATION CENTERS, AND A NONPROFIT SWIMMING POOL CLUB

Private noncommercial recreational areas, institutional or community recreation centers, and a nonprofit swimming pool club are permitted uses subject to the following restrictions:

1. Any use permitted in this subsection shall be developed only on acreage of at least two (2) acres in area, and shall not be permitted on a lot or group of lots of record of less than two (2) acres per lot.
2. The proposed site for any of the uses permitted in this subsection which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major or secondary thoroughfare as designated on the major thoroughfare plan.
3. Setbacks shall be at least eighty (80) feet 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.





4. Buildings erected on the premises shall not exceed one (1) story or fifteen (15) feet in height except where due to topography a lower level shall be permitted when such lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.
5. Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members. Bylaws of the organization shall be provided to the planning commission in order to establish the membership involved for computing parking requirements. In those cases wherein the proposed use organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
6. Whenever a pool is involved, such 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.
7. The organization proposing any such use permitted in this subsection shall have at least two-thirds (2/3) of its membership composed of residents of the city.

#### 34-4.10 COLLEGES, UNIVERSITIES AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING, PUBLIC AND PRIVATE

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

1. Buildings shall have setbacks of not less than eighty (80) feet.
2. Height of buildings in excess of the minimum requirements may be allowed if, in the opinion of the planning commission, such exception would create interest and variety in the visual environment.
3. Those buildings to be used for servicing or maintenance, such as heating, plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

#### 34-4.11 PRIVATE SWIMMING POOLS

Private swimming pools shall be permitted as an accessory use within the rear yard or within a side yard, provided that if the pool is located within a side yard, the outside of the pool wall shall not be located less than thirty-five (35) feet from any side lot line; if the pool is located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the outside of the pool wall shall not project beyond the front yard setback required on the lot in rear of such corner lot.

In a one-family residential condominium development which is not a site condominium, private swimming pools may be permitted to the rear of a building or to the side of a building, provided that it is not located within twenty-five (25) feet of a private road or street or within twenty-five (25) feet of any wall of a separate building if that wall contains windows or doors.

#### 34-4.12 PRIVATE STABLES<sup>m</sup>

Private stable shall be permitted for not more than one (1) horse on a lot where such zoning lot is not less than two (2) acres in area and provided that for each additional horse stabled thereon one (1) acre of land shall be provided. All confinement areas or stables shall not be within eighty (80) feet of any property line and shall in all instances be located in the rear yard.

#### 34-4.13 RETAIL SALE OF FARM GOODS

1. Sale shall be made only from the premises where the product was produced.
2. No permanent structure shall be erected in connection with such sales and all temporary structures shall be removed when such products have been disposed of.
3. Off-street parking shall be provided for not less than five (5) automobiles.
4. Such use shall be permitted only as a temporary use by the board of appeals. Permits shall be limited to one (1) year but may be reviewed by the board of appeals without additional fee.



**34-4.14 COMMERCIAL VEHICLES**

Commercial vehicles may be parked as an accessory use to a one-family dwelling, subject to the following conditions:

1. The vehicle is used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
2. The vehicle is not a dump truck, stake truck, tank truck, flat bed truck, step van, wrecker or semi-tractor.
3. No part of the vehicle exceeds eight (8) feet in overall height, measured from the ground.
4. The vehicle has no ladders, tools, pipes or other similar equipment attached or mounted to the outside of the vehicle.
5. The vehicle has no more than one rear axle.
6. The vehicle does not exceed thirteen thousand (13,000) pounds gross weight.

**34-4.15 HOME OCCUPATIONS<sup>m</sup>**

1. Home occupations, including uses involving the use of business mailing addresses and business telephone numbers in residences, shall be permitted subject to the following conditions:
  - A. All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
  - B. Signs shall comply with Section 34-5.5.
  - C. Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.
  - D. The home occupation shall not service more than one client or customer at a time on the premises.
  - E. No employees, other than residents of the dwelling unit, shall be employed at or be otherwise located on the premises, and no vehicles owned or operated by employees other than said residents shall be parked on or near the premises.
  - F. The total area of all buildings used for the home occupation, including storage of materials, supplies, etc., shall not exceed an amount that is equal to fifteen (15) percent of the floor area, as defined in Section 34-2.2, of the individual dwelling unit.

G. Nuisance factors are prohibited.

2. Home occupations not meeting the above criteria may be permitted subject to the review and approval of the board of appeals, when such use is not in conflict with the overall residential character of the area, and subject to any conditions the board may impose. Noncompliance with the above criteria or requirements imposed by the zoning board of appeals shall constitute immediate suspension of the home occupation and shall furthermore be subject to Section 34-7.13.

**34-4.16 STATE-LICENSED DAY CARE HOMES<sup>m</sup>**

State-licensed day care homes shall be permitted subject to the following conditions:

1. The state licensee shall occupy the dwelling as a residence and shall operate the day care home.
2. The licensee shall register with the city clerk upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
3. The hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m.
4. No sign accessory to the home shall be permitted.
5. The state licensed day care home shall not be located closer than seven hundred fifty (750) feet from another licensed day care home. The distance required above shall be measured from the respective point on each property line that is nearest to the other. This subsection 5. shall not apply to any state licensed day care home existing as of the date of enactment of this Section 34-4.16 [October 24, 2005].
6. No more than one (1) employee shall be permitted on the premises at any time, and any vehicle owned by such employee must be parked in an approved paved or graveled area on the premises. The above limitation on the number of employees does not include immediate family members of the licensee that are employees and occupy the dwelling as his/her permanent residence.
7. If the day care home is located on a major or secondary thoroughfare, the driveway shall be designed so that vehicles can exit the site without having to back onto the major or secondary thoroughfare.



#### 34-4.17 CONVALESCENT HOMES<sup>2</sup> OR ORPHANAGES

1. Convalescent homes or orphanages are permitted uses in the RC-1, RC-2, RC-3, and SP-1 districts provided that the site shall contain not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area may include landscape setting, off-street parking, service drives, loading space, yard requirement and accessory buildings.
2. In the SP-1 district these additional requirements apply:
  - A. Buildings shall not exceed twenty-five (25) feet in height.
  - B. No building shall be closer than fifty (50) feet to any property line.

#### 34-4.18 PRIVATE CLUBS OR LODGE HALLS

1. In the SP-3 district:
  - A. All activities other than parking of motor vehicles and loading or unloading shall be conducted within a completely enclosed building, except for outdoor activity specifically approved by the board of appeals.
  - B. No building shall be closer than forty (40) feet to any property line.
  - C. Buildings shall not exceed twenty-five (25) feet in height.
2. In the OS-1, OS-2, B-1 and B-4 districts, any outdoor activities other than parking of motor vehicles and loading and unloading shall be permitted only if specifically approved by the board of appeals.
3. In the OS-1 and OS-2 districts, main buildings shall have a minimum setback of one hundred (100) feet from a residential district unless the district is separated from the use by a major or secondary thoroughfare.

#### 34-4.19 INDOOR RECREATION FACILITIES

All Indoor Recreation Facilities shall be subject to the following:

1. In B-2 districts, indoor recreation facilities are permitted uses provided that such facilities do not exceed three-thousand, three hundred (3,300) square feet gross leasable area in size. All fitness activities shall be contained within a completely enclosed building. Facilities in excess of 3,300 square feet are special approval uses.

2. In the B-3, B-4, and LI-1 districts, indoor commercial recreation facilities are permitted uses. All fitness activities shall be contained within a completely enclosed building.
3. In the SP-4 district, the following shall apply:
  - A. All activities other than parking of motor vehicles and loading and unloading shall be conducted within a completely enclosed building except for outdoor activity specifically approved by the board of appeals.
  - B. The site shall have a minimum area of five (5) acres.
  - C. A four (4) foot berm shall be required along any property line abutting a residential district. Such berm shall be constructed in accordance with the applicable provisions of [Section 34-5.15](#) and shall support a landscaped greenbelt in accordance with the applicable provisions of [Section 34-5.14](#).
4. In the B districts, the use is not located where it would interfere with the retail or parking function of a shopping center.

#### 34-4.20 SPECIAL LAND USES

1. Uses not included within specific district:
  - A. The uses permitted in this section possess unique characteristics that make it impractical to include them within a specific use district classification. Such uses may be permitted subject to Section 34-6.3.
  - B. These uses require special consideration since they service an area larger than the city or draw from a market beyond the city or require sizeable land areas, creating problems of control with reference to abutting use districts.
  - C. Uses permitted shall be subject to the standards required in this section. A site plan shall be submitted in accordance with Section 34-6.1. Notice of the public hearing shall be given in accordance with Section 34-6.2.



D. The following uses may be permitted under this section:

i. Outdoor theaters:

- a. Outdoor theaters may be permitted by the planning commission.
- b. Because outdoor theaters possess the unique characteristic of being used only after dark, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they may be permitted in B-3 districts only when the site in question abuts an LI-1 district. Outdoor theaters shall further be subject to the following conditions:
  - (1) The proposed internal design shall receive approval from the building inspector and the city engineer as to adequacy of drainage, lighting and other technical aspects.
  - (2) Points of ingress and egress shall not be located within two hundred (200) feet of the right-of-way of any street which intersects the street providing ingress or egress.
  - (3) All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be required to wait or stand within a dedicated right-of-way.
  - (4) The theater shall be enclosed by a six (6) foot high obscuring fence, wall or berm on those sides abutting a residential, special purpose, office district or public street or thoroughfare. On those sides abutting a residential district, a fifteen (15) foot wide greenbelt shall be planted in accordance with Section 34-5.14.

- ii. Commercial television and radio towers. Radio and television towers and their attendant facilities may be permitted by the planning commission in LI-1 districts provided such use shall be located centrally on a continuous

parcel of not less than ten (10) acres and shall have a dimension of not less than one and one-half (1 1/2) times the height of the tower measured from the base of the tower to each property line.

- iii. Cemeteries. Because of the effects of the large land area devoted to this use, on the continuity of local streets, and because this use does not require the normal services (sewers, water, etc.), the planning commission may permit this use in an R residential district only when the following conditions are met:

- a. The location of a cemetery may be permitted in any quarter section of any R district when the quarter section does not have more than fifty-one (51) percent of its land area in recorded plats.
- b. All access to the site shall be in accordance with Section 34-5.13.
- c. All sides of the cemetery shall be adequately screened from any residential view.
- d. Approval by the planning commission shall be given contingent on a satisfactory drainage plan approved by the city engineer.

- iv. Mining and excavating. No person shall operate, maintain or allow to exist upon property owned, leased, subleased or used by such person, any gravel pit, sand pit or other excavation, presently or previously used for the taking of any mineral from the ground, unless such use is permitted by the council and licensed in accordance with Chapter 24.

v. Public riding or boarding stables:

- a. Public riding or boarding stables may be permitted in residential districts by the planning commission for periods of time not to exceed two (2) years in accordance with such reasonable conditions as the planning commission shall impose.
- b. The following shall be imposed as minimum conditions by the planning commission:

- (1) Such use may be permitted on subdivided parcels of not less than forty (40) acres.
- (2) Stables, paddock areas for instruction or paddock areas for the confinement of horses near stables shall be at least three hundred (300) feet from any property lines.
- (3) Bridle paths and all other riding areas shall be confined to the site of contiguous acreage.
- (4) Adequate off-street parking shall be provided on the site.

vi. Nurseries and greenhouses:

- a. Nurseries and greenhouses may be permitted in residential districts for periods of time not to exceed two (2) years in accordance with such reasonable conditions as the planning commission shall impose.
- b. The following shall be imposed as minimum conditions by the planning commission:
  - (1) Operations to be conducted shall be limited to the growing of flowers, trees, bushes, shrubs and other ornamental produce and for the retail sales of such produce from the parcel of property on which it was grown.
  - (2) The premises on which such operations are to be conducted shall not be less than two (2) acres in area.
  - (3) Such premises shall front upon a major thoroughfare.
  - (4) Off-street parking shall be provided for not less than ten (10) automobiles.
  - (5) Permanent structures shall be limited to those necessary to the growing and storage of such produce and a permanent store or office building shall not be permitted; provided, however, that office and other clerical work in connection with the nursery or greenhouse may be

conducted within the residence building of the owner or operator if located upon the property on which the nursery or greenhouse operations are being carried on.

2. Historic buildings:

- A. Intent. There are within the city certain historic buildings which are recognized as such by Ordinance No. C-1-81, Farmington Hills Historic District and Commission. Because it is the city's objective to encourage the preservation of such buildings, this section provides that alternative uses of such historic buildings may be permitted by the planning commission, subject to the conditions set forth in this section. In order to permit such use, however, the planning commission shall determine that the use will not have a negative impact on adjacent properties or the surrounding neighborhood and will not interfere with the implementation of the city master plan for future land use.
- B. Uses permitted:
  - i. If located in any RA district, the uses permitted shall be restricted to those permitted in an RC or OS-3 district.
  - ii. If located in an RC district, the uses permitted shall be restricted to those permitted in an OS-3 district.
  - iii. Use of historic buildings in any other district shall be limited to the uses permitted in such district.
- C. Required conditions:
  - i. All access to the site shall be in accordance with Section 34-5.13.
  - ii. There shall be no floor space added to the building.
  - iii. Drive-in facilities for any use, including banks, shall not be permitted.
  - iv. Accessory uses as allowed in the OS-3 district under Section 34-4.23 shall not be permitted.
  - v. For multiple-family or elderly housing in an RA district, the number of units permitted shall be limited as provided for the RC-1 districts.
  - vi. Uses permitted under this section shall be subject to review and approval of the site plan and landscape plan by





the planning commission and may be permitted after public hearing is held in accordance with Section 34-6.2.

- D. Site improvement requirements. In order to minimize the impact of the use on the surrounding area, the planning commission may impose requirements which will assist in the attainment of this end, including, but not limited to, the following:
  - i. Extensive landscaping which may include greenbelts, berms, walls and trees;
  - ii. Setbacks for off-street parking areas;
  - iii. Landscaping of off-street parking areas;
  - iv. Designation of points of vehicular access;
  - v. Limitations on hours of operation;
  - vi. Limitations on outside lighting;
  - vii. Approval of the location, size, height and placement of any signs;
  - viii. Prohibition of outside storage including trash collectors.
3. Centers for elderly care and services:
  - i. Intent. Centers for elderly care and services may be permitted in the SP-5 district as an option if agreeable to the city and to the property owner. Such use may include a broad range of services for the elderly, including housing and medical facilities. It is the intent of this special use to permit such intensive use of land provided that there is significant physical buffering and transition to adjoining areas and that the traffic circulation is designed not to burden adjacent thoroughfares.
  - ii. Functional land use plan and impact assessment:
    - a. A functional land use plan shall be required that will show the land use areas proposed, their size and location on the site and their relationship to adjacent parcels, the intensity of development contemplated in terms of approximate dwelling unit density and floor space, the method of utility service anticipated and potential points of vehicular

access and location of principal roads serving the site.

- b. The functional land use plan shall depict land use areas within the following categories:
  - (1) Educational/religious (ER)
  - (2) Elderly housing (EH)
  - (3) Elderly care and services (ECS)
  - (4) Buffer yards (B)
- c. In conjunction with the functional land use plan, the applicant shall submit an assessment, by qualified professionals, of the impact the proposed use would have on public utilities, including sanitary and storm sewers, drainage and water supply, traffic on roads serving the site, public safety (police and fire), public schools and recreation, existing natural features including topography and vegetation, existing nearby land uses and a statement of the purposes of the request, including an indication how the proposed use would be made compatible with any nearby residential areas.
- iii. Permitted uses. Uses permitted in a center for elderly care and services shall be within areas designated in an approved functional land use plan and may include the following:
  - a. Educational/Religious (ER):
    - (1) Educational or religious institutions permitted in RA districts under Principal Permitted Uses and Special Approval Uses.
    - (2) Housing for members of any religious order affiliated with the center for elderly care and services.
    - (3) Structures and uses shall meet the standards of Section 34-5.5 .
  - b. Elderly housing (EH):
    - (1) Independent elderly housing;
    - (2) Dependent elderly housing;
    - (3) Convalescent homes.



- (4) Structures and uses customarily incident to the above uses—as permitted and regulated in the RA districts, subject to the standards and requirements of the RA district having the greatest linear boundary with the subject property. Signs shall meet the standards of Section 34-5.5 .
  - c. Elderly care and services (ECS):
    - (1) Accessory offices, convenience business outlets or personal services established solely to provide for the daily needs of residents including uses such as, but not limited to, groceries, drugs, notions, beauty shops and barbershops, optical services, medical appurtenances, medical and administrative offices, banking, dry cleaning, sundries and recreational facilities.
    - (2) Uses shall be designed and located so as not to be readily recognizable from beyond the boundaries of the site.
    - (3) Signs shall meet the standards of Section 34-5.5 .
- iv. Development standards and requirements:
  - a. Site development standards:
    - (1) The maximum floor area ratio (F.A.R.) for the entire zoning lot shall be 0.16.
    - (2) The maximum F.A.R. for uses permitted in the ECS area of the functional land use plan area shall be .005 as applied to the entire zoning lot.
    - (3) Setbacks for residential components of centers for elderly care and services shall be as provided for the RC-1 Multiple Family Residential District, as set forth in Section 34-3.1.10 and as explained in section 34-3.5.2.G.
  - (4) Setbacks for all components other than residential components shall be provided for all buildings in accordance with the following formulas, as explained by Section 34-3.5.2.G, if they exceed the requirements of the buffer yard area:
    - (a) From an abutting residential district occupied by a residential use or abutting minor street:  $Y = L + 2H$
    - (b) From a major or secondary thoroughfare:  $Y = L + 2H$  divided by 3
    - (c) From a freeway or any abutting nonresidential district:  $Y = L + 2H$  divided by 6
    - (d) No less than twenty (20) feet in any instance.
  - (5) The distances between buildings shall be regulated as follows and as explained in Section 34-3.5.2.H:
    - (a) In the EH use area the divisor shall be six (6).
    - (b) In all other use areas the divisor shall be ten (10).
    - (c) The minimum distance shall be fifteen (15) feet if adjoining buildings are in a corner-to-corner relationship.
  - (6) The total number of units or beds permitted within the EH use areas shall not be more than the square footage of the use area divided by the following:
    - (a) Four thousand (4,000) square feet for each independent elderly dwelling unit;
    - (b) Two thousand five hundred (2,500) square feet for each dependent elderly housing unit;
    - (c) One thousand five hundred (1,500) square



feet for each convalescent home bed.

- (7) The maximum building height permitted shall be thirty (30) feet; provided, however, that the maximum permitted shall be forty (40) feet for any building or structure or portion thereof that has a setback of more than three hundred (300) feet from any abutting residential district not separated from the site by a freeway.
- b. Buffer yards: For all components of a center for elderly care and services other than residential components, there shall be provided between any building or off-street parking lot and any adjoining street or zoning lot, a landscaped buffer yard in accordance with the following:
  - (1) A one hundred (100) foot wide buffer yard shall be provided in any yard adjoining a residential district separated from the SP-5 district by a public street.
  - (2) A two hundred (200) foot wide buffer yard shall be provided adjacent to any abutting residential district not separated by a public street. A buffer yard shall not be required adjacent to a freeway.
  - (3) A twenty five (25) foot wide buffer yard shall be provided adjacent to a major or secondary thoroughfare separating the SP-5 district from a nonresidential district.
  - (4) A five (5) foot high, undulating berm shall be required within the buffer yard between the property line and any off-street parking lot, unless existing vegetation can be preserved and will provide better screening of the parking lot.
- (5) Buffer yards shall be landscaped in accordance with an approved plan. The landscape plan shall be submitted for review in accordance with Section 34-5.14.3.
- c. Public facilities:
  - (1) Approval of this option may be conditioned upon a determination that the use is to be adequately served by public facilities including sanitary sewer, storm sewers or drainage and water supply. If public facilities are determined to be inadequate, approval may be conditioned upon improvements which will mitigate current problems.
  - (2) Approval of this option may also be conditioned upon improvements to vehicular access which will mitigate current or anticipated problems. Such improvements may include the widening or narrowing of existing access drives; the provision of acceleration/deceleration or passing lanes or tapers for existing drives; the closing of or addition of access drives or improvement of vehicular circulation patterns on the site which will mitigate problems on adjoining public roads.
- v. Procedure for application:
  - a. For consideration under this option, application shall be made to the planning commission. The applicant shall be required to submit the following:
    - (1) A functional land use plan and impact assessment;
    - (2) A site plan.
  - b. The planning commission shall hold a public hearing on the functional land use plan and give notice thereof in accordance with Section 34-6.2. Approval of a functional land use plan shall remain effective for a period of two (2) years. Approval of a site

plan within this two (2) years shall extend the approval of the functional land use plan in accordance with the site plan approval; provided, however, that any site plan presented more than two (2) years after approval of the functional land use plan shall comply with the zoning ordinance provisions then applicable.

- c. Site plans shall be submitted in accordance with Section 34-6.1. Such plans may be for phases of development, provided that each phase submitted shall not exceed the density or floor area requirements on a cumulative basis. The plan shall portray the location of the buildings, parking, buffer yards, drives and aisles and any other major features to be proposed. The plan shall also indicate land area, floor area, number of dwelling units, dwelling unit types and uses proposed within each functional use area. If the site plan is for a phase, a generalized site plan at a scale of not less than one inch equals one hundred (100) feet shall be submitted for the entire SP-5 district.
- vi. Amendments to functional land use plan:
  - a. Minor changes to the boundaries of use areas shown on the functional use plan may be made with approval of the director of public services, provided that in the director's opinion the change has no impact beyond the boundaries of the zoning lot.
  - b. Changes that are in the opinion of the director of public services substantial or material shall be considered as amendments and shall require a public hearing and planning commission approval as above; provided however, that the impact assessment may be limited to impacts generated by the changes proposed.
- 4. Special land uses not otherwise permitted:
  - A. Intent. There are certain land uses which are temporary and which do not require

permanent improvements of a structural nature. Such uses may exist for short or long periods of time. They are uses which are not permitted within the zoning district where proposed, but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. The intent of this section is also to permit temporary construction uses which are necessary for improvements being constructed on other properties in the city. Such uses may be permitted after review and approval by the planning commission.

- B. Special land uses not otherwise permitted. Special land uses not otherwise permitted may be permitted by the planning commission subject to the following:
  - i. The planning commission shall find that the character of existing uses or lack of existing uses in an area is such that permitting the special land use would not, as of the time the permission is granted, be injurious to the district and environs of the area. Such permission shall be given for a specific time period set by the planning commission.
  - ii. In classifying uses as not requiring capital improvements, the planning commission shall determine that they are either demountable structures related to the permitted use of the land like recreation development such as, but not limited to, golf driving ranges or outdoor archery courts, or are structures which do not require foundations, heating systems or sanitary sewer connections.
  - iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
  - iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.



- v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of development permitted and arrangements for removing the use at the termination of the period of time granted.
  - vi. The planning commission may grant extensions of the time period for the use after reviewing the area for any changes that may have occurred which would be negatively impacted by continuation of the temporary use and after determining that there have been no negative impacts from the use.
  - vii. This section shall not be used to permit seasonal outdoor sales uses regulated in Chapter 22, Article III of the City Code and Section 34-4.56 of this Ordinance.
- C. Temporary construction uses not accessory to existing uses. Temporary construction uses and structures not directly accessory to any existing use of the zoning lot, but necessary for the use or improvement of some other property or properties within the City for a permitted purpose.
- i. The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.
  - ii. The planning commission shall examine the location of structures on the site and determine that they are the most appropriate, may require reasonable temporary screening of the activity proposed, may suggest the location of vehicular access to the site and make other recommendations which will assist in the protection of nearby uses during the time the construction use is in operation.
  - iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
- iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
  - v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of developed permitted and arrangements for removing the use at the termination of the period of time granted.
- D. Public notice; notice. The planning commission shall hold a public hearing and shall give notice thereof in accordance with Section 34-6.2.

#### 34-4.21 ADULT BUSINESS USES<sup>m</sup>

- 1. Intent and purpose:
  - A. In the development and execution of this section, it is recognized that there are some uses which, because of their adult-oriented nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone or other sensitive land uses, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhoods and other sensitive land uses. These controls do not legitimize activities, which are prohibited in other sections of the City Code.
  - B. The provisions of this section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this section to legitimize



activities that are prohibited by city ordinance or state or federal law. If any portion of this section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The city further states that it would have passed and adopted what remains of any portion of this section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. Findings and rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *California, et al v LaRue, et al* (1972) (U.S. Supreme Court); *City of Renton v Playtime Theatres, Inc.* (1986) (U.S. Supreme Court); *Coleman Young (Detroit) v American Mini Theatres, Inc.* (1976) (U.S. Supreme Court); *Michael Barnes, Prosecuting Attorney of St. Joseph County, Indiana, et al v Glen Theatre, Inc., et al* (1991) (U.S. Supreme Court); *City of Erie, et al v Pap's A.M., TDBA "Kandyland"* (2000) (U.S. Supreme Court); *Caren Cronk Thomas and Windy City Hemp Development Board v Chicago Park District* (2002) (U.S. Supreme Court); *Dennis O'Connor and United Theaters Incorporated v The City and County of Denver, et al* (1990) (10th Circuit); *Z.J. Gifts D-2, L.L.C. v City of Aurora* (1998) (10th Circuit); *Sundance Associates, Inc. v Janet Reno*; *United States Department of Justice* (1998) (10th Circuit); *American Target Advertising, Inc. v Francine A. Giani, et al* (2000) (10th Circuit); *ILQ Investments, Inc.; Excalibur Group, Inc. v City of Rochester* (1994) (8th Circuit); *Bamon Corporation v City of Dayton, et al* (1991) (6th Circuit); *East Brooks Books, Inc., et al v City of Memphis, et al* (1995) (6th Circuit); *DLS, Inc. d/b/a Diamonds and Lace Showbar, et al v City of Chattanooga, et al* (1997) (6th Circuit); *Triplett Grille, Inc., d/b/a The Back Door v City of Akron* (1994) (6th Circuit); *Richland Bookmart, Inc. d/b/a Town and Country v Randall E. Nichols* (1998) (6th Circuit); *Connection Distributing Co. v The Honorable Janet Reno* (1998) (6th Circuit); *In Re: State of Tennessee Public Indecency Statute. Déjà Vu, et al v Metro Government* (1999) (6th Circuit); *Déjà Vu of Nashville, Inc., et al v The Metropolitan Government of*

*Nashville and Davidson County, Tennessee, et al* (2001) (6th Circuit); *Greyson Currence v City of Cincinnati* (2002) (6th Circuit); *Bronco's Entertainment, Ltd v Charter Township of Van Buren* (2005) (6th Circuit); *Sensations, Inc., et al v City of Grand Rapids, et al* (2008) (6th Circuit); *Richland Bookmart, Inc., v Knox County, Tennessee* (2009) (6th Circuit); *Grand Brittain, Inc., et al v The City of Amarillo, Texas* (1994) (5th Circuit); *Mom n Pops, Inc. v City of Charlotte, North Carolina* (1998) (4th Circuit); *American Library Association, et al v Janet Reno, et al* (1994) (District of Columbia Circuit); *Bright Lights, Inc., et al v City of Newport, et al* (1993) (U.S. District Court, Eastern District Kentucky); *Bigg Wolf Discount Video Movie Sales, Inc. v Montgomery County, Maryland* (2002) (U.S. District Court, District of Maryland); *Threesome Entertainment, et al v Jack Strittmather, et al* (1998) USDC, Northern District of Ohio, Eastern Division); *J. L. Spoons, Inc. v City of Brunswick* (1999) (USDC Northern District of Ohio, Eastern Division); *Broadway Books, Inc., et al v Gene Roberts, as Mayor for the City of Chattanooga, et al* (1986) (USDC Eastern District of Tennessee, Southern Division); *Truckor v Erie Township* (2009) (MI Court of Appeals); *Charter Township of Van Buren v Garter Belt, Inc.* (2003) (MI Court of Appeals); *City of Los Angeles v Alameda Books, Inc.* (2002); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, *Adult Business Study - Town and Village of Ellicottville, Cattaraugus County, New York* (1998); *Why and How our City Organized a Joint County-Wide Sexually Oriented Businesses Task Force - Cleburne, Texas* (1997); *The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard - Garden Grove, California* (1991); *Traverse City Ad Hoc Committee Report on SOBs* (1996); *Minnesota Attorney General's Report on SOBs* (1989); *Crime-Related Secondary Effects of Sexually-Oriented Businesses, Report to the County Attorney, Palm Beach County, Florida* (2007); *Report on Adult Oriented Businesses in Austin* (1986); *Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles* (1977); *Houston City Council, Sexually Oriented Business Ordinance Revision Committee Legislative Report* (1997); *City of Phoenix Planning Department Adult Business Study* (1979); *City of Amarillo, Texas, Planning Department - A Report on Zoning and Other Methods of Regulating Adult Entertainment in*





Amarillo (1977); Whittier City Planning Commission Staff Report - Amendment to Zoning Regulations - Adult Businesses in C-2 Zone with Conditional Use Permit (1978); Seattle, Washington, Department of Construction and Land Use Director's Report and Recommendation - Proposed Land Use Code Amendment - Adult Cabarets (1989); Cleveland, Ohio, Police Department, "The Impact of Obscenity Upon the Total Community" (1977); St. Croix County Planning Department Regulation of Adult Entertainment Establishments in St. Croix County (1993); Newport News Department of Planning and Development Adult Use Study (1996); Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area (1994); An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas (1997); City of Bellevue Memorandum - Location of Adult Entertainment Uses - Background Material (1988); Quality of Life: A Look at Successful Abatement of Adult Oriented Business Nuisances in Oklahoma City, Oklahoma (1984-1989); and the National Law Center Summaries of "SOB Land Use Studies" in 43 U.S. Cities (2005), as well as the following articles on adult regulated uses: "Local Regulation of Sexually Oriented Businesses" (2006); "Protecting Communities from Sexually Oriented Businesses" (Chapter 6, Appendices C and D) (2002); "Zoning and Free Speech: A Review of Adult Entertainment Case Law" (1991); "Local Regulation of Lawful Sex Businesses" (1999); "Zoning Ordinances and Free Speech" (2000); "Regulating Sexually Oriented Businesses" (1997); "Everything You Wanted to Know About Regulating Sex Businesses" (Chapters 2, 4 and 6); "Regulating Sex Businesses" (1996); "Sexually Oriented Businesses An Insider's View" (2002); and "Stripclubs According to Strippers: Exposing Workplace Sexual Violence" (1998), the city council finds:

- A. Sexually oriented businesses and other adult business uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

- B. Sexually oriented businesses and other adult business uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one (1) area.
  - C. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses and other adult business uses extends to preventing future secondary effects of either current or future adult business uses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
  - D. This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the purpose or intent of this section to restrict or deny lawful access by adults to sexually-oriented materials, nor to deny access by the distributors and exhibitors of sexually-oriented materials to their intended markets. It is not the purpose or intent of this section to impose judgment on the content or merits of any constitutionally-protected form of speech or expression.
3. Locational requirements. In addition to compliance with the other provisions of this section, the following separation and distancing requirements apply to adult business uses:
    - A. No adult business use may be located within one thousand (1,000) feet from the property line of another adult business use. For purposes of this subsection, the distance between any two (2) adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.



B. No adult business use may be located within one thousand (1,000) feet from the property line of a massage establishment, as defined in Chapter 16 of the City Code; provided, however, that this limitation shall not apply to establishments in which massage services are in conjunction with services provided by:

- i. Physicians, surgeons, chiropractors, osteopaths, podiatrists, massage therapists, and physical therapists who are duly licensed to practice their respective professions in the state;
- ii. Nurses who are registered under the laws of this state;
- iii. Barbers, cosmetologists and manicurists who are duly licensed by the State of Michigan, but only to the extent they are performing functions permitted pursuant to their licensing by the State of Michigan;
- iv. Trainers for any amateur or professional athlete or athletic team or school athletic program.

C. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the City's boundary lines or intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel on which the massage establishment is located.

No adult business use may be located within one thousand (1,000) feet from the property line of any residential zoning district, except where the property in the district is developed and approved for commercial or industrial use pursuant to a Planned Unit Development, variance, or court order, or of any lot or parcel in residential use, school property, church or other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool or other use that is primarily oriented to youth (less than eighteen (18) years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the City's boundary lines or intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted,

to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.

- D. No adult business use shall be located in any principal or accessory structure already containing an adult business use.
4. Existing structures. Existing structures and/or uses which are in violation of this section shall be subject to the regulations set forth in Section 34-7.1 of this ordinance, governing nonconforming structures and uses.
5. Parking. All off-street parking areas for any adult business use shall comply with Section 34-5.2 of this ordinance. Additionally, parking areas for any adult business use shall be illuminated from one-hour before dusk until one-hour after the close of operation as required in sub-paragraph 6. below.
6. Other requirements:
  - A. The hours of operation of any adult cabaret shall be limited to 8:00 a.m. to 2:00 a.m. The hours of operation for all other sexually-oriented businesses shall be 8:00 a.m. to 12:00 midnight.
  - B. No person operating an adult business use shall permit any person under the age of eighteen (18) years of age to be on the premises.
  - C. Alcohol is prohibited on the premises of any adult business use.
  - D. Entrances to a proposed adult business use must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises."
  - E. Adult business uses shall be permitted in the B-3 and LI-1 zoning districts only, and shall be subject to in all respects the standards and use provisions applicable to the district in which it is located or proposed to be located.



- F. All adult business uses shall be contained in a free-standing single-use building. Enclosed malls, shopping centers, common wall buildings, and multi-uses within the same building do not constitute a free-standing building.
- G. Adult business uses shall comply with all other laws and ordinances applicable to the particular type of use, including without limitation, certification and licensing laws.

#### 34-4.22 SALE OF MOBILE HOMES<sup>m</sup>

Sale of mobile homes is permitted in the mobile home district provided that:

1. Such sale is clearly accessory to the occupancy of individual lots within the mobile home park;
2. Such sale is not made by a person or business engaged in the sale of mobile homes as a commercial operation. Mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This shall not prohibit the sale of a mobile home owned and occupied by a resident of the mobile home development, provided the development permits the sale;
3. Temporary signage shall comply with Section 34-5.5;
4. Banners, streamers or pennants shall not be displayed.

#### 34-4.23 SECONDARY USES IN THE OFFICE DISTRICTS

A secondary use which is accessory to and located in the same building as a principal permitted use, such as but not limited to: pharmacies, apothecary shops, stores limited to corrective garments or bandages, optical services, restaurants, barber shops or beauty shops, nursery schools, day nurseries and day care centers, shall be permitted subject to the following conditions:

1. Such uses shall not be permitted in a building of less than fifty thousand (50,000) square feet of floor area.
2. The floor area devoted to such uses in a building shall not exceed ten (10) percent of the total floor area of the building.
3. All secondary uses shall have customer entrances from the interior of the principal building in which they are located.

4. All secondary uses shall provide off-street parking spaces in accordance with the requirements of Section 34-5.2.
5. Appropriate floor plans shall be submitted for review.
6. In the OS-1, OS-2, and OS-3 districts, whenever any portion of the building containing a secondary use is located within two hundred (200) feet of an RA district or within two hundred (200) feet of one-family detached units or lots of an approved PRD plan, the following conditions shall apply:
  - A. The floor area of an individual secondary use shall not exceed two thousand (2,000) square feet.
  - B. Exterior entrances to such uses shall not be located within two hundred (200) feet of the RA district or PRD plan.
  - C. Off-street parking, which in the judgment of the planning commission is most convenient to such uses, shall not be located within two hundred (200) feet of the RA district or PRD plan.
  - D. These conditions need not apply if any one of the following conditions are present:
    - i. The RA district or PRD plan is separated from the office use by a major or secondary thoroughfare;
    - ii. The RA district adjoining the office is developed for a use other than one-family residential;
    - iii. In the opinion of the planning commission, the adjoining RA district property is indicated on the future land use plan as a use other than one-family residential.

#### 34-4.24 CELLULAR TOWER<sup>1</sup>

##### AND CELLULAR ANTENNAE<sup>1</sup>

1. The maximum height shall not exceed one hundred (100) feet, measured from the grade at the base of the tower when occupied by one telecommunications provider. In the event the tower provides antennae for more than one provider, the maximum height may be increased to not more than one hundred twenty (120) feet measured from the grade at the base of the tower.
2. The base of the tower shall have a minimum setback of five hundred (500) feet to any lot line located in an RA, RC, MH, RP or SP-1 district.
3. The base of the tower and any other structures connected therewith shall provide the minimum setback required by the district; provided, that the setback shall not be fewer than fifty (50) feet from any private or public street right-of-way and thirty (30) feet from any other lot line or freeway right-of-way.
4. If located on the same zoning lot with another permitted use, such tower and any other structures connected therewith shall not be located in a front yard or in a side yard abutting a street.
5. The antennae and any accessory equipment shall be concealed within or upon the building or structures of the principal use.
6. Cellular antennae and supporting structures shall be permitted to be attached to buildings in the OS, B, ES, IRO and LI-1 districts, whether or not they are accessory, subject to the following conditions.
  - A. The principal use is a conforming use and the building is a conforming structure.
  - B. If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae may exceed the height permitted in the district by not more than twenty-two (22) feet.
  - C. A structure that supports antennae may exceed the maximum height of the district in which it is located by not more than ten (10) feet; provided that, the distance between the base of and top of the supporting structure does not exceed the height of the building on which it is located.
  - D. Any structure that supports antennae shall be setback from the outer most vertical wall or parapet of the building, a distance equal to at least two (2) times the height of such supporting structure.
- E. The base of the antenna shall have a minimum setback of three hundred (300) feet to any lot line located in an RA, RC, MH, RP or SP-1 district.
7. Cellular antennae may be attached to a cellular tower, wireless transmission tower or water tower that is in existence at the date of the adoption of this amendment or to a cellular tower that has been approved subsequent to the effective date of Ordinance No. C-12-97.
8. Standards for Cellular Towers. The following conditions shall be applicable to cellular towers located in any use district, in addition to other requirements set forth herein.
  - A. The applicant shall obtain a certificate of need for one or more proposed sites after a public hearing by city council following the receipt of a report of the planning commission following its public hearing. The certificate of need for one or more proposed sites shall be issued by council upon the applicant's demonstration that:
    - i. The proposed facility is needed because of proximity to an interstate highway or major thoroughfare, or its proximity to areas of population concentration, or concentrations of commercial, industrial and/or business centers; or
    - ii. The proposed facility is needed because there are areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions; and
    - iii. The proposed facility is needed because the telecommunications provider is unable to co-locate its proposed facility with another provider; and
    - iv. The proposed facility is needed to complete its grid as it relates to the needs of Farmington Hills and its surrounding communities and that there are no suitable sites in any of said surrounding communities.
    - v. The proposed facility is designed to operate within the requirements for radio frequency emissions of the Federal Communications Commission and applicant has operated similar facilities within these requirements consistently.



- B. If equipment buildings are located on a site with other principal buildings, the exterior building facade shall be of the same finish material as the front facade of the main building. All exterior building material shall be recognized as finish material. Cinder of cement block and metal, other than aluminum siding, shall not be permitted.
  - C. Freestanding cellular towers shall not be a lattice-type construction unless located in the LI-1 district, towers shall be painted gray unless otherwise required by state or federal regulations.
  - D. The area at the base of the tower and around any building accessory to the tower, shall be landscaped in accordance with landscape design principals adopted for such purposes by the planning commission. A landscape plan prepared in accordance with Section 34-5.14 of the Zoning Ordinance shall be submitted for review of the planning commission.
  - E. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - F. The applicant shall deposit with the city a performance guarantee in an amount established by council resolution as security for the removal of the tower if abandoned for use of cellular facilities.
9. Exceptions to the conditions set forth above may only be granted by city council. The Zoning Board of Appeals shall not have authority to vary the provisions of these conditions. The city council shall not grant an exception to the conditions until it has found:
- A. The applicant faces practical difficulties in compliance with the provisions of the ordinance due to conditions unique to the site;
  - B. In the instance of setback requirements from residentially zoned land, that a site within ordinance requirements cannot reasonably meet the coverage and/or capacity needs of the applicant;
  - C. In the instance of setback requirements from residentially zoned land, that sixty (60) percent property owners of record in the assessment rolls of the city whose property lies within five hundred (500) feet of the base of a cellular tower or three hundred (300) feet of the base of a cellular antenna, have consented in writing to the proposed exception upon a form prepared for that purpose by the Department of Planning and Community Development. In the case of properties owned by more than one person, the approval of one person shall be deemed sufficient indication of consent.

#### 34-4.25 LAUNDRY, DRY-CLEANING ESTABLISHMENTS, OR PICKUP STATIONS

Central dry-cleaning plants serving more than one retail outlet shall be prohibited.

#### 34-4.26 VETERINARY HOSPITAL, CLINIC, OR COMMERCIAL KENNEL

1. In the B-1, B-2 and B-4 districts, veterinary hospitals or clinics for small animals, dogs, cats, birds and the like are permitted subject to the following conditions:
  - A. Such hospital or clinic including all treatment rooms, cages, pens or runways shall be located within a completely enclosed building so that sound will be kept within the building.
  - B. The building shall have and maintain central air conditioning so that windows will not be open.
  - C. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.
  - D. Main buildings shall have a minimum setback of one hundred (100) feet from an RA district unless separated from the use by a major or secondary thoroughfare.
  - E. Customer service entrances to such use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall, i.e., entrances shall be separated from entrances to other uses.
2. In the B-3 district, veterinary hospitals or commercial kennels are permitted subject to the following conditions:
  - A. All treatment rooms, cages, pens or runways shall be located within a completely enclosed building so sound will be kept within the building.
  - B. The building shall have and maintain central air conditioning so windows will not be open.
  - C. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.

#### 34-4.27 FAST FOOD OR CARRYOUT RESTAURANT<sup>u</sup>

1. In the B-1 district, carryout restaurants shall be permitted provided that such restaurant is located in a building which includes at least one other principal use.
2. In the B-2 and B-4 districts, Fast food or carryout restaurants are permitted provided that such restaurant is located in a building which includes at least one other principal use.





**34-4.28 GASOLINE SERVICE STATIONS<sup>m</sup>**

1. Within all zoning districts within which the use is permitted:
  - A. The minimum lot area for gasoline service stations shall be fifteen-thousand (15,000) square feet;
  - B. Pump canopies shall be no closer than one-hundred (100) feet from any residentially-zoned and/or -used property unless such property is separated from the gasoline service station use by a major or secondary thoroughfare;
  - C. No more than one (1) driveway access shall be permitted per street frontage;
  - D. Vehicular access drives shall be located no closer than twenty-five (25) feet from the right-of-way of any intersecting street;
  - E. Parking areas and areas for vehicular circulation shall be located not less than ten (10) feet from any lot line;
  - F. All sides of the building shall incorporate a consistent architectural style, including horizontal or vertical design elements that have sufficient relief to create shadow lines, and the type of element (i.e. horizontal or vertical) shall be determined by the intended design aesthetic of the building;
  - G. The building shall have a minimum transparency of sixty (60) percent on any façade facing a pump island or the front lot line. Such transparency shall be measured based on the total wall area of the façade. False windows, spandrel glass or similar façade or architectural features shall not be counted towards the transparency requirement;
  - H. Any canopy structure shall be designed and constructed in a manner that is architecturally consistent with the principal building;
  - I. The parcel or zoning lot shall be separated from any public thoroughfare by a masonry wall a minimum of two (2) feet in height notwithstanding Section 34-5.14.5. Such wall shall be architecturally consistent with the principal building;
  - J. Gas stations may be developed according to the following design standards that allow for the principal building to be closer to the street with the pump islands and canopy located behind the building. The standards of this Subsection J shall take precedence over any conflicting design or dimensional requirement contained elsewhere in this Ordinance:
    - i. The principal building shall be located not less than five (5) feet from the front lot line; and
    - ii. Any pump canopy shall be located to the rear of the principal building;
  - K. The storage, sale, or rental of new or used cars, trucks, trailers and/or any other vehicles on the zoning lot is prohibited; and
  - L. Up to fifty (50) percent of fueling positions may be considered toward fulfilling the parking requirement for the gasoline service station for purposes of Section 34-5.2.
2. Within the B-3 District, gasoline service stations shall be permitted only on a zoning lot that is being actively used and occupied as a lawfully-conforming gasoline service station on the effective date of the ordinance adding this Subsection 34-4.28.2.
3. Within the B-1 District, principal buildings shall have a minimum setback of one-hundred (100) feet from any residentially zoned and/or used property unless such property is separated from the gasoline service station use by a major or secondary thoroughfare.
4. Within the LI-1 District, off-street loading and unloading space with a dimension of at least ten (10) feet by fifty (50) feet shall be provided but may be located within any required yard notwithstanding Section 34-5.4.
5. Within the LI-1 and ES districts, vehicle washes and automobile repair may be permitted as an accessory use.
6. Within the B-1, B-3, and ES districts, off-street loading and unloading space shall be provided in the ratio of at least ten (10) square feet per front foot of building but may be located within any required yard notwithstanding Section 34-5.4.

Δ Ord. No. C-9-2024





#### 34-4.29 RETAIL BUSINESS AND FABRICATION, REPAIR, AND PROCESSING OF GOODS

In the B-2, B-3 and B-4 districts, all retail business, service establishments and accessory processing uses are permitted as follows:

1. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
2. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct subject to the provision that no more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
3. Fabrication, repair, and processing of goods are permitted when accessory to retail or service use.

#### 34-4.30 OPEN-AIR BUSINESS IN THE B-2 DISTRICT

Open-air business uses shall be permitted when developed in planned relationship with the B-2 district as follows:

1. Retail sales of plant materials not grown on-site and sales of lawn furniture, playground equipment and other home garden supplies, when not located at the intersection of two (2) major thoroughfares.
2. 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. The recreation space shall have a minimum setback of one hundred (100) feet from an RA district unless the district is separated from the use by a major or secondary thoroughfare. All such recreation space shall be adequately fenced on all sides with a four (4) foot fence.

#### 34-4.31 AUTOMOBILE REPAIR<sup>B</sup>

1. Within all zoning districts within which the use is permitted:
  - A. Principal buildings shall be located no closer than one-hundred (100) feet from any residentially-zoned and/or -used property unless such property is separated from the automobile repair use by a major or secondary thoroughfare;
  - B. All buildings shall be oriented such that bay doors and/or open bays face away from any public roads and/or residentially-zoned and/or -used property unless screened from such roads and/or property by a building;
  - C. The storage, sale or rental of new or used cars, trucks, trailers and/or any other vehicles on the zoning lot is prohibited;
  - D. Damaged vehicles or those awaiting repair may be stored outside of a building provided that the storage area is enclosed within a wall that complies with Section 34-5.15;
  - E. Outdoor storage of scrap, junk or dismantled cars or spare parts on the zoning lot is prohibited;
  - F. All lubrication equipment, automobile wash equipment, hoists and/or pits shall be enclosed entirely within a building; and
  - G. All repair work shall be carried out within an enclosed building.
2. Within the B-2 and B-3 districts, automobile repair shall be permitted only when developed as part of a larger planned shopping center designed to integrate the automobile repair within the site plan and architecture of the overall shopping center. A building permit shall not be issued separately for the construction of any automobile repair within the B-2 and B-3 districts.

Δ Ord. No. C-9-2024

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



**34-4.32 OUTDOOR SPACE FOR SEATING AREAS  
ACCESSORY TO A RESTAURANT**

Outdoor space for seating areas accessory to a restaurant are permitted subject to the following conditions:

1. Such outdoor space shall not be located within two hundred (200) feet of a residential district or the residential portion of a PUD, unless separated from such residential area by a major or secondary thoroughfare or by a building..
2. The floor area devoted to such use shall not exceed four hundred (400) square feet or fifty (50) percent of the usable floor area of the principal use, whichever is the greater.
3. The conduct of such use shall not interfere with pedestrian circulation to and from adjacent uses or on sidewalks nor interfere with the sight distances of vehicular traffic.
4. Such outdoor use may be located in a required setback provided that there are no permanent structures and provide that required open space areas and landscaped setbacks are not utilized for this purpose.
5. Off-street parking shall be provided on the basis of one (1) space for each seventy-five (75) square feet of usable floor space.
6. Exterior lighting fixtures shall be permitted provided that the distance between the top of any light source and the ground below the structure does not exceed ten (10) feet and that the lighting complies with the standards set forth in section 17-106 of the City Code.

**34-4.33 ESTABLISHMENTS WITH COIN-  
OPERATED AMUSEMENT DEVICES<sup>1</sup>**

1. The amusement devices shall be permitted only in the same building as the principal permitted use.
2. Patron access to the amusement devices shall be exclusively from within the principal use and no separate outside access for patrons shall be permitted.
3. The amusement device area shall not occupy more than thirty-five (35) percent of the usable floor space of the building. The principal use shall occupy at least fifty (50) percent of the usable floor area.

4. The hours of operation of the amusement devices shall not exceed the hours of operation of the principal use, unless otherwise regulated.
5. The floor area occupied by the principal and accessory uses shall contain not less than ten thousand (10,000) square feet of gross floor area.
6. The amusement area is under the same ownership and control as the principal use.
7. Off-street parking shall be provided at a ratio of one space for each forty-five (45) square feet of usable floor space of the amusement device area in addition to the principal use.

**34-4.34 MOTEL<sup>1</sup>**

Motels are permitted in the B-3 district subject to the following conditions:

1. It can be demonstrated that ingress and egress do not conflict with adjacent business uses.
2. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

#### 34-4.35 DRIVE-IN RESTAURANTS<sup>m</sup> (INCLUDING DRIVE-THROUGH WINDOWS)

1. Within the B-3 district:
  - A. Any space for the stacking of vehicles shall be located no closer than thirty-five (35) feet from any residentially-zoned and/or -used property;
  - B. A minimum 1,100-square-foot area with indoor seating for at least twenty (20) people shall be provided; and
  - C. An outdoor space for seating accessory to the drive-in restaurant comprised of at least six (6) seats shall be provided. Section 34-4.32 shall not apply to such outdoor seating space. The Planning Commission may reduce the outdoor seating requirement, or waive it entirely, if it finds that there is insufficient area available to appropriately place the seating, or that its location would make it unlikely that it would be utilized or would make it difficult to be utilized, or if the unique circumstances of the use make providing the seating undesirable.
2. Within the B-3 and LI-1 districts, vehicular access drives shall be located no closer than sixty (60) feet from the right-of-way of any intersecting street.
3. Drive-in restaurants shall comply with Section 34-5.2.12.

Δ Ord. No. C-9-2024

#### 34-4.36 OUTDOOR SPACE FOR SALE OR RENTAL OF NEW OR USED MOTOR VEHICLES, TRAILERS, MOBILE HOMES, BOATS, RECREATIONAL VEHICLES AND OTHER SIMILAR PRODUCTS

1. Within the B-3 and LI-1 districts:
  - A. Areas for display of vehicles shall meet the setback requirements applicable to principal buildings within the zoning district within which the use is located; and
  - B. Vehicular access drives to the outdoor sales area shall be located not less than sixty (60) feet from the intersection of any two (2) streets.

2. Within the B-3 District, and except as to zoning lots that are being actively used and occupied as a lawfully-conforming outdoor space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products on the effective date of the ordinance adding this Subsection 34-4.36.2.
  - A. The use shall be located on a lot that has all of its public street frontage for purposes of Section 34-5.11 on Grand River Avenue; and
  - B. The lot shall have a minimum frontage of two-hundred (200) feet on Grand River Avenue.

Δ Ord. No. C-9-2024

#### 34-4.37 BUSINESS IN THE CHARACTER OF A DRIVE-IN OR OPEN FRONT STORE

1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.

#### 34-4.38 BUS PASSENGER STATIONS

In the B-3 district, buss passenger stations are permitted provided the zoning lot occupied by the use shall not abut an RA district unless separated from the residential district by a major or secondary thoroughfare.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



#### 43-4.39 COMMERCIALLY USED OUTDOOR RECREATIONAL SPACE FOR CHILDREN'S AMUSEMENT PARKS, CARNIVALS, MINIATURE GOLF COURSES, TENNIS COURTS

1. Children's amusement parks must be fenced on all sides with a four-foot wall or fence.
2. Carnivals may be allowed on a temporary use permit for periods not to exceed two (2) weeks, subject to renewal by the board of appeals.
3. The recreation space shall have a minimum setback of one hundred (100) feet from an RA district unless the district is separated from the use by a major or secondary thoroughfare.

#### 34-4.40 VEHICLE WASH

1. Within all zoning districts within which the use is permitted:
  - A. The minimum lot area for vehicle washes shall be fifteen-thousand (15,000) square feet;
  - B. All buildings, vehicular stacking space, vacuuming or other outside use area, except employee parking, shall be located no closer than one-hundred (100) feet from a residentially-zoned and/or -used property unless such property is separated from the vehicle wash use by a major or secondary thoroughfare;
  - C. Vehicular access drives shall be located no closer than two-hundred (200) feet from the intersection of any two (2) streets;
  - D. One traffic lane shall be provided as means of exiting the vehicle wash queue without having to enter the vehicle wash building;
  - E. All buildings shall be oriented such that bay doors and/or open bays face away from any public roads and/or residentially-zoned and/or -used property unless screened from such roads and/or property by a building;
  - F. Vacuuming and/or drying areas may be located outside the building but only within a rear yard;
  - G. All vehicles required to wait for access to the vehicle wash shall be provided space outside of any public right-of-way; and
  - H. All washing facilities shall be within a completely enclosed building.

2. Within the B-3 district, vehicle washes shall be permitted only on a zoning lot that is being actively used and occupied as a lawfully-conforming vehicle wash on the effective date of the ordinance adding this Subsection 34-4.40.2.

Δ Ord. No. C-9-2024

#### 34-4.41 MORTUARY ESTABLISHMENTS

Mortuary establishments are permitted provided that such use is located so that processional traffic will not interfere with traffic on the marginal access drive.

#### 34-4.42 COMMUNITY CABLE TELEVISION OPERATIONS

1. Community cable television operations which include necessary head end equipment, studios and business offices that have been awarded a franchise by the city to supply public cable television services throughout the entire city shall be permitted.

#### 34-4.43 INDUSTRIAL USES

When conducted wholly within a completely enclosed building the following industrial uses are permitted:

1. The manufacture, compounding, processing, assembling, packaging or treatment of such products as bakery goods, candy, cosmetics, toiletries, food products, hardware, cutlery and tool, die, gauge and machinery shops.
2. The manufacture, compounding, processing, 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 metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills) and yards.
3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

4. Manufacture, processing, assembly or treatment of musical instruments, toys, novelties and metal or rubber stamps or other small molded rubber products.
5. Manufacture, processing or assembly of electrical appliances, electronic instruments and devices, radios and photographs, computer hardware or software.

#### 34-4.44 ASSEMBLY HALLS, DISPLAY HALLS, OR SIMILAR PLACES OF ASSEMBLY

Assembly halls, display halls or similar places of assembly are permitted when conducted completely within enclosed buildings.

#### 34-4.45 SECONDARY USES IN THE IRO DISTRICT

On land that does not abut an RP, RC, SP-1, SP-2, SP-5 or MH district, uses shall be permitted in IRO districts in buildings which exceed one (1) story in height as secondary uses to the principal permitted office uses below:

1. Any use charged with the principal function of basic research, design, pilot or experimental product development in connection with any product or material permitted in the IRO district or with transportation products.
2. Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
3. Banks, credit unions, savings and loan associations.
4. Medical offices or clinics.
5. Industrial uses subject to Section 4.49.
6. Laboratories—Medical, experimental, film or testing; not including laboratories engaging in genetic research.

#### 34-4.46 PRINCIPAL PERMITTED USES IN THE LI-1 DISTRICT

1. Uses are permitted when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot fence or solid wall. Such wall shall be completely obscuring on those sides which front upon a street or where abutting or adjacent to districts zoned for residential use.
2. Uses shall be permitted subject to the B-3 district front yard percentage of open space requirements, as set forth in Section 34-3.1.25.
3. When indicated, the following special conditions apply notwithstanding the required conditions of the light industrial district in Section 3.14:
  - A. The requirements of Section 34-5.4, Off-Street Loading and Unloading shall be applied to the permitted use rather than as required in the LI-1 district;
  - B. The requirements of Section 34-5.5, Signs shall be as required in the B-3 General Business District rather than as required in the LI-1 district; and
  - C. The requirements of Section 34-5.14, Landscape Development regarding canopy trees in and around paved surfaces shall be as required in B-3 General Business District rather than as required in the LI-1 district.

#### 34-4.47 STORAGE FACILITIES FOR BUILDING MATERIALS, SAND, GRAVEL, STONE, LUMBER, OPEN STORAGE FOR CONSTRUCTION CONTRACTOR'S EQUIPMENT, AND SUPPLIES

1. The use is entirely enclosed within a building or enclosed on all sides with a six (6) to eight (8) foot wall, berm or fence. Such wall, berm or fence shall completely obscure the view from any adjacent public street, thoroughfare, freeway or residential district and shall be constructed in accordance with the applicable requirements of Section 34-5.15.
2. A zoning lot located within three hundred (300) feet of a residential district shall not be occupied for such use unless separated from the residential district by a major or secondary thoroughfare.





**34-4.48 AUTOMOBILE OR OTHER MACHINERY ASSEMBLY PLANTS**

Automobile or other machinery assembly plants shall be permitted in the LI-1 district subject to adequate control of noise or other nuisances.

**34-4.49 PAINTING, VARNISHING AND UNDERCOATING SHOPS**

Painting, varnishing and undercoating shops shall be permitted provided that such operations are conducted within a completely enclosed building.

**34-4.50 METAL PLATING, BUFFING, POLISHING MANUFACTURING, COMPOUNDING, PROCESSING, PACKAGING OR TREATMENT**

Metal plating, buffing, and polishing or the manufacturing, compounding, processing, packaging or treatment of solvents, surface coatings, degreasing/metal cleaning materials, pesticides (including storage), pharmaceuticals or chemicals shall be permitted subject to appropriate measures to control the type of process to prevent obnoxious results or nuisance.

**34-4.51 OTHER LAND USES**

When permitted with special approval in the LI-1 district, other industrial 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; shall be permitted. Furthermore, the setback requirement of Section 34-3.14 need not be applied if the planning commission finds that the use would not be detrimental to any residential area within three hundred (300) feet.

**34-4.52 INDOOR TENNIS OR RACQUET COURT FACILITIES, INDOOR ICE OR ROLLER SKATING ARENAS AND OTHER SIMILAR USES**

Indoor tennis or racquet court facilities, indoor ice or roller skating arenas, indoor commercial recreation facilities, and other similar uses which require large structures such as are normally found in industrial districts shall be permitted. Furthermore, Section 34-3.14.4 shall not be applied, provided the main building shall have a minimum setback of one hundred (100) feet from

an RA district unless the district is separated from the use by a major or secondary thoroughfare.

**34-4.53 LUMBER AND PLANING MILLS AND LUMBER CUTTING AND OTHER FINISHING PROCESSES**

Lumber and planing mills and lumber cutting and other finishing processes shall be permitted provided that all such operations are carried out within a completely enclosed building and that all storage yards shall be enclosed on all sides by a six (6) foot wall or fence; such wall shall be completely obscuring on those sides which front upon a street or where abutting or adjacent to an area zoned for residential use.

**34-4.54 COMMUNITY CABLE TELEVISION OPERATIONS ACCESSORY TOWER**

One accessory tower shall be permitted for the exclusive use of a community cable television operation facility permitted in Section 34-3.1.28.B, with a height not to exceed one hundred (100) feet including antenna. Such tower shall have a minimum setback which is at least equal to the height of the tower including antenna.

**34-4.55 ELECTRIC VEHICLE INFRASTRUCTURE**

1. Intent. The intent of this section is to facilitate the use of electric vehicles and to expedite the establishment of a convenient electric vehicle infrastructure that such use necessitates.
2. Permitted Locations
  - A. When accessory to the principal permitted use, and when no fees are collected for such use, electric vehicle charging stations are permitted in every zoning district.
  - B. When accessory to the principal permitted use, and when fees are collected for such use, electric vehicle charging stations are permitted in all non-single-family residential zoning districts.
3. General Requirements
  - A. Parking
    - i. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with Section 34-5.2.
    - ii. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric



vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

- B. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging takes place during daytime hours only.
- C. Equipment Standards and Protection
  - i. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards.
  - ii. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
  - iii. All equipment installed shall meet building code requirements.
- D. Signage
  - i. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
  - ii. Each electric vehicle charging station space shall be posted with City-approved signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
  - iii. Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

#### 34-4.56 SEASONAL OUTDOOR SALES.

There are certain uses that are both temporary and seasonal in nature. They are uses which are not permitted within the zoning district where proposed, but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. These uses shall be regulated as follows:

1. Seasonal outdoor sales may take place not more than 2 times per calendar year on a lot or parcel (i.e., two sales events per year per lot). The total duration of a sales event shall not exceed 30 days. There shall be at least fifteen (15) days between any two seasonal sales events on a lot or parcel.
2. Seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
3. If seasonal outdoor sales is proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site.
4. The seasonal outdoor sales use shall have up to 5 days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs.
5. Seasonal outdoor sales may include up to 1 primary temporary tent plus 1 additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.
6. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.



7. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed 75 square feet. For corner lots, one additional sign of up to 75 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Up to two temporary freestanding signs not greater than 32 inches in height and four square feet shall be permitted within ten (10) feet of a street-facing property line. Up to eight (8) additional square feet of temporary freestanding signage shall be permitted within the site's parking area; such signage shall not exceed 32 inches in height. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted .
8. Seasonal outdoor sales shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article III of the City Code.

#### 34-4.57 MARIHUANA USES

1. Primary caregiver (medical cannabis) uses are regulated as follows:
  - A. Findings, purpose and intent. The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et. seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical cannabis (marihuana) and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the City, does not conflict with the MMMA's requirement that cannabis plants be kept in an enclosed, locked facility. The City finds that the average residence in the City is not aptly suited to the safe and favorable cultivation of 72 cannabis plants that a primary caregiver is permitted to grow under the MMMA. The City further finds that the cultivation of 72 cannabis plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical cannabis, in compliance with the MMMA and this Article and to protect the public health, safety and welfare by mitigating the potential adverse and detrimental effects of such cultivation on neighboring properties.
  - B. Ordinance has no effect on patient use. This ordinance does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA,

shall be permitted to cultivate, at the primary residence of the patient, who shall also be a fulltime resident of the dwelling, no more than the 12 allowed cannabis plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition. The possession, smoking or ingestion of medical cannabis by a qualifying patient who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act (being PA 2008, Initiated Law, at MCL 333.26421, et seq.) in any zoning district shall not be considered a use of land regulated under this Chapter.

- C. No defenses against criminal prosecution. Nothing in this ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or affirmative defenses against criminal or other prosecution under state laws or local ordinances, including without limitation this Ordinance, for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the MMMA and the Administrative Rules of the Michigan Marijuana Regulatory Agency (MRA). Also, since federal law is not affected by the MMMA or the MRA's Administrative Rules, nothing in this Ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or an affirmative defense against criminal prosecution under federal law. Moreover, nothing in this Ordinance shall be construed or interpreted as endorsing, aiding, or abetting violations of federal or state laws. The MMMA and this zoning ordinance do not protect users, caregivers or the owners of properties on which the medical use, growing, possession or handling of cannabis occurs from federal prosecution, or from having property seized by federal or state authorities under the federal Controlled Substances Act or other federal laws. The use, possession and growing of cannabis remains illegal; however, consistent with the MMMA and rulings of the Michigan Supreme Court, this Section of the Ordinance designates the specific districts of the City in which medical cannabis primary caregivers may assist one or more medical cannabis patients in the specific and limited

circumstances and under the conditions set forth in this Section.

- D. Use standards.  
The following regulations shall apply to all primary caregivers:
- i. Primary caregivers shall only operate on a zoning lot located within the LI-1, Light Industrial District and, if so located, shall be a principal permitted use. Site plan approval by the Planning Commission is required prior to commencing any new primary caregiver use unless the primary caregiver use is locating in an existing building in the LI-1, Light Industrial District, in which case the Director of Planning and Community Development or his/her designee shall be the approving body;
  - ii. The medical use of cannabis and the amount of cannabis and cannabis plants in the possession of the primary caregiver on the premises shall comply at all times and in all circumstances with the MMMA and the Administrative Rules of the MRA, as they may be amended from time to time, and the requirements of this ordinance;
  - iii. A registered primary caregiver shall not be located on zoning lot that adjoins or is adjacent to any property used for a nursery school, day nursery, day care center, state licensed day care home, or a public, parochial or private elementary, intermediate, or secondary school offering courses in general education;
  - iv. Not more than five (5) qualifying patients shall be assisted per primary caregiver with the medical use of cannabis;
  - v. Not more than five (5) primary caregivers shall be permitted to service qualifying patients on a zoning lot or parcel;



- vi. All medical cannabis shall be contained within the main building in an enclosed, locked facility inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver. Enclosed, locked facility includes a motor vehicle if the following condition is met: The vehicle is actively being used temporarily to transport cannabis from one location to another with the intent to permanently retain cannabis at the second location in compliance with the MMMA and this ordinance.
  - vii. If more than one primary caregiver is located within a single building, each enclosed locked facility for cannabis must be identified on a floor plan that is approved by the City as part of a site plan;
  - viii. Each individual enclosed locked facility shall receive a valid certificate of occupancy from the Building Department before the presence of cannabis is allowed;
  - ix. Each enclosed locked facility must be separate from any other enclosed locked facility and shall be maintained enclosed and locked;
  - x. All required building, electrical, plumbing and mechanical permits shall be obtained, inspected, and approved by the City for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of cannabis are located, and for any improvements to the structure relating to the use;
  - xi. The structure shall be designed and maintained in a manner consistent with other permitted uses in the zoning district within which it is located. Grow lights, plants, growing and processing areas and related products and operational areas shall not be visible from any property line. If exterior windows are located in these areas, they shall be frosted, screened or otherwise modified to the satisfaction of the approving body so that the use, as described above, is not visible from any property line;
  - xii. All primary caregivers shall include odor control methods that follow industry best practices for removal of odor so that odor from the operation is not discernable beyond the property line of the zoning lot. Such methods shall be subject to approval of the approving body, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be included as part the approval process. Ozone generators shall not be permitted as an odor neutralization method;
  - xiii. The on-site delivery or sale of cannabis from a primary caregiver to a qualified patient on the zoning lot upon which the primary caregiver is operating is prohibited;
  - xiv. Use or consumption in any manner of cannabis or any illegal controlled substance is not permitted by any person on the premises of any primary caregiver; and
  - xv. No alcoholic beverage shall be sold, conveyed or consumed on the premises of any primary caregiver, nor shall any person be present on the premises of a primary caregiver while intoxicated and/or under the influence of alcohol or any controlled substance.
2. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marihuana establishments are prohibited within the boundaries of the City of Farmington Hills.

#### 34-4.58 RESERVED

#### 34-4.59 ONE-FAMILY DWELLING<sup>1</sup> STANDARDS

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

**Surrounding area** means the ten (10) closest one-family dwellings within seven hundred fifty (750) feet in all directions of the lot on which the one-family dwelling unit is to be located.

2. Taking, interpretation of measurement.
  - A. Measurements taken under this article shall be made from the lot line of the proposed one-family dwelling site to the lot line of each surrounding one-family dwelling already constructed in the area. If any part of a lot is within the specified area, the one-family dwelling constructed thereon shall be deemed included within the surrounding area. Measurements shall be made from the front lot line, or the rear lot line, or the side lot lines, whichever produces the shortest possible distance between the two (2) measured lots.
  - B. Measurements taken under this article shall not extend beyond the one-family zoning district classification; nor shall measurements extend beyond the boundaries of the final plat except on the street on which the proposed dwelling is to be located. Measurements shall not extend across major thoroughfares.
3. Reviewing official. The director of planning and community development, or the director's designee, shall perform the duties and exercise the powers as provided in this article.
4. Building permit application review.
  - A. No building permit for any new one-family dwelling shall be issued unless it has been found by the reviewing official, after a review of the building permit application,
    - i. That the proposed dwelling is in compliance with the requirements of this article;
    - ii. That the minimum floor area requirements of the zoning district in which the dwelling is to be located are met; and

- iii. that the architectural appeal and functionalism of the proposed one-family dwelling will not, when erected, be substantially dissimilar to the architectural appeal and functionalism of the one-family dwellings within the surrounding area and will not cause a substantial depreciation to the property values in the surrounding area.

- B. Applications for a building permit shall include forms promulgated by the reviewing official which shall be designed to demonstrate compliance with the requirements of this article.

- C. The application for the building permit shall include a statement, signed by the applicant, under oath, that the proposed dwelling conforms to the requirements of this article.

5. Standards. In determining whether the architectural appeal and functionalism of the proposed one-family dwelling is not substantially dissimilar to the other one-family dwellings and will not cause a substantial depreciation to the property values in the surrounding area, the reviewing official shall consider the following:

- A. The floor area of such proposed dwelling is not less than seventy-five (75) percent of the average floor area of the one-family dwellings constructed within the surrounding area.

- B. The type, quality and proportional area coverage of materials used in the exterior facade in the proposed dwelling are not substantially dissimilar to the type, quality and proportional area coverage of materials used in one-family dwellings constructed within the surrounding area.

- C. The architectural character of the proposed dwelling is not substantially dissimilar to the architectural character of the one-family dwellings constructed in the surrounding area, exclusive of the number of stories and/or floor levels.





D. The facade of the proposed dwellings as viewed from the street is not identical to the facade of the dwellings constructed on the lot or lots adjacent to the proposed dwelling, exclusive of dwellings adjacent to the rear lot line. The proposed dwelling shall be determined to be identical if the reviewing official, or the official's designee, finds four (4) or more of the following criteria to be identical:

- i. Height of the main roof ridge or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor;
- ii. Height of the main roof ridge above the top of the plate (all flat roofs shall be deemed identical in this dimension);
- iii. Length of the main roof ridge or, in the case of a building with a flat roof, length of the main roof;
- iv. Width between outside walls at the ends of the building measured under the main roof at right angles to the length thereof;
- v. Relative locations of windows in the front or any side elevation with respect to each other and to any door or doors in the same elevation;
- vi. Relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the building in the front elevation as viewed from the street.

The criteria in paragraphs i. through iv. above shall be deemed to be identical if the difference in measurement of such dimensions listed is less than two (2) feet. An end-to-end or side-to-side reversal of the criteria in paragraphs e. and f. deemed to be identical.

6. Building permit approval. If the reviewing official finds, after review of the building permit application, that the proposed dwelling is in compliance with the requirements of subsection 5 above, the reviewing official shall approve the building permit application.
7. Denial of building permit. An adverse determination by the reviewing official, or the official's designee, shall be in writing and shall set forth specific factual finds for the denial of the building permit.

8. Abrogation and greater restrictions. In interpreting and applying the provisions of article, it shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this article to interfere with or abrogate or annul any other code provisions, ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this article, or which shall be adopted or issued pursuant to law relating to the subject matter of this article and likewise not in conflict with this article, nor is it intended by this article to interfere, abrogate or annul any covenants or other agreements between parties; provided, however, that where this article imposes a greater restriction, the provisions of this article shall control.



## 34-4.60 SPECIAL ACCOMMODATION RESIDENCE<sup>2</sup>

1. Intent. This section is intended to authorize the grant of relief from the strict terms of this Ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under state or federal law, such as but not limited to, the Federal Fair Housing Act, as amended, 42 USC § 3604(f)(1) et seq, the Americans with Disabilities Act, as amended, 42 USC §12131 et seq, and the Rehabilitation Act, as amended, 29 USC §794(a). This Section of the Ordinance responds to the prohibition of housing discrimination based on a disability which is defined as:

- A. A physical or mental impairment which substantially limits one or more of such person's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such a physical or mental impairment that limits one or more of such person's major life activities.

This section is further intended to advance a legitimate governmental interest by regulating Special Accommodation Residences in a manner that ensures that the use of land is situated in appropriate locations and with proper relationships particularly to the surrounding land uses, limits inappropriate overcrowding of land or particular uses and/or congestion of population, and it ensures that public streets and facilities are not overburdened.

2. Applicability. The provisions of this section shall be applicable to various types and capacities of transitional and permanent homes and structures which occupy dwellings and may include, but not be limited to, adult foster care large and small group homes, other congregate living facilities, and sober living facilities. The City Manager or his/her designee may approve a Special Accommodation Residence, subject to and in accordance with this section.

3. Conditions of Approval. As a condition to approval of a Special Accommodation Residence, the applicant must comply with all the terms of this section, and must demonstrate all of the following:

- A. The ultimate residential user or users of the property shall be persons for whom state or federal law mandates the City to make reasonable accommodations in connection with proposed uses of land under the existing circumstances;
- B. Taking into consideration the needs, facts, and circumstances which exist throughout the City and the population to be served by the use, the proposed reasonable accommodation shall be necessary to afford such person equal opportunity to the proposed use and enjoyment within the City;
- C. Approval of the proposed housing shall not require or will not likely result in a fundamental alteration in the nature of the zoning district and neighborhood in which the property is situated, or result in an excess concentration of such proposed housing in a particular area, considering cumulative impact of one (1) or more other uses and activities in, or likely to be in, the area, and shall not impose undue financial and administrative burden. The interests of the City shall be balanced against the need for accommodation on a case-by-case basis; and
- D. The public health, safety and welfare is maintained by providing adequate space for occupants as follows:
  - i. There shall be not less than 35 square feet of indoor living space per occupant, exclusive of bathrooms, storage areas, hallways, kitchens, and sleeping areas.
  - ii. A single occupancy bedroom shall have not less than 80 square feet of usable floor space.
  - iii. A multioccupancy resident bedroom shall have not less than 65 square feet of usable floor space per bed.

For the purpose of this subsection (D), "usable floor space" means floor space that is under a ceiling which is not less than 6 feet, 6 inches in height, excluding closets and space that is under a portable wardrobe. When determining usable floor space, an alcove or any other part of the room that does not have at least a 7-foot horizontal dimension shall be excluded.



4. Application Provisions. The application for a Special Accommodation Residence within an existing or proposed structure shall include the following, in addition to all other applicable permits required by the City:

- A. A sketch plan, drawn to scale, showing the proposed use and development. At a minimum, the sketch submittal shall include the following information:
  - i. Evidence of ownership; location and description of site; dimensions and areas;
  - ii. Scale, north arrow, date of plan;
  - iii. A recent aerial photograph from an available resource (City GIS portal at fhgov.com), Google Earth, or similar platform showing site and area within at least 100 feet of property boundaries;
  - iv. Location, type and land area of each proposed land use and number of dwelling units in structure or structures to be occupied.
  - v. Sketch of floor plan showing layout and number of persons to occupy each bedroom or similar sleeping area.
  - vi. General description of proposed water, sanitary and storm drainage systems;
  - vii. General location of proposed parking and number of spaces required and provided.
- B. A separate document that provides the following:
  - i. A summary of the basis on which the applicant asserts entitlement to approval of a Special Accommodation Residence, covering each of the requirements of this ordinance.
  - ii. The number of residents served, resident services provided and the anticipated length of stay, and staffing and duties performed.

5. Standards and Regulations. In order to determine whether a Special Accommodation Residence should be granted, the need to provide a reasonable accommodation under state or federal law shall be considered and weighed by the City Manager in relationship to the following:

- A. If the proposed housing does not constitute a permitted use in the zoning district in which the property is situated, the intensity of the use (e.g., number of residents in the residential facility) shall be the minimum required in order to achieve feasibility of the use; and
- B. The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:
  - i. Taking into consideration the size, location and character of the proposed use, the proposed use shall be established in such a manner to be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principles, with:
    - a. The surrounding uses; and/or
    - b. The orderly development of the surrounding neighborhood and/or vicinity.
  - ii. The proposed use shall be designed to ensure that vehicular and pedestrian traffic shall be no more hazardous than is normal for the district involved, taking into consideration traffic volume, proximity and relationship to intersections, adequacy of sight distances, on-site parking, pedestrian traffic safety, and location and access of off-street parking;
  - iii. The proposed use shall be such that the location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development or use of adjacent land and buildings and will not have a detrimental effect upon their value;
  - iv. The proposed use shall be designed, located, planned and operated in such a manner that the public health, safety and welfare will be protected; and



- v. The proposed use shall be designed and operated so as not to cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- 6. Conditions. In connection with the approval of a Special Accommodation Residence, the City Manager may impose such conditions as are authorized by law. If a standard in this ordinance is reduced or modified to be less stringent, any condition imposed shall be proportional to mitigate the impact of the reduction or modification granted and shall be in keeping with protecting the health, safety and general welfare of the City.
- 7. Timeframe for Application Review. The City Manager or his/her designee will review the request for a special accommodation and approve or deny the application within fifteen (15) business days of submittal of a complete application.
- 8. Effect of Approval.
  - A. Approval of a Special Accommodation Residence shall be solely for the benefit of the particular class of users who were the basis of requiring the City to make a reasonable accommodation under applicable state and/or federal law, and not for the benefit of any other persons. Accordingly, the effect of an approval under this section shall be for the exclusive benefit and occupancy of such class of persons. If a change in such use occurs such that it is occupied by others, the regulations applicable within the district in which the property is situated shall thereupon immediately and fully apply, unless application is made and approved for another Special Accommodation Residence based on the change.
  - B. An approval under this section shall be effective for a period of one (1) year and shall thereafter be void unless there is an occurrence of actual occupancy by persons for whom the special accommodation has been made in granting approval.
- 9. A Special Accommodation Residence is a principal permitted use, subject to conditions, in the following districts: RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, RA-4, RP-1, and RP-2.

Δ Ord. No. C-2-2022

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



(Intentionally Blank)



**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Chapter 34*

## *Article 5.0*

### *Site Standards*



## Article 34-5.0 Site Standards

- 34-5.1 Accessory Buildings and Structures
- 34-5.2 Off-street Parking Requirements
- 34-5.3 Off-street Parking Layout, Standards, Construction and Maintenance
- 34-5.4 Off-street Loading and Unloading
- 34-5.5 Signs
- 34-5.6 Acceleration - Deceleration - Passing Lanes
- 34-5.7 Storage of Recreational Equipment or Trailers
- 34-5.8 Flood Zone Controls
- 34-5.9 Entryway Structures
- 34-5.10 Corner Clearance
- 34-5.11 Frontage on Public Street
- 34-5.12 Fences
- 34-5.13 Access to Major or Secondary Thoroughfare
- 34-5.14 Landscape Development
- 34-5.15 Walls and Berms
- 34-5.16 Exterior Lighting
- 34-5.17 Screening of Rooftop Equipment
- 34-5.18 Tree Protection, Removal and Replacement
- 34-5.19 Pedestrian Access and Connectivity From Public Rights-of-Way



# 5.0 Site Standards

## 34-5.1 ACCESSORY BUILDINGS<sup>m</sup>

### AND STRUCTURES

1. Accessory buildings or structures located in any use district shall be subject to the following regulations, unless otherwise provided in this chapter:
  - A. Where an accessory building or structure is physically attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings.
  - B. Accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback unless otherwise provided in this chapter.
  - C. A detached accessory building shall not be located within ten (10) feet of any main building, nor shall it be located within one (1) foot of an alley right-of-way. In no instance shall an accessory building or deck be located within an easement for public utilities or a public or private right-of way.
  - D. See Section 34-5.2 and Section 34-5.3 regarding accessory off-street parking.
  - E. See Section 34-5.4 regarding accessory off-street loading and unloading.
  - F. See Section 34-5.5 regarding accessory signs.
  - G. Satellite reception antennas may be permitted as an accessory use subject to the following conditions:
    - i. Roof-mounted antennas shall be subject to the requirements of Section 34-3.26.3.B
    - ii. Ground-mounted antennas shall be subject to the following conditions:
      - a. The maximum height permitted shall be fourteen (14) feet.
      - b. Such antenna shall be located only in the rear yard.
      - c. Where existing structures or vegetation will not screen the antenna from the view of abutting properties, the antenna shall be screened by installation of a wall or fence, berm, evergreen plantings or a combination thereof.
- d. The nature, size and extent of the screening shall be reviewed and approved by the director of planning and community development, or his designee, who shall take into consideration screening design principles established and adopted by the planning commission. Review and approval shall take into consideration: (i) that the proposed screening shall not operate to impose unreasonable limitations on or to prevent the reception of satellite-delivered signals; and (ii) that the cost of the required screening shall not exceed fifty (50) percent of the purchase and installation cost of such equipment. shall be located only in the rear yard.
- e. Where existing structures or vegetation will not screen the antenna from the view of abutting properties, the antenna shall be screened by installation of a wall or fence, berm, evergreen plantings or a combination thereof.
- f. The nature, size and extent of the screening shall be reviewed and approved by the director of planning and community development, or his designee, who shall take into consideration screening design principles established and adopted by the planning commission. Review and approval shall take into consideration: (i) that the proposed screening shall not operate to impose unreasonable limitations on or to prevent the reception of satellite-delivered signals; and (ii) that the cost of the required screening shall not exceed fifty (50) percent of the purchase and installation cost of such equipment.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



- iii. Conventional VHF and UHF television antennas are excluded from operation of this section on the basis of the following findings: there is a relatively small concern for wind and snow load issues; there has been a long-demonstrated safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing such conventional facilities.
- H. Vehicles, commercial vehicles, recreational equipment, trailers, storage pods, and shipping containers and similar off-site-built enclosures shall not be used as an accessory building or use except:
  - i. One (1) such building, not to exceed 160 square feet of floor space, may be permitted per zoning lot within the LI-1, Light Industrial District following the submission of a site plan in accordance with Section 34-6.1 of this Chapter and approval of such site plan by the City Planner (or his or her designee) based on all applicable requirements of this Chapter;
  - ii. One such building, not to exceed 160 square feet of floor space, may be permitted in any residential zoning district for one (1) thirty (30)-day period per year with extensions of time permitted in the discretion of the Zoning Supervisor (or his or her designee) for good cause shown; and
  - iii. Where such building is temporarily permitted per Section 34-7.14.6.E of this Chapter.
- 2. Accessory buildings or structures located in any RA or MH district or the one-family portion of any RP or RC district shall be subject to the following regulations, unless otherwise provided in this chapter:
  - A. Detached accessory buildings or structures shall not be located in any side yard setback unless otherwise provided in this chapter.
  - B. Detached accessory buildings or structures shall not be located within six (6) feet of any rear lot line and shall not be located closer to any side lot line than the minimum side yard setback required in the district.
  - C. Detached accessory buildings shall not exceed fourteen (14) feet in height and shall occupy not more than twenty-five (25) percent of a rear yard setback nor more than forty (40) percent of any rear yard in excess of the rear yard setback.
  - D. In no instance shall the combined floor area of all accessory uses and buildings exceed fifty (50) percent of the floor area of the residential dwelling unit or seven hundred fifty (750) square feet, whichever is greater, but not to exceed a total of twelve hundred fifty (1,250) square feet.
  - E. In order to permit solar energy collecting devices in instances where the percentage of lot coverage limitations would be exceeded, the percentage lot coverage of lots occupied by a residential structure, prior to the effective date of this section (February 18, 1985), may be increased to the amounts stated below if the purpose is to add solar energy collectors:
    - i. Thirty (30) percent of a rear yard setback.
    - ii. Fifty (50) percent of any rear yard in excess of a rear yard setback.
    - iii. Lot coverage of solar devices shall be excluded from computation of accessory floor area to the total ground floor area of the main building.

- F. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within ten (10) feet of a street right-of-way line.
- G. See Section 34-5.7 regarding accessory storage of recreational equipment or trailers.
- H. See Section 34-5.12 regarding accessory residential fences.
- I. A central air conditioning unit, heat pump, swimming pool pumps and equipment or any other noise-producing mechanical system located in the yard of a residential unit may be located as follows:
  - i. Within a rear yard; provided, that such system is not located closer to a side lot line than the distance required by the side yard setback (see item iv. for corner lots).
  - ii. Within a side yard which is in excess of the required side yard setback.
  - iii. Within a side yard setback; provided, that such system does not extend into the setback by more than three (3) feet and if the abutting parcel is:
    - a. A street.
    - b. Occupied by a house that has no doors or windows on the side of the house facing the side yard.
    - c. Occupied by an existing house located so that the distance between the abutting houses is equal to the sum of the required minimum abutting side yards plus three (3) feet.
    - d. Occupied by a use other than one-family residential.
  - iv. Where a front yard setback is required in the side yard of a corner lot, such system shall not be located within such required setback.
- v. If such system is not located in a rear yard, or if it is located in a rear yard of a corner lot and is visible from the street, it shall be screened with landscape material with starting size not less than the height of the system.
- J. See Section 34-3.26.6 regarding the placement of gazebos on attached decks.
- K. Building or pole-mounted basketball backboards or hoops may be located within a front or side yard setback on a one-family lot, subject to the following conditions:
  - i. No more than one such backboard or hoop (either garage or pole-mounted) may be located in all combined front yards or side yards setbacks of a lot.
  - ii. A pole-mounted backboard and hoop shall be located within the one-third of the front yard setback nearest the dwelling and contiguous to the driveway or within the one-third (1/3) side yard setback nearest the dwelling.



3. Accessory buildings or structures located in any district or portion of a district, other than those included under subsection 34-5.1.2 above, shall be subject to the following regulations, unless otherwise provided in this chapter:

- A. No detached accessory structure or building in RP, RC, SP, OS-1, OS-3, B-1 and P-1 districts shall exceed fourteen (14) feet in height unless adhering to all requirements of a main building.
- B. On any corner lot or through lot, the setback requirements for main buildings from a street shall be applicable to accessory buildings or structures, unless otherwise provided.
- C. Structures which support lighting fixtures, other than signs, may be permitted in any yard where off-street parking lots are permitted.
- D. A space for the location of a dumpster, paved and with minimum dimensions of nine (9) feet wide and six (6) feet deep, shall be provided for each zoning lot in the nonresidential districts (SP, OS, B, ES, IRO, and LI-1) regardless of whether or not use of a dumpster is intended. Dumpsters may be permitted as accessory to any use except one-family residential. Dumpsters are permitted provided that:
  - i. The dumpster is located in a rear yard or interior side yard and is clearly accessible to servicing vehicles.
  - ii. Dumpsters shall be screened from view on all sides. Such screening shall consist of any permanent building wall, obscuring wall or earth mound which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is greater. Gates providing access shall also provide screening.
  - iii. Dumpsters and their screening enclosures shall be located as far as practicable from any adjoining residential district or use and shall in no instance be located within twenty (20) feet of any residential property line or district.
  - iv. The location of dumpsters shall be indicated on site plans and the location and screening shall be subject to the approval of the code enforcement officer, or of the planning commission when the planning commission reviews the site plan.

4. Accessory buildings or structures in site condominium developments shall be subject to the requirements of this ordinance applicable to one-family residential lots.

All other one-family residential condominium developments, attached or detached, shall be subject to the following requirements:

- A. Accessory buildings or structures physically attached to a main building shall be located within the building envelope as depicted on the approved site plan and/or shall be subject to any of the minimum setback requirements applicable to main buildings.
- B. Detached accessory buildings or structures, including satellite reception antennas, shall not be located between a main building and a private road or street.
- C. Accessory buildings and uses shall be subject to the floor area limitations of Section 34-5.1.2.D above and shall be applied on a per unit basis.
- D. A central air conditioning unit, heat pump, swimming pool pumps and mechanical equipment or any other noise producing mechanical system may be located as follows:
  - i. To the rear of the main building.
  - ii. To the side of a main building where there is a side to side relationship between buildings and provided that no part of the system is within twenty-five (25) feet of any wall of a separate building, if that wall contains windows or doors.
  - iii. In the yard area that is adjacent to a private road or street and not in front of a building, provided that, if it is visible from a private road or street, it shall be screened by landscape material with starting size not less than the height of the system.
  - iv. In the yard area, not in front of a building, that is adjacent to a zoning lot occupied by a nonresidential use.

- E. Building or pole-mounted basketball backboards or hoops may be located between a main building and a private road or street, subject to the following conditions:
  - i. No more than one such backboard or hoop (either garage or pole-mounted) may be permitted per dwelling unit.
  - ii. A pole-mounted backboard and hoop shall be located within the one-third (1/3) of the distance nearest the unit between dwelling unit and the edge of the street pavement.

Δ Ord. No. C-8-2022



### 34-5.2 OFF-STREET PARKING REQUIREMENTS

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

1. Off-street parking spaces may be located within a side or rear yard unless otherwise provided in this chapter. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this chapter.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

The City recognizes that different types of uses may have different peak usage times. Therefore, two (2) or more non-residential buildings or non-residential uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced for the following:

- A. If the property is on a single zoning lot and the applicant provides documentation of a reciprocal arrangement between businesses showing that peak operating hours of the businesses do not overlap; or
- B. If the property is on two or more zoning lots a signed agreement is provided by the property owners and duly recorded with the Register of Deeds, and the Planning Commission determines that the peak usage will occur at different periods of the day. A parking study prepared by a qualified professional following methodologies established by the Urban Land Institute's publication, Shared Parking, shall be required for any reduction that exceeds twenty (20) percent of the required number of spaces and may be required to justify lesser reductions at the discretion of the Planning Commission. The study that supports the proposed shared

parking arrangement shall be submitted along with the site plan and is subject to concurrence by the approving body. The approving body may, as an alternative, grant a lesser reduction in overall parking than that requested by the applicant.

- C. For any shared parking arrangement, the Planning Commission may require the construction of pedestrian sidewalks and/or marked crossing areas to facilitate pedestrian traffic between two sites or two use areas.
3. Residential off-street parking spaces shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve and subject to the provisions of Section 34-5.1.
4. In the case of a change of use within a previously approved site plan or a modification to a previously approved parking area, planning department staff may review and administratively approve the following:
  - A. Changes to a previously-approved parking area may be reviewed and approved administratively provided the resulting changes meet ordinance requirements. Any area once designated as required off-street parking shall never be changed to any other use unless equal parking facilities are provided elsewhere.
  - B. Changes in tenants or land uses within may be reviewed and approved administratively by planning department staff if the resulting parking changes satisfy all the requirements of the zoning ordinance and do not otherwise warrant additional public hearings or other significant changes in the approved site plan.
5. Off-street parking used in connection with the operation of an existing building or use existing at the effective date of this chapter (February 18, 1985) shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
7. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type.



8. 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 (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
9. For the purpose of computing the number of parking spaces required, the definition of "usable floor area" in Section 34-2.2 shall govern.
10. For all uses except one- and two-family residential units and mobile home sites, the number of off-street parking spaces required, may be reduced provided that the following conditions are met:
  - A. The number of off-street parking spaces required for the use or uses must be more than ten (10).
  - B. The applicant shall submit an acceptable site plan showing that an adequate reserve of land is set aside for additional parking spaces, so that the total depicted on the plan is adequate to meet the requirements under paragraph 13. of this subsection. The plan shall indicate the reserve area laid out so that all dimensional requirements as to spaces, aisles, and other applicable requirements of this chapter can be met. The reserve area shall not be used for water retention, for required open spaces, or as the location for replacement trees or other deciduous or evergreen trees required by this chapter. The landscape plan submitted for the site shall include a plan for the reserve area.
  - C. The planning commission has determined that the applicant has submitted substantial evidence showing that the parking needs of the specific occupant will be less than would be required by this chapter.
  - D. The property owner shall execute an agreement prepared by the city attorney requiring the construction of the additional spaces within one hundred and eighty (180) days of notification that the planning commission, at its sole discretion has determined a need exists for such spaces. The agreement shall run with the land, be binding upon successors and assigns and shall be recorded with the register of deeds.
  - E. A permit for change of occupancy shall not be issued until the planning department has reevaluated the need for parking by the new occupant relative to the number of spaces required by this chapter.
11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule; provided, however, that when a use is required by state statute to provide handicapped parking spaces, the total number of off-street parking spaces required by this chapter shall be increased by one (1) for uses requiring twenty-five (25) parking spaces or less:



**34-5.2.11 Minimum Off-street Parking Spaces**

Use	Minimum number of parking spaces per unit of measure
<b>A. Residential:</b>	
i. Residential, one-family and two-family	Two (2) for each dwelling unit
ii. Residential, multiple-family	Two (2) for each dwelling unit of three (3) rooms or less; two and one-half (2 1/2) for each dwelling unit of four (4) or more rooms
iii. Housing for the elderly	Three-quarters (0.75) of a space for each one (1) room dwelling or any dwelling without cooking facilities; one and one-quarter (1 1/4) spaces for each one (1) bedroom dwelling unit; one and one-half (1 1/2) for each dwelling unit of two (2) bedrooms or more; provided, that the site plan illustrates that the number of off-street parking spaces required for multiple-family residential use can be accommodated
iv. Mobile home park	Two (2) for each mobile home site and one (1) for each three and one-third (3 1/3) mobile homes for visitor parking
<b>B. Institutional:</b>	
i. Place of worship or religious assembly such as a church, synagogue or mosque	One (1) for each three (3) fixed seats, one (1) for each six (6) feet of pews or benches and one (1) for each thirty (30) square feet of assembly floor area without fixed seats, including all areas used for worship services at any one (1) time
ii. Hospitals	Two (2) for each bed
iii. Nursery school, day nurseries or child care centers	One (1) for each employee and one (1) for each ten (10) pupils
iv. Convalescent homes	One (1) for each four (4) beds
v. Elementary and junior high schools	One (1) for each teacher, employee or administrator, in addition to the requirements of the auditorium
vi. Senior high schools	One (1) for every three (3) students or the requirements of the auditorium, whichever is greater
vii. Private clubs or lodge halls	One (1) for each eighty-five (85) square feet of usable floor area
viii. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar
ix. Golf courses open to the general public, except miniature or par-3 courses	Four (4) for each one (1) golf hole and one (1) for each employee, plus spaces required for each accessory use, such as a restaurant or bar
x. Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater



34-5.2.11 Minimum Off-street Parking Spaces (Cont.)	
Use	Minimum number of parking spaces per unit of measure
<b>B. Institutional: (continued)</b>	
xi. Stadium, sports arenas or similar place of outdoor assembly	One (1) for each four (4) seats or eight (8) feet of benches
xii. Theaters and auditoriums	One (1) for each three and one-half (3 1/2) seats plus one (1) for each two (2) employees
<b>C. Business and commercial:</b>	
i. Retail store or service establishment except as otherwise specified herein	One (1) for each one hundred seventy-five (175) square feet of usable floor area
ii. Planned commercial or shopping center	One (1) for each one hundred fifty (150) square feet of usable floor area for the first fifteen thousand (15,000) square feet
	One (1) for each one hundred seventy-five (175) square feet for the next fifteen thousand one (15,001) to one hundred thousand (100,000) square feet of usable floor area
	One (1) for each two hundred (200) square feet for that area in excess of one hundred thousand (100,000) square feet of usable floor area
iii. Beauty parlor or barbershop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair
iv. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area (for that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein)
v. Laundromats and coin-operated dry cleaners	One (1) for each two (2) washing or dry cleaning machines
vi. Auto wash (automatic)	One (1) for each employee
vii. Auto wash (self-service or coin-operated)	One (1) for each five (5) stalls (one (1) space minimum)
viii. Motor vehicle sales and service establishments	One (1) for each one hundred (100) square feet of usable floor space of sales room or three (3) for each one (1) auto service stall in service areas, whichever is the greater
ix. Gasoline service stations	Three (3) spaces for each lubrication stall, rack, pit or similar service area and one-half (1/2) space for each gasoline pump (nozzle). No spaces are required for self-service pumps. Additional parking shall be provided for any accessory retail use as required for such use



**34-5.2.11 Minimum Off-street Parking Spaces (Cont.)**

Use	Minimum number of parking spaces per unit of measure
<b>C. Business and commercial: (continued)</b>	
x. Self-service gasoline stations	One (1) space plus one (1) space for each employee on the largest working shift. Additional parking shall be provided for any accessory retail use as required for such use . <a href="#">See Section 34-4.28.</a>
xi. Billiard or pool hall, coin-operated amusement device arcade	One (1) space for each one hundred (100) square feet of usable floor area
xii. Bowling alleys	Four (4) for each bowling lane plus spaces required for each use, such as restaurant or bar
xiii. Dance halls, catering halls, exhibition halls or assembly halls without fixed seats	One (1) for each forty-five (45) square feet of usable floor area
xiv. Ice or roller skating rinks	One (1) for each three (3) seats or six (6) feet of benches, or one (1) for each forty-five (45) square feet of skating area, whichever is the greater
xv. Tennis facilities	Four (4) for each tennis court plus spaces required for each permitted accessory use
xvi. Miniature or par-3 golf courses	Two and one-half (2.5) for each hole
xvii. Establishments for sale and consumption on the premises of beverages, food or refreshments	One (1) for each eighty-five (85) square feet of usable floor area
xviii. Drive-in, fast-food or carryout restaurants	One (1) space for each thirty (30) square feet of usable floor area
xix. Motel, hotel or other commercial lodging establishments	One (1) for each occupancy unit plus one (1) for each employee
xx. Mortuary establishments	One (1) for each fifty-five (55) square feet of usable floor area in each assembly room
xxi. Tanning salon	One (1) for each two hundred (200) square feet of usable floor area
xxii. Auto Repair	Three (3) for each auto service stall
xxiii. Indoor Health and Fitness Studios and Instructional Dance Studios	One (1) for each one hundred twenty (120) square feet of gross leasable area
xxiv. Other Indoor Recreational Uses	Parking requirement shall be determined on the basis of one (1) space per each three (3) people at maximum permitted occupancy, as determined by the Fire Code



34-5.2.11 Minimum Off-street Parking Spaces (Cont.)	
Use	Minimum number of parking spaces per unit of measure
<b>D. Offices:</b>	
i. Banks	One (1) for each one hundred seventy-five (175) square feet of usable floor area
ii. Business offices or professional offices except as indicated in the following items 3–5	One (1) for each two hundred twenty (220) square feet of usable floor area for the first fifteen thousand (15,000) square feet
	One (1) for each two hundred fifty (250) square feet of usable floor area for that area in excess of fifteen thousand (15,000) square feet of usable area
<b>D. Offices: (continued)</b>	
iii. Professional offices of doctors, dentists or similar profession	One (1) for each one hundred thirty-five (135) square feet of usable floor area for the first five thousand (5,000) square feet
	One (1) for each one hundred seventy-five (175) square feet for that area in excess of five thousand (5,000) square feet of usable floor area
iv. Telemarketing, call center or similar use	One (1) for each one hundred (100) square feet of usable floor area
v. Chiropractic office	One (1) for each two hundred (200) square feet of usable floor area
<b>E. Industrial:</b>	
i. Industrial or research establishments and related accessory offices	Three (3) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift, or three (3) plus one (1) for each five hundred fifty (550) square feet of usable floor area, whichever is the greater.
ii. Warehouses and wholesale establishments and related accessory offices	Three (3) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift, or three (3) plus one (1) for every one thousand three hundred (1,300) square feet of usable floor area, whichever is the greater



12. Any lane, aisle, drive or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods or services without the driver leaving the vehicle (referred to as a drive-through lane) shall comply with the following requirements:

- A. Drive-through lanes shall be separate from the circulation roads and lanes necessary for ingress to and egress from the property.
- B. Drive-through lanes shall not use any space that is necessary for adequate access to parking spaces.
- C. Drive-through lanes where vehicle stacking and waiting occur shall not be permitted in the front yard.
- D. Drive-through lanes and associated by-pass lanes shall be setback at least 10 feet from the side and rear lot lines.
- E. Drive-through lanes located adjacent to a street shall be buffered by a minimum 10 foot wide landscaped planting adjacent to the right-of-way as specified in 34-5.14.
- F. Drive-through lanes shall provide one (1) by-pass lane to allow unobstructed travel for vehicles to pass those waiting to be served.
- G. All designated pedestrian areas which pass through a stacking space/by-pass lane area shall be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.
- H. Drive-through lanes shall have a minimum width of nine (9) feet.
- I. Drive-through lanes shall have a minimum length of twenty (20) feet per vehicle.
- J. Drive-through lanes shall have a minimum centerline turning radius of twenty-five (25) feet.
- K. Drive-through lanes shall be striped, marked or otherwise distinctly delineated.
- L. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

#### 34-5.2.12.L Drive-Thru Stacking Spaces

Use Served by Drive-Thru Lane	Minimum Stacking Requirements (per lane)
Restaurant (with drive-thru)	Ten (10) vehicles, at least five (5) of which must be in advance of the ordering station.
Financial institution	Three (3) vehicles, inclusive of the vehicle at the window
Vehicle wash (coin/hand-held wand stall)	Three (3) vehicles in advance of the washing bay and two (2) vehicles beyond the washing bay for drying.
Vehicle wash (fixed location, when accessory to a gas station)	Five (5) vehicles in advance of the washing bay and two (2) vehicles beyond the washing bay for drying.
Vehicle wash (tunnel)	Stacking spaces equal in number to five (5) times the capacity of the vehicle wash. Maximum capacity of the vehicle wash shall be determined by dividing the length in feet of each wash line by twenty (20) and three (3) vehicles beyond the tunnel for drying.
Dry cleaners	Four (4) vehicles inclusive of the vehicle at the window.
Convenience market or drug store	Three (3) vehicles inclusive of the vehicle at the window.
Other Uses	For uses not listed, the planning commission shall make a determination of the minimum required stacking at the time of site plan review, based upon review of information submitted by the applicant, city staff, and consultants





13. The following exceptions apply to the FWR-2 and FWR-3 Overlay Districts:

- A. The number of off-street parking spaces required may be reduced from ordinance requirements upon submittal of a Shared Parking Study by the applicant and approval of the study by the body charged with approving the site plan.
- B. In any yard abutting a street, landscaped areas abutting the street shall be provided in accordance with the City's landscape design principles, including deciduous shrubs, evergreen material and ornamental trees. Such landscaped area shall be not less than fifteen (15) feet deep when abutting a major or secondary thoroughfare and not less than ten (10) feet deep when abutting any other street or freeway.
- C. The use of parking structures is encouraged in the FWR-2 and FWR-3 Overlay. For each off-street parking space not located in a parking structure, fifty (50) square feet of landscaped open space shall be provided on site. Landscaped open space required in the preceding subparagraph B., above, shall not be included in this calculation.

### 34-5.3 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements of Section 34-5.2 above require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

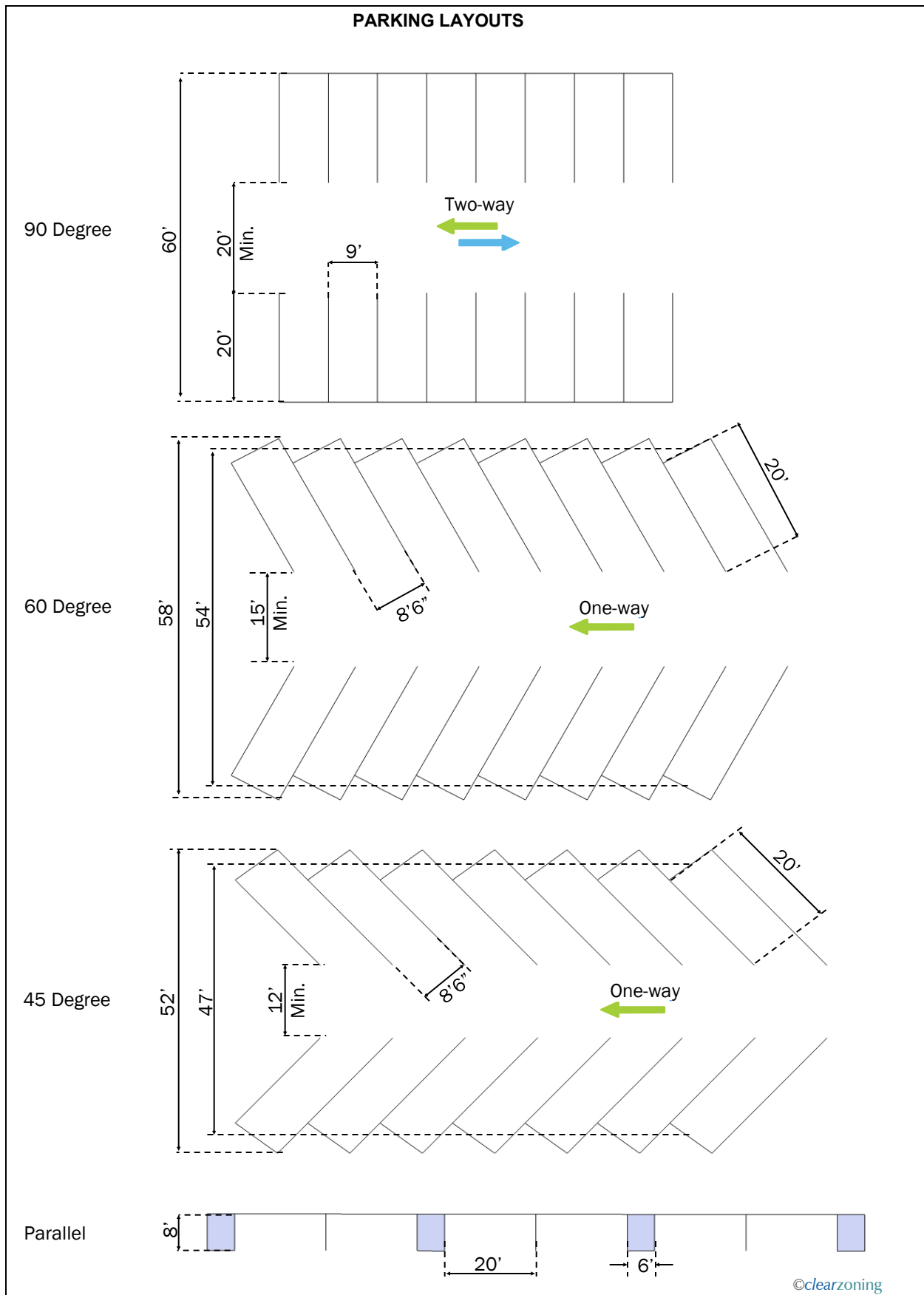
1. No parking lot shall be constructed or reconstructed unless and until a permit therefor is issued by the engineering division. Applications for such a permit shall be submitted to the engineering division in such form as may be determined by the division.
2. All plans must be submitted in accordance with the procedures set forth in the engineering site plan design standards.
3. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:
  - A. For the minimum number of spaces required under the provisions of Section 34-5.2, the following minimum dimensions shall apply:

#### 34-5.3.3.A Minimum Off-street Parking Dimensions

Parking pattern	Maneuvering lane width	Parking space width	Parking space length
0° (parallel parking)	12 ft.	8 ft.	23 ft.*
30° to 53°	12 ft.	8 ft., 6 in.	20 ft.*
54° to 74°	15 ft.	8 ft., 6 in.	20 ft.*
75° to 90°	20 ft.	9 ft.	20 ft.*

\*May include a maximum two-foot unobstructed vehicle overhang area at the front of the parking space.





**34-5.3.3.B Additional Parking Minimum Off-street Parking Dimensions**

Parking pattern	Maneuvering lane width	Parking space width	Parking space length
0° (parallel parking)	12 ft.	7ft., 6 in.	19 ft.*
30° to 53°	12 ft.	7 ft., 6 in.	17 ft.*
54° to 74°	15 ft.	7 ft., 6 in.	17 ft.*
75° to 90°	20 ft.	9 ft.	17 ft.*

\*May include a maximum one-foot unobstructed vehicle overhang area at the front of the parking space.

- B. For spaces which are provided over and above the minimum required by Section 34-5.2, the above minimum dimensions may be applied, provided that: (1) the spaces are clearly identified as being for small cars; (2) the spaces are located in areas which are most remote from building entrances:
- C. Only those portions of planting islands within parking lots and open space areas at the perimeter of parking lots which are located beyond the maximum vehicle overhang, as permitted in this subsection 3. may be included as front yard open space as required by Section 34-3.1 of this chapter.
- D. The minimum width of clear planting area within a planter island shall be four (4) feet.
- E. Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq.), as amended.
4. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
5. Adequate ingress and egress to the parking lot and to all parking spaces shall be provided by means of clearly limited and defined drives.
6. Ingress or egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
7. Maneuvering lanes serving angle parking shall permit one-way traffic movement only; lanes serving right angle parking may permit two-way traffic movement. The mixing of one-and two-way movements within a lot shall be permitted only in exceptional circumstances and with the approval of the planning commission.
8. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty (20) feet distant from adjacent property located in any single-family residential district.
9. The off-street parking lot shall be provided with screening as required by Section 34-5.15
10. When a front yard setback is required, all land between such wall and the front property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
11. In all use districts, except one-family residential dwellings, the entire off-street parking lot, including parking spaces and maneuvering lanes required under this section, shall be surfaced with asphaltic or concrete paving and shall be striped to delineate parking spaces and lanes in accordance with specifications approved by the council prior to the issuance of any occupancy permit; if weather conditions preclude paving, a temporary occupancy permit may be issued for a period not to exceed six (6) months.
12. Off-street parking lots shall be drained so as to dispose of all accumulated surface water in such a way as to preclude drainage onto adjacent property or toward buildings.
13. All lighting used to illuminate any off-street parking area shall be installed in accordance with Section 34-5.16.
14. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking lot, 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 lot.

15. Dead-end off-street parking aisles are discouraged, especially in connection with business uses. Such aisles should be no more than eight (8) spaces deep and should, in any case, be used only when there is no reasonable alternative. If more than eight (8) spaces deep, the layout shall provide a means for vehicles to turn around if all spaces are occupied.
16. See Section 34-5.14.4 for required canopy trees in parking lots and other paved areas.

#### 34-5.4 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Within any OS or IRO district, off-street loading space shall be provided as follows:
  - A. For office buildings of less than twenty thousand (20,000) square feet in gross floor area, at least one loading space, separate from off-street parking, shall be provided and may be located in any yard. For buildings of twenty thousand (20,000) square feet to ninety-nine thousand nine hundred ninety-nine (99,999) square feet, the loading space shall be located in a rear or side yard only. Loading space shall have a dimension of at least nine (9) feet by twenty (20) feet.
  - B. For office buildings of one hundred thousand (100,000) square feet in gross floor area or more, at least one loading space with a dimension of at least ten (10) by fifty (50) feet or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height, in the rear or interior side yard only.
  - C. For secondary uses, one separate space nine (9) feet by twenty (20) feet, in addition to spaces required for offices, shall be provided for each service entrance to the secondary uses in the rear or interior side yard only.

D. In the IRO district, off-street loading for industrial buildings shall be provided in accordance with subsection 3. below.

2. Within any B or ES district, off-street loading space shall be provided in the rear yard only and in the ratio of at least ten (10) square feet per front foot of building. In exceptional instances, such space may be permitted in an interior side yard with approval of the zoning inspector or of the planning commission when the commission reviews the site plan, provided that such location is necessitated by the site conditions and provided that the area is screened from view from any public street.
3. Within an LI-1 district, off-street loading space shall be provided as follows:
  - A. All spaces shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.
  - B. Loading dock approaches shall be surfaced with asphaltic or concrete paving so as to provide a permanent, durable and dustless surface.
  - C. All spaces in LI-1 district shall be provided in the following ratio of spaces to floor area:

34-5.4.3.C LI-1 Ratio of Spaces to Floor Area	
Gross floor area (in square feet)	Loading and unloading space required
0–1,400	0
1,401–20,000	1 space
20,001–100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,001 square feet
100,001–500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 100,001 square feet
500,001 and over	15 spaces, plus 1 space for each 80,000 square feet in excess of 500,001 square feet



- D. All spaces shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards abut an industrial district across a public street, loading and unloading may take place in such exterior side yard when the setback is equal to at least fifty (50) feet.
- 4. Access to the loading/unloading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.
- 5. Where a public alley exists or is provided at the rear of buildings, the loading requirements may be computed from the center of such alley.
- 6. The following exceptions apply to the FWR-2 and FRW-3 Overlay Districts:
  - A. Requirements as to space and number of spaces shall be applied to the principal use, rather than to the district in which the use is located.
  - B. Unloading spaces provided in conjunction with offices or research facilities that do not have separate loading docks may be located in any yard, but shall be located within close proximity to the main building entrance or service entrance.
  - C. Such spaces shall be designed in such a manner as to allow trucks to enter and leave the space without having to back from or onto a public street, and so as not to interfere with the proper functioning of vehicular and pedestrian circulation on the site.
  - D. Aisles or drives providing access to trash receptacles may be included in the calculation of the area required for loading and unloading space.

#### 34-5.5 SIGNS

1. **Purpose and Intent.** These regulations establish rules and standards for the construction, location, maintenance and removal of all signs except those exempted from regulation by this ordinance. Directional, emergency, or traffic-related signs owned by city, county, state or federal government agencies are not regulated by this section. The execution of these regulations recognizes that the purpose of this chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical

environment while satisfying the needs of sign users for adequate identification and communication. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:

- A. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
- B. **Public Safety.** Protect public safety by prohibiting signs that 1) are structurally unsafe or poorly maintained; 2) cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and 3) impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
- C. **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Also, avoid glare, light trespass, and skyglow through selection of proper fixture type(s) and location, lighting technology, and control of light levels. Additionally, reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans or the zoning ordinance.
- D. **Free Speech.** Ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
- E. **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems.
- F. **Business Identification.** Allow for adequate signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.





G. **Foster Economic Development.** Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.

H. **Recognize Unique Areas.** Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

2. **General Regulations.** The following regulations shall apply, unless otherwise specifically stated in this chapter, to all signs erected or located in any zoning district within the city:

A. **Applicability.** The regulations of this section shall apply to all signs visible from a public right-of-way, private road, public park or residentially zoned property.

B. **Sign Permitting and Content.** All signs are subject to the general and specific regulations of this chapter whether they require a permit or not. Any sign permitted under the ordinance may contain either a commercial or noncommercial message.

i. **Signs Not Requiring a Permit.** A permit shall not be required for the following types of sign:

- a. Freestanding temporary signs under 12 square feet in area
- b. Signs not visible from a public right-of-way, public park or residentially zoned property.
- c. Window signs.
- d. Wall signs on single family residences.
- e. Temporary a-frame signs (see Section 34-5.5.3.E for regulations).

ii. **Signs Requiring a Permit.** A permit shall be required for the following types of sign:

- a. Temporary signs 12 square feet or greater in area. When additional sign area is permitted during the timeframe and conditions specified in Section 34-5.5.4.B., no temporary freestanding sign shall require a permit.

b. Wall signs, except those placed on single family residences.

c. Freestanding signs.

d. Any banner sign in a non-residential district.

e. Hanging signs.

f. Awning signs.

g. Relocation or increase in size of any sign listed above.

iii. **Application for Permit - See Section 34-7.6 Permits.** A permit is required from the Building Official or his/her designee for all new and modified signs unless requirement for a permit is specifically exempted by this ordinance.

iv. **Granting and Issuance of Permit**

a. No sign for which a permit has been issued hereunder shall thereafter be moved to another location within the city nor shall it be structurally altered in any way without the approval of the official or board which granted the original permit. An additional fee shall be paid at the time of application for permission to move or alter each such sign.

b. See Sections 34-7.4, 34-7.6, and 34-7.9 related to permits, fees, and related matters.

C. **Prohibited Signs.** The following sign types are prohibited:

i. Signs designed to flutter or move.

ii. Balloon signs and inflatable signs.

iii. **Unlawful motor vehicle signs.** It shall be unlawful to park, place, or store a vehicle or trailer on which there is a motor vehicle sign on private property if:

a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;

b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;





- c. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
- d. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in the zoning ordinance, Appendix B of this Code, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
- e. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
- f. The foregoing prohibition shall not apply if:
  - (1) The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks; provided:
    - (a) The activities in subsection 1, above, are being actively undertaken during the period of such parking;
    - (b) The activities in subsection 1, above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and

- (c) The activities in subsection 1, above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

- (2) The sign is on a commercial vehicle parked as an accessory use as permitted in Section 34-4.14.

#### D. General Locational Requirements

- i. No sign, except those established and maintained by governmental units, shall be located in, project into or overhang a public right-of-way or dedicated public easement unless otherwise expressly permitted herein.
- ii. All directional signs required for the purpose of orientation, when established by governmental units, shall be permitted in all use districts.
- iii. No sign shall interfere with the clear vision triangle at driveways and intersections, as established in Section 34-5.10 Corner Clearance.

#### E. Measurement of Sign Area

- i. For permanent signs, sign area shall constitute the entire area within a rectangle or the sum of rectangles enclosing the extreme limits of writing, representation, emblem or any figure of similar character, or of any internally illuminated area. Any single row of text shall be grouped into one continuous rectangle. An internally illuminated black background or other color with a Light Reflectance Value of 30 percent or lower (darker) on a permanent sign that is outside the "extreme limits" described above shall not count towards sign area.



- ii. For temporary signs, the extreme limits of the sign including all background elements are included in the calculation of sign area.

#### 34-5.5.2.E.ii.a PERMANENT SIGN AREA CALCULATION GUIDELINES



Freestanding Sign

All text included in one rectangle



Freestanding Sign

All text and distinguishing figure included in one rectangle



Sign area (within red boundary)

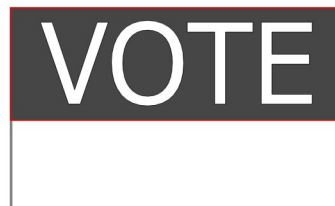
Freestanding Sign

All text included in one rectangle and separate logos included in individual rectangles (sum of all equals sign area)

cafe & bakery

Ascenders and descenders from lower case letters that extent up to 25 percent of the average letter height beyond the sign area rectangle do not count toward the total sign area calculation.

#### 34-5.5.2.E.ii.b TEMPORARY SIGN AREA CALCULATION GUIDELINES



Sign area (within red boundary)

VOTE

The extreme limits of a temporary sign panel are included within the rectangle that delineates sign area

- iii. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments, supporting structures, and backgrounds. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.
    - iv. 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 are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
  - F. Illumination
    - i. Illuminated signs shall not be of the flashing or intermittent type.
    - ii. The source of illumination may be internal or external. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic sign, which is regulated in Section 34-5.5.3.A.ix.
    - iii. External sources of illumination shall be shielded and directed to prevent glare onto public right-of-way or neighboring properties.
  - G. Addresses - Addresses shall be visible and legible from the public right-of-way.
  - H. Nothing in this ordinance shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.
- 3. Specific Regulations for Permanent Signs.
  - A. Freestanding Signs. Freestanding signs are permitted within the various use districts subject to the following conditions:
    - i. Such signs shall be limited to one (1) per zoning lot containing an occupied building that has a valid certificate of occupancy, unless otherwise provided for below.
    - ii. Freestanding signs shall be located in the freestanding sign zone, which is an area in the front yard of any lot no closer than five (5) feet to the right-of-way line and no further than 25 feet from the right-of-way line. The city may permit an extension of the sign zone to 35 feet from the right-of-way line in those instances where a marginal access easement or similar restriction exists along the frontage adjacent to the proposed freestanding sign.
    - iii. The number of freestanding signs permitted on a zoning lot shall be governed as follows:
      - a. In non-residential zoning districts, the maximum number of freestanding signs permitted within the freestanding sign zone shall be three, except as otherwise permitted in this subsection. When only one freestanding sign is provided, it shall be the principal sign. If more than one freestanding sign is provided, one shall be designated by the applicant as the principal sign and any others (up to two additional) shall be secondary signs. The maximum size of a secondary sign is four (4) square feet and the maximum height is 32 inches. Except as otherwise permitted in this subsection, the total area of all freestanding signs combined shall not exceed the maximum sign area permitted in 34-5.5.3.A.iv.
      - b. Freestanding signs shall be placed in a manner consistent with state law but in no case shall they be less than twenty (20) feet apart.
      - c. On a corner lot that has at least three hundred (300) feet of frontage on each of two (2) major or secondary thoroughfares, one additional principal freestanding sign may be permitted in the freestanding sign zone provided that only one principal sign is oriented toward each thoroughfare.



- d. Where the zoning lot, not a corner lot, has frontage on two (2) major or secondary thoroughfares and has vehicular access via both such thoroughfares, one additional principal freestanding sign may be permitted provided that only one principal sign is oriented toward each thoroughfare.
- e. Where the zoning lot has greater than three hundred (300) feet of frontage on a given thoroughfare, one additional freestanding sign shall be permitted on that frontage. The maximum size of the additional sign shall not exceed fifty (50) percent of the maximum freestanding sign area for the zoning lot in that district. The second sign shall be located not less than one hundred (100) feet from the principal sign.
- f. In all districts, zoning lots where the principal use is non-residential shall be permitted to have additional freestanding signs setback at least 35 feet from any right-of-way or property line as follows:
  - (1) Such signs shall be no greater than thirty-two (32) inches in height and no greater than two (2) square feet in sign area.
  - (2) One (1) such sign shall be permitted per 25 feet of lot frontage.
  - (3) Signs compliant with the Michigan Manual of Uniform Traffic Control Devices and used to direct traffic shall not be subject to these provisions.
- g. For non-residential uses and multi-family uses in RA and RC districts, one (1) freestanding sign is permitted. Items b, c, and d above shall apply.
- iv. The maximum area and height of permitted freestanding signs shall be controlled as follows:

**34-5.5.3.A.iv. Maximum Size and Height of Freestanding Signs**

	Maximum Height in Feet	Maximum Area in Square Feet of all Freestanding Signs*
a. RA, RP, RC, and MH districts		
(1) For dwellings	Not permitted	Not Permitted
(2) for multi-family complexes	six	32
(3) For principal buildings other than residential	six	32
b. SP-1 district	six	32
c. SP-2 district	six	32
d. SP-3 district	eight	64
e. SP-4 district	eight	64
f. OS-1 district	six	32
g. OS-2 district	six	32
h. OS-3 district	six	32
i. OS-4 district	six	32
j. B-1 district	six	32
k. B-2 district	eight	64
l. B-3 district	eight	64

**34-5.5.3.A.iv. Maximum Size and Height of Freestanding Signs (continued)**

	Maximum Height in Feet	Maximum Area in Square Feet of all Freestanding Signs*
m. B-4 district	eight	64
n. ES district – option 1	eight	64
o. ES district – option 2†	30	100
p. ES district – additional sign**	40	150
q. IRO district	eight	32
r. LI-1 district***	eight	64
† 50' min. setback from right-of-way		
* See Section 5.5.3.A.vii. for information about design standard bonuses.		
** One (1) additional sign shall be permitted provided that the sign shall be oriented toward a freeway and shall be located within fifty (50) feet of the freeway right-of-way.		
*** See Section 5.5.3.A.xi for information about signs in the freeway sign zone.		

- v. The necessary uprights, backgrounds or structures used to support or serve as a design feature of a freestanding sign shall be excluded from the calculation of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure / design feature is not more than twice the area of the sign being supported. For example, a 64 square foot sign could be mounted on a 128 square foot freestanding background (see graphic).

**34-5.5.3.A.v FREESTANDING SIGN—EXAMPLE OF BACKGROUND AND BASE EQUAL TO TWICE SIGN AREA**

Freestanding Sign

In this example, sign area (within red boundary) is 64 square feet. The base and background total 128 square feet (2 times the sign area)

- vi. The minimum height of all letters and numbers on a freestanding sign shall be as follows:

**34-5.5.3.A.vi Maximum Height of Letter and Numbers on Freestanding Signs**

Posted Roadway Speeds	Minimum Letter and Number Height
45 mph or greater	6 inches
30-40 mph	4.5 inches
25 mph or less	3 inches

The height of letters and numbers on an incidental message or within a logo may be less than stated above, provided the primary message meets the above standards. In no case shall letters or numbers less than the above standards comprise more than ten percent of the total sign area.





## Freestanding signs—Incidental message

**34-5.5.3.A.vi FREESTANDING SIGN—INCIDENTAL MESSAGE**

In this example of a sign on a 45 mph road, the sign area of the primary message (Freestanding Sign) is in letters that are taller than six inches. The incidental message (in red border) is less than six inches tall and it comprises less than ten percent of the total sign area.

- vi. Design Standard Incentives for Freestanding Signs. In order to encourage high-quality design and foster greater aesthetic unity within the City, the following design standards are established for all freestanding signs on a zoning lot:
- The panels of internally illuminated signs shall be so designed as to permit light to be visible only where text or a design is present. The background color of the panel shall be a color with a Light Reflectance Value of 30% or lower (darker).
  - The display areas of externally illuminated signs, which includes all supporting and visible elements of the freestanding sign, shall be constructed of durable architectural materials such as metal, stone, ceramic, or brick, and shall be consistent with the design of the principal structure.
  - The base of the sign shall be comprised of durable materials such as decorative metal, stone, granite or brick, and the width of the base shall be at least fifty percent (50%) the width of the sign structure that it supports. Signs that have visible support structures shall not be permitted when using this incentive package.
  - Design of secondary signs shall match or complement the design of the principal sign.
  - Zoning lots with freestanding signs meeting all the design standards of this subsection shall receive a maximum total area bonus as follows:

**34-5.5.3.A.vii Bonus Maximum Freestanding Sign Area for Meeting Design Standards, by District**

Districts	Bonus
RC, MH, SP-1, SP-2, OS-1, OS-2, OS-3, OS-4, B-1, and IRO	20 percent
SP-3, SP-4, B-2, B-3, B-4, and LI-1	10 percent



viii. Landscaping. Unless waived as provided below, the area around the base of a freestanding sign within the freestanding sign zone shall be landscaped as follows:

- a. A landscaped area not less than three feet in width shall be provided on all sides of the base of a freestanding sign.
- b. Plant materials shall not obscure the content of the sign.
- c. In all districts, the height of plant materials shall not in any case exceed 32 inches in order to preserve sight distance for motorists exiting and entering the site, except that accent plantings exceeding this height may be permitted in the portion of the landscaping area further than the sign structure from the right-of-way. In the ES districts, landscaping around the base of a sign over eight feet tall and mounted on a pole or poles shall not exceed 30 inches in height.
- d. For landscaping plans submitted with a sign permit application that is outside the freeway sign zone, the Planning and Community Development Department Director or his/her designee shall be the approving body. A sign-related landscape plan shall be prepared to scale, but does not require the seal of a design professional.

The requirement for landscaping around the base of a freestanding sign shall be waived if: 1) the freestanding sign is constructed with no visible poles or posts supporting the sign; 2) the base of the freestanding sign is comprised of durable materials such as decorative metal, stone, granite or brick; and 3) the width of the base is at least fifty percent (50%) the width of the sign structure that it supports.

ix. Electronic display areas shall be permitted as follows:

- a. Electronic display areas shall not be permitted in any RA or RC district, except for non-residential uses that are located on major and secondary thoroughfares, as defined in the City of Farmington Hills Thoroughfare Plan.

- b. Electronic display areas shall automatically dim. The brightness of such display areas shall be limited to 0.3 footcandles above ambient light conditions, as measured from the distances in the following table:

34-5.5.3.A.ix Brightness of Electronic Display Areas	
Size of display area	Measuring distance
16 square feet or less	40 feet
Between 16 and 32 square feet	48 feet
32 square feet or greater	55 feet

- c. Signs shall be programmed to go dark in the event of a malfunction.
- d. The content of the electronic display area shall not feature motion or animation. Any and all portions of the message shall remain static for a minimum of thirty (30) seconds. The change from message to message shall be instantaneous.
- e. The background of the electronic display shall not be white.
- f. Electronic displays shall not mimic traffic controls.
- g. See Section 34-5.5.2.F regarding illumination.
- h. The electronic display area of a sign shall not exceed thirty (30) percent of the total sign area or thirty (30) square feet, whichever is larger.
- x. Entranceway structures, for the purpose of supporting signs which commonly identify a development, part or all of which is served by a minor public or private street system such as subdivisions, industrial or office parks, or multiple-family developments, may be permitted by the Building Official or his/her designee. Such structures and signs shall be approved and a permit issued subject to the following restrictions:
  - a. The entranceway structure shall be permitted for developments in which individual parcels or uses are accessible only by way of



public streets which serve more than two (2) zoning lots or by way of private streets or drives which serve more than two (2) separate and distinct principal uses.

- b. Such entranceway structures may be located within a public or private street right-of-way if approved by the governmental entity or property owner having jurisdiction or ownership of the right-of-way area and by the zoning board of appeals.
- c. Such structures shall be located adjacent to a major or secondary thoroughfare and to the entrance road to a subdivision plat, multiple-family development, mobile home park or other planned development.
- d. Such structures may be located within a required setback provided it shall be set back a minimum of ten (10) feet from any street right-of-way, and the location meets the requirements of Section 34-5.10, Corner Clearance.
- e. No part of an entranceway structure, including supporting structures, shall be higher than ten (10) feet nor longer than twenty (20) feet.
- f. Entranceway structures and signs may be located only in yards adjacent to streets entering the subdivision or project indicated on the sign.
- g. Entranceway structures that are to be located on individually owned parcels, rather than on parcels which are part of an overall development, may be allowed only in a private easement dedicated for such purposes, and provided that appropriate provision has been made to assure continued maintenance of the structure.
- h. The sign area shall be limited to the smallest maximum area in square feet permitted in the district in Section 34-5.5.3.B for freestanding signs; except that in the RA, RP, RC and MH districts, the maximum size permitted shall be thirty-two (32) square feet.

- xi. In the LI-1 district, a freeway sign zone is established within fifty (50) feet of the limited access right-of-way of M-5, I-696, and I-275/I-96 on lots which border these rights-of-way. Freestanding signs may be established in this zone only on improved lots and subject to site plan and landscape plan approval by the planning commission. In no case, however, shall a freeway sign zone include any portion of a front or side yard. Signs in the freeway sign zone are subject to the following conditions:

- a. The sign shall not hinder the flow of traffic circulation on the subject site.
- b. The sign shall not block or restrict visibility of other uses or buildings, whether on- or off-site, beyond what is customary and reasonable for similar sites.
- c. The sign shall not be in conflict with other provisions of the Zoning Ordinance.
- d. One (1) freestanding sign is allowed in this freeway sign zone per zoning lot. Such sign shall not exceed thirty (30) feet in height and shall not exceed three hundred (300) square feet in area. This sign is in addition to any freestanding sign otherwise permitted by this ordinance.
- e. Such signs shall be set back no less than 100 feet from any residential property line and shall be spaced in a manner consistent with state law.
- f. Electronic display areas on these signs shall be subject to the standards in Section 5.5.3.B.
- g. Freestanding signs placed in the freeway sign zone shall be constructed in such a manner that they will withstand 90 mph wind forces. Signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.



- h. The landscape plan shall include large evergreen shrubs around all sign posts, ground equipment cabinets, and similar structures, in accordance with Section 34-5.14.3.F.iv., to the extent practical, as determined by the Planning Commission.
- i. The sign shall not be located closer than 5,000 feet from another sign in the freeway sign zone that faces the same direction of traffic on the adjacent freeway.
- j. A cash bond or other financial guarantee approved by the City Attorney shall be filed with the finance director/treasurer for each sign to guarantee proper maintenance. If the applicant fails to maintain any sign properly, such bond shall be forfeited and the applicant shall be required to remove the sign.
- k. After approval of the site plan for the sign by the Planning Commission, permits for construction shall be issued by the code enforcement officer for periods of two (2) years and may be renewed by the code enforcement officer. An inspection fee for each such sign shall be paid at the time application for a permit of its renewal is made. See Section 34-7.6 Permits.

B. Wall Signs

- i. The maximum area of permitted wall signs shall be controlled as follows:

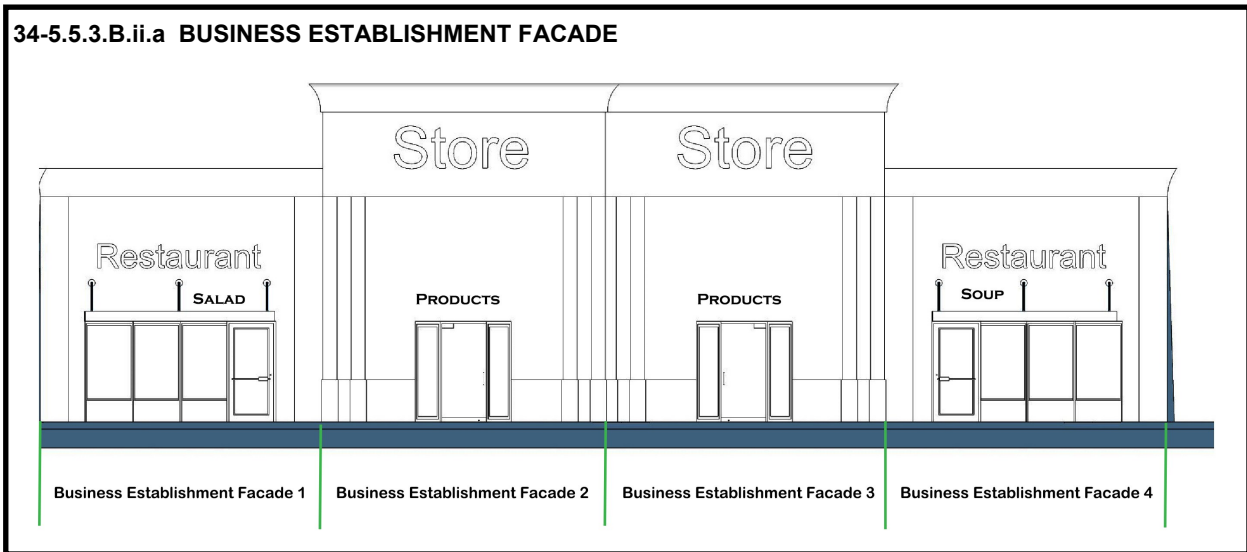
34-5.5.3.B.i. Maximum Area of Permitted Wall Signs		
	Maximum Area of All Wall Signs	
District	With Freestanding Signs	Without Freestanding Signs
a. RA, RP, RC and MH districts:		
(1) Single family residences	n/a	2 square feet
(2) Multi-family complexes	10 square feet per building	10 square feet per building
(3) For principal buildings other than residential	25 square feet	25 square feet
b. SP-2, SP-3 and SP-4 districts	25 square feet	25 square feet
c. OS-1 and OS-3 districts	10% of façade, not to exceed 50 square feet on any one façade	10% of façade, not to exceed 75 square feet on any one façade
d. OS-2 districts	10% of façade, not to exceed 50 square feet on any one façade	10% of façade, not to exceed 100 square feet on any one façade
e. OS-4 districts	10% of façade, not to exceed 100 square feet on any one façade	10% of façade, not to exceed 150 square feet on any one façade
f. B-1 and B-3 districts	10% of establishment façade	10% of establishment façade
g. B-2, B-4 and ES districts	15% of establishment façade	15% of establishment façade
h. IRO districts	10% of façade, not to exceed 100 square feet on any one façade	10% of façade, not to exceed 150 square feet on any one façade
i. LI-1 districts	15% of establishment façade	15% of establishment façade



ii. The number and location of permitted wall signs shall be controlled as follows:

a. In non-residential districts:

- (1) Wall signs shall be permitted on up to two (2) façades of a building, provided that such wall signs shall not be permitted on a facade which faces a bordering residential district unless such district is separated from the nonresidential district by a major or secondary thoroughfare. For those districts referenced in Table 5.5.3.B.i. as being regulated by establishment façade, the above standard shall be regulated per business establishment façade.
- (2) The maximum number of wall signs per façade is two (2), except as provided for in item (3) below. For those districts referenced in Table 5.5.3.B.i. as being regulated by establishment façade, the above standard shall be regulated per business establishment façade.



- (3) Within five feet of any external entranceway meant to serve patrons or visitors in any multi-tenant office, retail or industrial building, up to two (2) square feet of wall area on the ground floor level may be occupied by a sign, provided that in buildings with multiple entrances where signs are placed, the location and size of such signs shall be standard and uniform.

b. In residential districts:

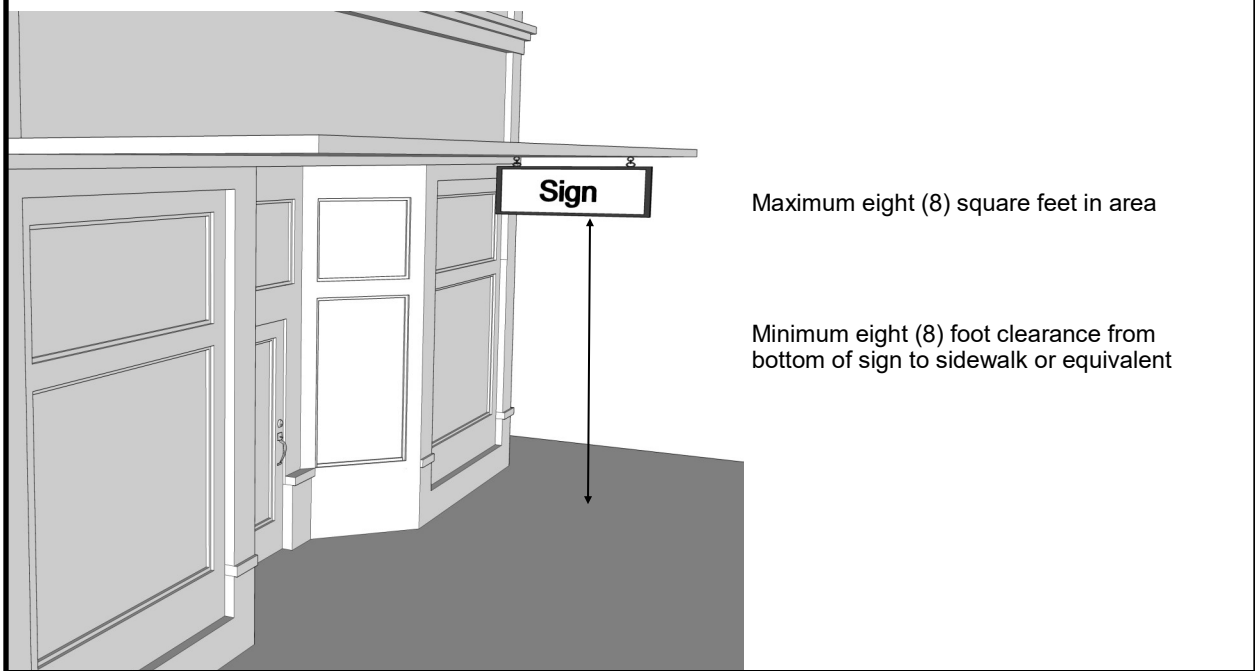
- (1) For a non-residential use, one wall sign shall be permitted on the principal building.
  - (2) For multi-family developments, one wall sign is permitted per building.
  - (3) For single-family residences, one wall sign is permitted on the ground floor of the primary façade.
- c. Signs may be placed on roofs that are so nearly vertical as to resemble a wall. However, signs attached to such roof shall be vertical to the ground and shall be attached so that the sign does not project beyond or overhang the roof by more than one (1) foot at the bottom of the sign and by more than two (2) feet at the top of the sign, as measured in horizontal planes. The bottom of the sign shall not extend below the roof nor extend to within less than one (1) foot of the top of the roof.
  - d. Signs and street numbers shall not be placed on any penthouse or other architectural feature which is located above the highest point of the roof or parapet.
  - e. No signs shall project beyond or overhang a wall, or any permanent architectural feature, by more than one foot and shall not project above or beyond the highest point of the roof or parapet.

- iii. Street numbers shall not be counted as a sign when attached to or located on a building wall, provided such signs meet all other applicable sign requirements of this section.

C. Hanging Signs

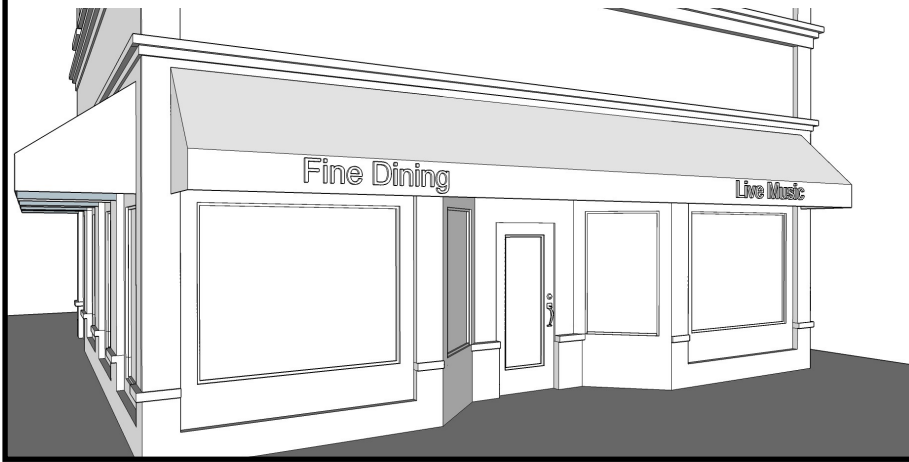
- i. Hanging signs shall be permitted as a component of a planned shopping center. One sign shall be permitted per occupancy.
- ii. Hanging signs shall be located under an arcade and shall not project beyond the furthest extent of said arcade.
- iii. Hanging signs shall be approved as part of the overall site plan for a shopping center, and all signs within a center shall have a uniform design compatible with the architecture of the center.
- iv. Hanging signs shall not exceed a maximum sign area of eight (8) square feet.
- v. Hanging signs shall maintain a minimum vertical clearance of eight (8) feet between the lowest point of the sign and the sidewalk.

**34-5.5.3.C HANGING SIGNS**

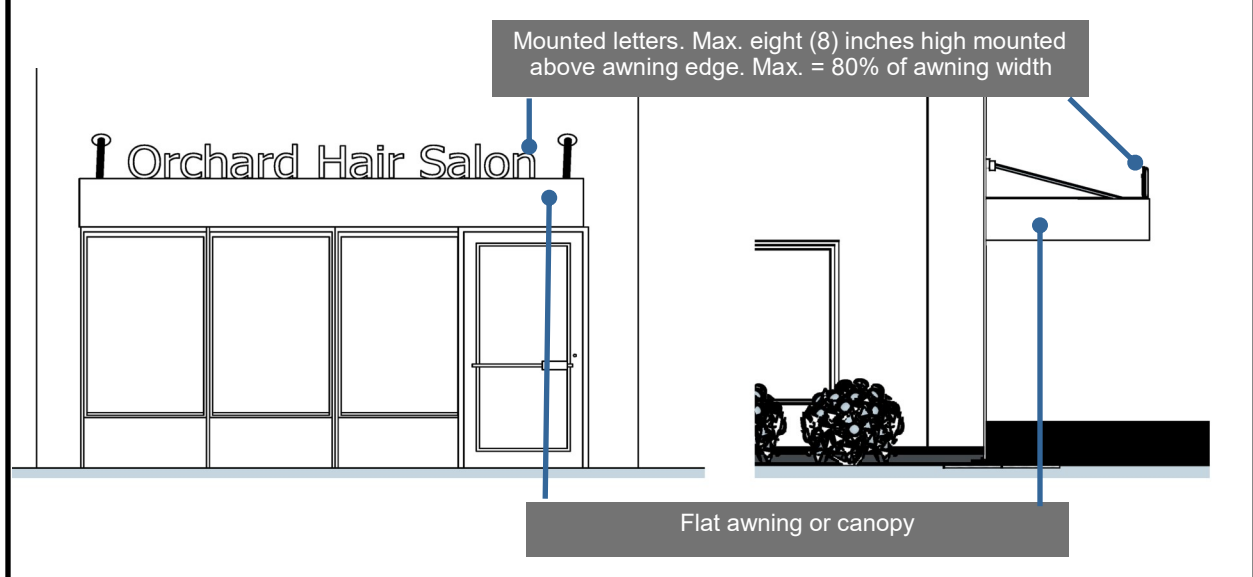


## D. Awning Signs

- i. Awning signs shall be permitted in all districts except RA and RC districts.
- ii. The design of awnings shall be of two types: shed awnings or flat awnings, as defined in this ordinance.
- iii. Awnings shall not be lit in such a way that they appear to glow from within.
- iv. Shed awning signs shall not exceed eight (8) inches in height and shall be located on the drip edge of a shed awning or canopy. Such signage shall not exceed 80% of the awning width.

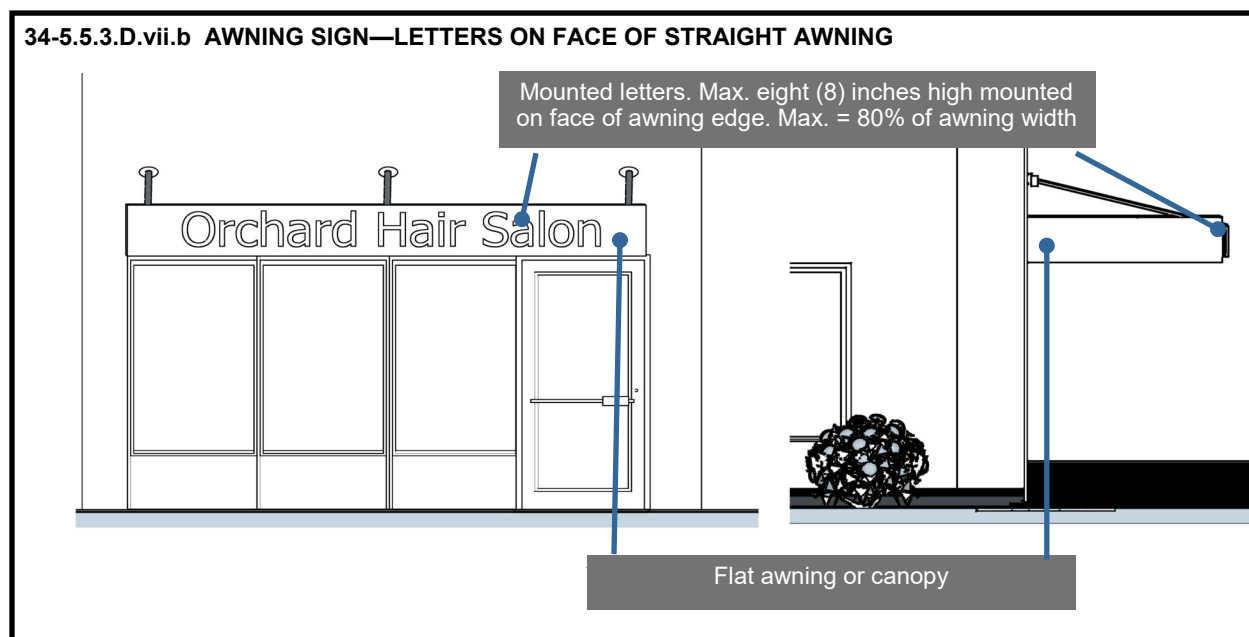
**34-5.5.3.D.iv AWNING SIGNS - PERMITTED ON THE DRIP EDGE**

- v. Flat (horizontal) awning signs shall not exceed eight (8) inches in height and may extend or be placed above the awning provided that the letters are attached to the awning or canopy and shall not exceed 80% of the awning width.
- vi. Awning signs shall only be located on the primary business frontage and the sign area shall be counted toward the total wall sign allowance.
- vii. Awning sign regulations shall also apply to canopies, where canopies are permitted. Canopy design shall also adhere to a shed or flat design, similar to shed awnings and flat awnings, except that there are supporting posts or columns attached to the ground.
  - a. Awning Signs—Letters above straight awning

**34-5.5.3.D.vii.a AWNING SIGN—LETTERS ABOVE STRAIGHT AWNING**



## b. Awning Signs – Letters on face of straight awning



## E. Temporary A-Frame Signs. A-Frame Signs shall be permitted as follows:

- i. In non-residential districts, A-frame signs are not permitted.
- ii. In residential districts, one A-frame sign shall be permitted per vehicular entrance from a major or secondary thoroughfare or primary collector street to a subdivision, condominium, multiple family development, or non-residential use. The following additional standards apply:
  - a. The total A-frame sign structure (which includes any sign copy and the remaining structure) shall not exceed twelve (12) square feet per side.
  - b. The height of the sign structure, which includes the sign panel and the support structure, shall be no greater than four (4) feet in height as measured from the ground to the top of the full extent of the A-frame structure.
  - c. The sign shall not be illuminated in any manner.
  - d. The sign shall not be located within a road right-of-way and shall be located within a sign zone extending from a minimum of three (3) feet to fifteen (15) feet from the right-of-way. A-frame signs shall not be located where it interferes with vehicular or pedestrian traffic flow or the visibility of motorists.
  - e. The sign must be stored inside when not displayed. An A-frame sign may remain in place 24-hours per day, but shall not be placed for more than 7 consecutive days and shall not be placed at an entryway more than once per calendar month.
  - f. A-Frame signs shall be spaced a minimum of 100 feet apart.
  - g. The sign must be professionally constructed of weather-proof, durable material, and kept in good repair.
  - h. The sign shall not contain moving parts, or have balloons, windsocks, pinwheels, streamers, pennants, or similar adornment attached to them.



- i. The sign shall be so weighted that it will not fall or move in wind conditions up to 60 mph.

#### 34-5.5.3.E.ii A-FRAME SIGNS—GUIDE TO MEASURING SIGN AREA



For an A-frame sign, measure sign area by the full extent of the sign and support structure (inside red areas), except for legs.

#### F. Temporary and Permanent Window Signs

- i. Window signs shall be permitted in all non-RA and non-RC districts.
- ii. Window signs shall be permitted to occupy up to 25 percent of the total window glazed area of any given façade regardless of whether they are temporary or permanent.
- iii. Etched or applied lettering or designs that are within the lower eight inches of any ground floor window shall be permitted and shall not be considered part of the total area of window signs provided that do not exceed eighty (80) percent of the width of any window to or on which they are placed.
- iv. Window signs shall contain a static message and shall not flash, scroll or otherwise give the appearance of movement or intermittent change.

#### 4. Specific Regulations for All Temporary Freestanding and Temporary Wall Signs.

##### A. Temporary signs shall be permitted as follows:

#### 34-5.5.4.A Maximum Size, Maximum Height, and Permitted Type of Temporary Signs

Use	Permitted Types	Maximum Area of All Temporary Signs	Maximum Area of Any Individual Sign	Maximum Height (Freestanding)
Single Family Residential	Freestanding	10 square feet	6 square feet	4 feet
	Wall	6 square feet	6 square feet	
Multiple Family Residential	Freestanding	32 square feet	16 square feet	6 feet
Non-Residential Uses in RA, RP, RC, MH districts	Freestanding	40 square feet	20 square feet	6 feet
	Wall	20 square feet	20 square feet	
Non-Residential Uses in all other districts	Freestanding	64 square feet	20 square feet	6 feet
	Wall	64 square feet	32 square feet	

- B. In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of sixty (60) days prior to until three (3) days after a city-designated election day on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to sixty-four (64) square feet in all districts. The maximum area of an individual sign remains as stated in the table above during this period.
- C. Display of temporary banners and temporary signs mounted on building walls (temporary wall signs) shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days.
- D. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
- E. Temporary signs shall be subject to the maintenance standards of this section.
- F. The maximum display time of freestanding temporary signs is 64 days unless additional time is granted under subsection G. below. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days before the display of any temporary sign on the same zoning lot.
- G. When all or a portion of a building or land area on a zoning lot is listed for lease, the maximum display time of freestanding temporary signs and temporary signs mounted on buildings shall be ninety (90) days. When all or a portion of a building or land area on a zoning lot is listed for sale, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses except residential uses shall be the duration the building, building unit or land is listed for sale. In all cases, the sign area limits in Table 5.5.4 apply.
- H. Temporary signs shall not be attached to a tree, bush, or any other plant materials.
- I. Temporary a-frame signs are regulated separately in Section 34-5.5.3.E.

## 5. Administration & Enforcement

- A. **Nonconforming Signs.** Nonconforming signs are those signs lawfully erected prior to the adoption of this chapter or any applicable amendment thereto that do not meet the standards of this chapter. It is the intent of this chapter that the continued use of nonconforming signs shall not be encouraged.

- i. A nonconforming sign shall immediately lose its nonconforming designation if:

- a. The structure of the sign is altered in any way which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
- b. The sign is relocated to a position making it less in compliance with the requirements of this chapter.
- c. The sign is replaced.
- d. On the occurrence of any one (1) of subsection a., b., or c., the sign shall be immediately brought into compliance with this chapter with a new permit secured therefore, or shall be removed.

- ii. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs, contained in this chapter; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which does not conform with the provisions of this chapter.

- iii. Except as otherwise provided in this section, any sign that is located on property which becomes vacant or on which a building is unoccupied for a period of ninety (90) days or more shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property



remains vacant for a period of one hundred eighty (180) days or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

#### B. Maintenance of Signs

- i. Signs, including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this chapter.
- ii. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and re-installed in a manner prescribed by the Building Official or his/her designee.
- iii. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this section may result in action by the Building Official or his/her designee to rescind the permit with subsequent removal of the entire structure.
- iv. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, rippled or peeling paint, poster paper or other material for a period of more than 30 successive days.
- v. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official or his/her designee to pose a safety hazard, in which case immediate action may be required.
- vi. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.

vii. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.

viii. Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.

#### C. Special exception. Special exception to this section may be permitted by the zoning board of appeals upon the following affirmative findings:

- i. That the request is based upon circumstances or features that are exceptional and unique to the property and that are not self-created;
- ii. That the failure to grant relief will result in substantially more than mere inconvenience or financial expenditures;
- iii. That application of the regulations in this section without a special exception will unreasonably prevent or limit the use of the property or will unreasonably preclude the visibility or identification of a nonresidential building on the property;
- iv. That the special exception will not result in a sign or condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter; and
- v. When taken on its own, or in combination with other existing conditions on the property or in the area, that the special exception will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety or welfare.



Any approval of a special exception pursuant to this subsection shall specifically detail the limits of the relief granted and shall be subject to such reasonable conditions as the zoning board of appeals may require to preserve and promote the character of the district in question, the affirmative findings necessary for granting the special exception, and the purposes of this chapter. The zoning board of appeals may revoke any grant of a special exception under this subsection for a violation of such grant upon the giving of thirty (30) days' notice of such violation to the owner of the premises and a hearing held thereon.

This subsection 34-5.5.5.C. shall not apply to Section 34-5.5.3.A.xi.

- D. Variance. Variances to this section may be permitted by the zoning board of appeals based on the standards specified in Section 34-7.14.

Δ Ord. No. C-6-2024

#### 34-5.6 ACCELERATION-DECELERATION-PASSING LANES

Vehicular access and egress from all zoning lots, except residential developments involving less than five (5) dwelling units, shall be provided in accordance with the following:

1. Driveways providing ingress and egress to all two-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes.
2. Driveways providing ingress and egress to all three-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
3. Driveways providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers or turning lanes for traffic safety as required by the director of public services.
4. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the engineering division site plan design standards.

5. If in the opinion of the director of public services no useful purpose would be served or if unusual difficulty would be encountered by reason of grade changes, intersections, bridges or other land restrictions, the director may waive or modify the requirements of this section.

#### 34-5.7 STORAGE OF RECREATIONAL EQUIPMENT OR TRAILERS

The parking or storage of any recreational equipment or trailer in any residential district shall be subject to the following:

1. No recreational equipment or trailer shall be parked or stored on any lot in a residential district except in a garage or carport or beyond the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for period of time not to exceed seventy-two (72) hours cumulatively in any five (5)-day period for the purpose of loading, unloading, or maintenance. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.
2. Recreational equipment or trailers not to exceed six (6) feet in height above ground may be stored in an interior side yard. Minor portions of such equipment, not exceeding three (3) square feet in vertical cross section as viewed perpendicular to the adjacent lot line, shall be permitted to exceed the six (6) foot height limit.
3. Recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard, subject to the conditions of Section 34-5.1, with respect to height, yard coverage and setbacks.
4. In a one-family residential condominium development, such equipment or trailers shall be stored only to the rear of any building and shall not be permitted between the sides of buildings or between a building and any private road or street, provided, however, that such equipment may be parked anywhere on the premises for a period of time not to exceed seventy-two (72) hours cumulatively in any five (5)-day period for the purpose of loading, unloading, or maintenance. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in a residential district.

Δ Ord. No. C-2-2023





### 34-5.8 FLOOD ZONE CONTROLS

The following regulations shall be applicable to the use of land within the flood zones of the city. A flood zone is the area of flood hazard area and special flood hazard area as defined by Section 1612 of the Michigan Building Code.

1. Where site plan approval by the planning commission is required by this chapter, such approval shall be granted subject to the provisions of the Michigan Building Code, including Appendix G, as indicated in article II of chapter 7 of the city Code.
2. Where topographic data, engineering studies or other studies are needed to determine the effects of flooding on a proposed structure or the effect of the structures on the flow of water, the applicant shall submit such data or studies to the engineering division. All such required data shall be prepared by a registered professional engineer.

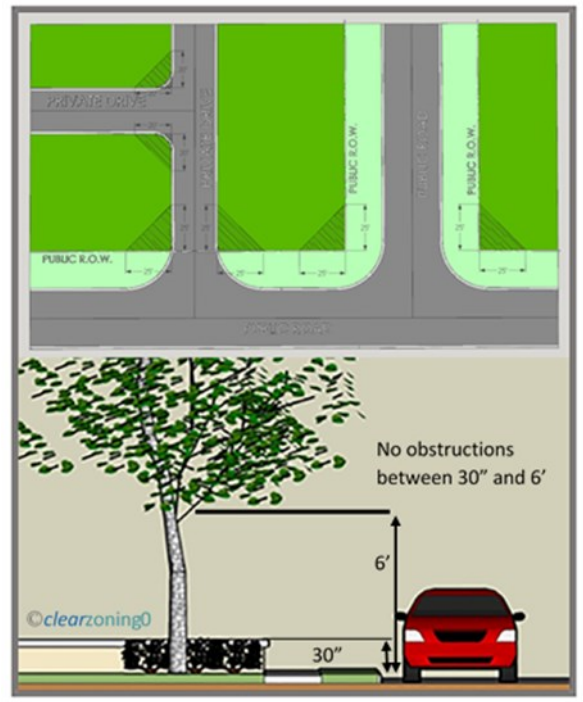
### 34-5.9 ENTRANCEWAY STRUCTURES

In districts where entranceway structures marking entrances to subdivisions, housing projects or planned nonresidential projects are permitted, including, but not limited to, walls, columns and gates, such structures may be located in a required yard except as provided in Section 34-5.10. Such entranceway structures shall comply to all codes of the city and all other applicable provisions of this chapter (Section 34-5.5), and shall be approved by the building division and a permit issued.

### 34-5.10 CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the top of curb at street level shall be permitted within the triangular area formed at the intersection of any existing or proposed street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. These standards shall also apply to the intersection of private drives with public streets, except that the distance from the point of intersection shall be 20 feet and distance along the driveway shall be measured along the edge of the driveway (along back of curb if curb is provided). Further, all trees within any required corner clearance area shall be trimmed up to a height of 6 feet or more. ✎

#### CORNER CLEARANCE CLEAR VISION TRIANGLE



### 34-5.11 FRONTAGE ON PUBLIC STREET

No zoning lot shall be used for any purpose permitted by this chapter unless such lot abuts a public street, except where approval is given for privately dedicated streets by the council after review and recommendation of a site plan or plat by the planning commission. Approval of private streets shall be subject to such conditions as may be imposed, in order to ensure that these streets are constructed with the city specifications for public streets, and provisions are made for the maintenance of those private streets.

### 34-5.12 FENCES

1. Residential fences shall be permitted in the RA and RP districts subject to the requirements applicable to accessory structures and to the following:
  - A. A permit shall be required prior to the construction of any fence over three (3) feet in height and over sixteen (16) feet in total length.



- B. Residential fences may be located along a property line if the other provisions of this section are met.
- C. The following requirements shall be applicable to fences on zoning lots having a lot area of less than two (2) acres and street frontage of less than two hundred (200) feet:
  - i. Fences in all RA and RP districts which enclose property or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever results in the greater setback.
  - ii. Fences not to exceed three (3) feet in height shall be permitted within a required front yard setback or an exterior side yard setback; provided, however, that Section 34-5.10 is adhered to.
  - iii. Fences shall not contain barbed wire, razor wire, electric current or charge of electricity.
  - iv. Fence-like structures, such as those used for backstops or tennis courts, are excluded from the regulations of this section.
- D. Fences in RA and RP districts on zoning lots that contain two (2) acres or more shall be subject to the requirements applicable to accessory structures as well as the following:
  - i. Fences, not to exceed eight (8) feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Greater setbacks applicable because of formulae based on buildings or parcel size shall not be considered as minimum setbacks.
  - ii. Fences shall not contain barbed wire or razor wire.
  - iii. Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater

than twenty-five (25) percent of their total area.

- 2. Fences located in all other districts shall be subject to the following conditions:
  - A. A permit shall be required prior to the construction of any fence, regardless of size.
  - B. Fences, not to exceed eight (8) feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Greater setbacks applicable because of formulae based on buildings or parcel size shall not be considered as minimum setbacks.
  - C. Fences shall not contain barbed wire or razor wire.

#### 34-5.13 ACCESS TO MAJOR OR SECONDARY THOROUGHFARE

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive or secondary thoroughfare. Access driveways may, however, be permitted to a local public street where such access is located so that the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare, freeway service drive or secondary thoroughfare is zoned for multiple-family use or any nonresidential use; is developed with permanent uses other than single-family residences; or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall only apply if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

#### 34-5.14 LANDSCAPE DEVELOPMENT

- 1. The intent of this section is to provide standards for the development and maintenance of landscaping for developments. The objective of such landscaping is to soften the overall appearance of the use; to improve the environmental performance of development; to buffer potentially incompatible land uses from one another, and to conserve the value of the property and neighborhoods within the city.



2. A landscape plan shall be provided in accordance with the applicable provisions of this chapter. Planning commission approval of a landscape plan shall be required when the site plan, open space plan, or cluster site plan is reviewed by the planning commission and whenever a surface storm water detention basin is proposed within any landscape area.
3. Landscape plans shall be prepared in accordance with the following:
  - A. The plan shall be prepared, signed, and sealed by a landscape architect registered to practice in the state.
  - B. Detailed plans shall be submitted that show the following:
    - i. Plans shall be minimum scale of one (1) inch equals forty (40) feet.
    - ii. Include north arrow.
    - iii. Include location map.
    - iv. Include a table that indicates the total number of trees on site, the total number of trees to be removed, and the total number of replacement trees to be planted on site. This shall include all existing trees except for specified exemptions in Section 35-5.18.5.
    - v. Show the trees that are to remain on site, if any, with the corresponding tree inventory number.
    - vi. Include a list of all trees on site with their corresponding tree inventory number and disposition. If this list is too extensive to fit on the plan and is in a separate book, a note indicating as much must be included on the plan.
    - vii. The plan shall show location of plant material in graphic form.
    - viii. Show in graphic or table form, size, spacing and root type of all proposed plant materials. The use of plant material indigenous to the area is encouraged.
    - ix. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.
    - x. Typical straight cross-section of proposed berms shall be included that show slope, height and width and type of ground cover, or wall, including footing, height and type of construction.
    - xi. Existing and proposed utilities shall be shown.
    - xii. Proposed treatment of all ground surfaces other than paved surfaces shall be indicated.
    - xiii. The location of protective wooden snow fencing shall be shown around trees to remain in accordance with Section 34-5.18 of the zoning ordinance.
    - xiv. Planting details in either text or drawing form shall be included on the plan. Tree planting details must conform to the city's standard tree planting detail.
    - xv. All required walls shall be shown on the plan in accordance with Section 34-5.15.
  - C. Plans shall be reviewed in accordance with the following additional information and requirements:
    - i. The placement of plant material must comply with the corner clearance provisions as referred to in Section 34-5.10 and Section 31-11. These standards shall also apply to the intersection of private drives with public streets.
    - ii. Trees (evergreen and deciduous) and large shrubs shall be planted a minimum of four (4) feet away from the property line. Small shrubs, groundcovers and perennials/annuals may be planted within four (4) feet of the property line.
    - iii. Plans shall address Natural Beauty Road right-of-way treatment in accordance with Article VII of the City Code and applicable guidelines as adopted by the city.
    - iv. Continuous curbing or other suitable device shall be required around all landscaped areas where damage from vehicles is possible. Each tree planted in a parking lot island must be provided with an open area not less than one hundred eighty (180) square feet with a minimum radius of three (3) feet at the trunk of the tree.
    - v. Required landscape material shall satisfy American Association of Nurserymen standards and be:
      - a. Nursery grown.



- b. State department of agriculture inspected.
    - c. Planted per City of Farmington Hills details and specifications and in accordance with this section.
  - vi. Trees shall be planted so that branching or root systems of plants shall not interfere with public utilities so that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
  - vii. The plan shall conform to any applicable landscape design principles adopted by the planning commission.
- D. Whenever open space plans are required, they shall be prepared in accordance with the provisions of this chapter and shall also include the information as follows:
- i. The planting of cul-de-sac islands and improvements such as, but not limited to, bridges, benches and pedestrian paths.
  - ii. The submittal of a cost estimate for improvements shall be submitted for the purpose of calculating required escrow.
- E. The plant material listed in Table 34-5.14.3.E is commonly available in hardiness Zone 5. The list of suggested plant material is to be used as a general guideline for plant selection but is not meant to be limiting. A list of indigenous plant material is available from the planning office.

34-5.14.3.E Suggested Plant Material	
Evergreen Trees:	
Fir	
Pine	
Spruce	
Douglas Fir	
Hemlock	
Narrow Evergreen Trees:	
Red Cedar	
Juniper	
Arborvitae	
Large Deciduous Trees:	
Oak	
Tulip Tree	
Beech	
Lindens	
Pear (Bradford, Chanticleer)	
Hard Maple	
Ginko (male only)	
Honeylocust (seedless and thornless)	
Small Deciduous Trees:	
Flowering Dogwood	
Hawthorn	
Redbud	
Magnolia	
Hornbeam	
Flowering Crabapple (disease resistant)	
Large Shrubs - Deciduous:	
Honeysuckle	
Lilac	
Privet (Amur, Regal)	
Forsythia	
Sargent Crabapple	
Sumac (Staghorn)	
Pyracantha	
Bayberry	

**34-5.14.3.E Suggested Plant Material (cont.)****Large Shrubs - Deciduous:**

Dogwood (Red Osier, Grey)

Spiraea (Van Houtte)

**Large Shrubs - Evergreen:**

Yew (Irish, Hicks)

Juniper (Pfitzer, Sea Green)

Mungo Pine

**Small Shrubs - Deciduous:**

Compact Burning Bush

Privet (Lodense)

Sumac (Fragrant)

Cottoneaster (cranberry)

Potentilla

Spiraea (Little Princess)

**Small Shrubs - Evergreen:**

Yews

Mungo Pine

Low Juniper

**Trees Not Suggested:**

Box Elder

Catalpa

Elms (American, Siberian)

Horse Chestnut (nut-bearing)

American Sycamore

Poplars

Soft Maples (Silver)

Tree of Heaven

Willows

European White Birch

- F. Spacing and size required below shall be provided in any planting with the exception of planting within a surface storm water detention basin.
- i. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
  - ii. Evergreen trees shall not be less than eight (8) feet in height. When planted in informal groupings, they shall not be spaced more than twenty (20) feet on center within the grouping. When planted in rows, they shall be spaced not more than twelve (12) feet on center.
  - iii. Narrow evergreen trees shall not be less than five (5) feet in height. When planted in informal groupings, they shall be spaced not more than ten (10) feet on center within the grouping. When planted in rows, they shall be planted not more than five (5) feet on center.
  - iv. Large shrubs shall be defined as shrubs which are greater than four (4) feet six (6) inches in height at maturity. Large shrubs shall be no less than thirty (30) inches in height at planting. When planted in informal grouping, they shall be spaced not more than six (6) feet on center within grouping. When planted in rows, they shall not be more than four (4) feet on center.
  - v. Small shrubs shall be defined as shrubs which are less than four (4) feet six (6) inches in height at maturity. Small shrubs with low spreading habit shall not have a spread less than twenty-four (24) inches at time of planting. Small shrubs with an upright habit shall not have a height of less than twenty-four (24) inches. They shall be planted not more than four (4) feet on center.
  - vi. Large deciduous trees shall not be less than three (3) inches in caliper. When placed in informal groupings, they shall not be planted more than thirty (30) feet on centers within the grouping.
  - vii. Small deciduous trees shall not be less than two (2) inches in caliper. When planted in an informal grouping, they shall be spaced not more than fifteen (15) feet on center within the grouping.



viii. Shrubs used for required hedges shall not be less than twenty-four (24) inches high. They shall be planted not more than three (3) feet on center.

- G. A mixture of plant materials is suggested in all landscape planting as a protective measure against disease and insect infestation. Plant materials used together in informal groupings shall meet the below on-center spacing requirements, with the exception of plant material within a surface storm water detention basin:

34-5.14.3.G Distance Between Plant Materials (in feet)						
Plant Material Types	Evergreen Trees	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	min. 10 max. 20	min. 12	min. 20	min. 12	min. 6	min. 6
Narrow Evergreen Trees	min. 12	min. 5 max. 10	min. 15	min. 10	min. 5	min. 4
Large Deciduous Trees	min. 20	min. 15	min. 20 max. 30	min. 15	min. 5	min. 3
Small Deciduous Trees	min. 12	min. 10	min. 15	min. 8 max. 15	min. 6	min. 3
Large shrubs	min. 6	min. 5	min. 5	min. 6	min. 4 max. 6	min. 5
Small shrubs	min. 5	min. 4	min. 3	min. 3	min. 5	min. 3 max. 4

4. Canopy trees shall be planted in and around paved areas serving motor vehicles, such as, but not limited to, parking lots, loading areas, display areas and waiting areas associated with all uses except one- and two-family residential and except the rear or interior side yard of the LI-1 district, subject to the following conditions:
  - A. Trees shall be of the large deciduous type. The planning commission may permit large evergreen trees in instances where this would be in the best interests of the city and where there would not be interference with clear vision of sight distances.
  - B. Tree sizes shall be as required by subsection 34-5.14.3.F. above and their location, size and type shall be indicated on the site plan.
  - C. One such tree shall be provided for each two thousand eight hundred (2,800) square feet of the paved surface area on the zoning lot; provided, that no fewer than two (2) trees are provided, regardless of surface area.
  - D. Trees shall be distributed evenly throughout the paved area. A minimum planting area shall be not less than one hundred eighty (180) square feet to provide area for infiltration and with a minimum radius of three (3) feet at the trunk for the tree for protection. Trees shall be planted in accordance with this chapter. The distribution shall be approved by the planning commission.
5. All parking lots shall be separated from a public thoroughfare by a planted hedge of small shrubs as defined in subsection 34-5.14.3.F.v., or by a masonry wall or berm a minimum of two (2) feet high. The planning commission may accept existing vegetation to meet this requirement. When a hedge is proposed, it shall be planted in accordance with the provisions of this chapter and maintained so as to form a continuous visual screen. The size and plant spacing shall be configured so that a continuous visual screen will be established within three (3) years of planting.





6. Where an RC district abuts an RA district, or where the multiple-family portion of an RP district abuts an RA district, and where there is no street between the districts, a landscape buffer yard shall be provided. The intensity of the landscaped area will decrease with increased buffer yard depth. Such landscaping shall be provided in accordance with the following:

- A. Plant material required for a buffer yard not less than twenty (20) feet deep and for each one hundred (100) feet in width shall be as follows:
- Two (2) large deciduous trees;
  - Four (4) small deciduous trees;
  - Six (6) large shrubs;
  - Two (2) evergreen trees.
- B. Plant materials required for buffer yard deeper than twenty (20) feet shall be provided on the basis of the multipliers listed below applied to the number of plant materials required under subsection 34-5.14.6.A. above; provided, however, that a minimum of five (5) large shrubs shall be furnished regardless of the multiplier.
- Minimum buffer yard depth and plant multiplier:

34-5.14.6.B.i Plant Multiplier Table	
Minimum Buffer Yard Depth (feet)	Plant Unit Multiplier
20	1.0
25	0.9
35	0.8
50	0.7
70	0.6
95	0.5
125	0.4

- When units determining the number of required plant materials result in fractional numbers, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) tree or shrub.

- Existing vegetation meeting size requirements may be included. The required number, size and/or variety of planting may be modified if in the opinion of the planning commission the existing vegetation would serve as a more effective buffer.
  - For buffer yard width units of less than one hundred (100) lineal feet, the number of plant materials required shall be prorated.
  - Where obscuring walls or berms are required by other provisions of this chapter, a buffer yard shall not be required.
  - The buffer yard requirement may be waived by the planning commission if, in its opinion, the adjoining one-family residential area is or will be used for purposes other than one-family residential.
7. Whenever in this chapter planting is required, it shall be planted prior to the issuance of a certificate of occupancy if a certificate is issued during the April 1–September 30 period; if the certificate is issued during the October 1–March 31 period, the planting shall be completed no later than the ensuing May 31.
8. Landscape areas, open space and plant materials required by this section shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition. If any plant materials required by this section die or become diseased, they shall be replaced within thirty (30) days after written notice from the city or within an extended time period as specified on such notice.

#### 34-5.15 WALLS AND BERMS

- For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall or landscape berm as required:
  - In those instances where the border between districts or uses requiring a wall or berm is a major or secondary thoroughfare, a greenbelt may be substituted for the wall or berm adjacent to the thoroughfare and in accordance with the requirements of Section 34-5.14.
  - The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm, required as follows:





34-5.15.1.B Height of Wall or Berm	
Use	Minimum requirements
A. P-1 vehicular parking district	6 feet high
B. Off-street parking area (other than P-1 districts)	6 feet high
C. OS-3 district	as required by Section 3.9
D. OS-1 and OS-2 districts	6 feet high
If the yard adjacent to the residential district remains as open space and if there are no doors on the side of the building abutting the yard, a greenbelt may be substituted for the wall if approved by the planning commission. A landscape plan shall be submitted in accordance with Section 34-5.14.	
E. B-1, B-2, B-3, B-4, ES, OS-4 and IRO districts	6 feet high
F. LI-1 districts	6-foot high wall or berm
G. LI-1 districts--Open storage areas, loading or unloading areas, service area	6-foot to 8-foot high wall, berm or obscuring wall
Berms shall be landscaped in accordance with Section 34-5.14 and a landscape plan shall be submitted to the planning commission	
H. Auto wash, drive-in/fast food restaurant	6 feet high
I. Hospital ambulance delivery areas	6 feet high
J. Utility buildings, stations or substations	6 feet high

- C. Whenever a wall or berm is required in a B-1, B-2, B-3, B-4, ES and LI-1 district, deciduous trees shall be planted in the ground adjacent to the wall on the nonresidential side with size and spacing in accordance with Section 34-5.14. If a berm is used, the trees may be planted on the berm.
- D. The planning commission may, in unusual circumstances, permit a wall to be less than six (6) feet in height if no good purpose would be served. In making such determination, the commission may consider the following:
- The height of existing nearby walls;
  - The effectiveness of the wall in screening adjacent property;
  - Variation in height would result in a significantly better-appearing wall when the length, in the opinion of the commission, is excessive;
  - The characteristics of the area being screened;

Where site plan approval by the planning commission is not required, the planning department may provide such review.

- E. In those instances where a required wall is located generally parallel to a public street right-of-way and within fifty (50) feet of the right-of-way, the planning commission may require that the wall be designed so that it provides a varying setback or distance from the right-of-way. This may take the form of a serpentine wall, a wall with offsets in its alignment or some other means of providing variety. The use of plant materials in conjunction with the wall is encouraged and may be required. Where site plan approval by the planning commission is not required, the planning department may provide such review.
2. Required walls shall be located along the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts.



3. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall or deciduous trees requirement if in specific cases it would not serve the purposes of screening the area effectively or where it is determined that the adjoining property is indicated on the future land use plan as a nonresidential area. Where site plan approval by the planning commission is not required, the planning department may provide such review.
4. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be major consideration.
5. Berms shall be landscaped earth mounds, the same height as required for walls with a maximum slope of 3:1 (three (3) feet horizontal to one foot vertical). All berms shall have a nearly flat, horizontal area at their highest point, at least two (2) feet in width.
6. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established, by a straw mulch, hydromulching or netting specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy growing condition.
7. A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material as set forth in Section 34-5.14.
8. Such walls or berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as are required to address public health, safety and welfare as approved by the planning department.

9. All walls required in this section shall be constructed to specifications approved by the building inspector. Walls shall be constructed of brick or have brick veneer on the side facing the residential district, or be constructed of poured concrete which simulates standard brick facings on both sides of the wall. The top of the wall shall be finished to provide positive drainage.

#### 34-5.16 EXTERIOR LIGHTING

1. Intent. The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
  - A. Permit the use of outdoor lighting that meets the minimum levels specified in this Ordinance for night-time safety, utility, security, productivity, enjoyment, and commerce.
  - B. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
  - C. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
  - D. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
  - E. Conserve energy and resources to the greatest extent possible.
  - F. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots
2. Applicability of regulations / Approved lighting plan. Whenever the installation or modification of outdoor lighting is part of a development that requires site plan approval, the approving body shall review and approve all proposed lighting as part of its site plan approval process and all lighting shall be subject to the provisions of this Ordinance.

The planning commission may modify the requirement for existing developed sites seeking modest expansions to bring all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

- A. A lighting plan submitted for review shall contain the following:

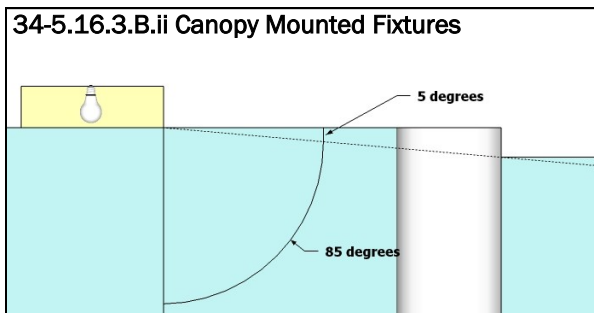


34-5.16.3.A Height to Top of Light Source	
Height in Feet	Districts
15	RA, RP, RC, SP-1, SP-3, SP-5, MH, OS-3, P-1
20	SP-4, OS-1, B-1, IRO
30	SP-2, OS-2, OS-4, B-2, B-3, B-4, ES
35	LI-1

- i. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures.
  - ii. Specifications for all proposed and existing lighting fixtures including photometric data, fixture height, mounting and design, glare control devices, type and color rendition of lamps, and hours of operation. A photometric plan illustrating the levels of illumination at ground level shall account for all light sources that impact the subject site.
  - iii. Relevant building elevation drawings showing all fixtures and the portions of the walls to be illuminated.
- B. A proposed lighting plan shall be reviewed based upon the following considerations:
  - i. Whether the lighting is designed to minimize glare;
  - ii. Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;
  - iii. Whether the lighting will cause negative impacts on residential districts and uses;
  - iv. Whether the plan will achieve appropriate levels of illumination for the use proposed; and
  - v. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties; and
  - vi. Whether the lighting is in keeping with the city's goal of prohibiting unnecessary illumination of the night sky.
3. Required conditions. When site plan approval is required for the installation or modification of exterior lighting, the following conditions shall apply:

- A. Height. Light fixtures shall be mounted in accordance with Table 34-5.16.3.A. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture. Except for fixtures allowed in connection with outdoor athletic fields, all luminaires shall be mounted to illuminate the surface directly below, i.e., 90 degrees above nadir unless otherwise provided in Section 5, "Exemptions," below.
- B. Specific Lighting Conditions.

- i. Parking lot lighting shall be designed to provide adequate vision and comfort in parking areas. Fully shielded luminaires shall be used to prevent glare and direct illumination away from adjacent properties and streets.
  - ii. Canopy-mounted fixtures. Light fixtures mounted on canopies, such as with gasoline service stations, shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of eighty-five (85) degrees. Fixtures shall not be mounted on the top or sides of canopies.



- iii. Sites abutting a residential district or use shall meet the following conditions:
    - a. No direct light source shall be visible at the property line (adjacent to residential) at ground level.
    - b. Maximum illumination at the property line shall not exceed one-third ( $1/3$ ) foot-candle.
    - c. All fixtures mounted within 50 feet of a residential property line or public right-of-way boundary shall be fitted with a shielding reflector on the side facing the residential property line or public right-of-way.



- iv. Historic or decorative fixtures. The approving body may choose to waive or alter cut-off requirements of this section when appropriate (e.g., use of decorative up-lighting to illuminate the underside of a canopy or columns on a facade, where a canopy or roof projection restricts the projection of the light into the night sky, locations where special lighting is appropriate for consistency with historic structures).
  - v. Exterior lighting shall not operate during daylight hours. Building façade and landscape lighting shall be turned off between midnight or one hour after close of business, whichever is later, and 6:00am or opening, whichever is earlier. All other exterior lighting shall be reduced to no greater than 70% of maximum from midnight or one hour after close of business, whichever is later, and 6:00am or opening, whichever is earlier. Use of occupancy sensors to turn off or reduce lighting within 15 minutes of zero occupancy is recommended.
- C. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of the surface being lit. Where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed one-third (0.3) foot-candle. The approving body may modify these levels if such modifications are deemed necessary and appropriate to protect public safety.
- | 34-5.16.3.C Illumination Levels                  |   |  |
|--|---|--|
| Use  | Maximum Ambient Light                   |  |
| District   | Residential districts, SP-1, SP-2       | All other districts                    |
| Hardscape areas (e.g., parking areas, sidewalks) | 1.25 lumens per sq ft of hardscape area | 2.5 lumens per sq ft of hardscape area |
| Building Entrances – within 20 ft of door        | 1,000 lumens per door                   | 2,000 lumens per door                  |
- 4. Maintenance. All luminaires, luminaire support structures, and related equipment shall be kept in good repair. This includes, but is not limited to, replacing nonworking bulbs, repairing broken or malfunctioning fixtures and similar activities. Failure to maintain luminaires and related equipment shall be deemed a violation of this chapter and violators shall be subject to the penalty provisions contained in Section 34-7.
  - 5. Exemptions. The following uses shall be exempt from the provisions of this section:
    - A. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
    - B. Construction lighting approved by the building department as part of a building permit;
    - C. Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
    - D. Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
    - E. Other temporary lighting that does not result in light trespass or glare on adjacent property as determined by the City of Farmington Hills Building Official.
  - 6. Prohibited lighting. The following types of lighting are prohibited:
    - A. Bottom mounted sign lighting. Bottom mounted outdoor sign lighting attached to a sign structure and projects light up towards a sign resulting in spillover to the night sky shall not be used.
    - B. Mercury vapor lamps and fixtures.
    - C. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
    - D. Searchlights. The operation of searchlights for advertising purposes is prohibited unless the applicant applies for and receives approval of the use of a searchlight as part of a carnival or special event under Section 5-101 et seq. of this Code or a temporary outdoor sales event under Section 22-101 et seq. of this Code.

#### 34-5.17 SCREENING OF ROOFTOP EQUIPMENT

Penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air-conditioning equipment and other similar apparatus shall be screened from view by a penthouse or structure equal in height to the height of the equipment being screened, and constructed of a building material compatible with the material used in the principal building. Satellite reception antennas shall be exempt from this requirement.

#### 34-5.18 TREE PROTECTION, REMOVAL AND REPLACEMENT

##### 1. Permit required:

- A. Except as otherwise provided herein, no person shall remove a tree or trees or cause a tree to be removed in the City of Farmington Hills without a tree permit issued by the department of planning and community development ("the department") in accordance with this section.
- B. A tree permit shall be required for the following:
  - i. The removal, relocation, or destruction of any tree, except as otherwise exempt, under subsection 34-5.18.5.
  - ii. The construction of any structure, the depositing of any materials, land clearing, grubbing, or grading within the drip line of any protected tree.

##### 2. Permit application and review:

- A. Where a tree permit is required, an application shall be filed with the department for review. The application shall be submitted together with a tree survey and superimposed tree survey, where required, and all other documentation as required elsewhere under this section, prior to or concurrent with the submission of a site plan or application for building permit, whichever may be required.
- B. Where a site plan is required, the tree survey and superimposed tree survey, where required, along with accompanying documentation, shall be part of the review process. Site plan approval shall precede issuance of a tree permit.

C. When a site plan is not required, the department shall review the application and other documentation as required within fifteen (15) working days of the department receiving the application in acceptable form.

##### 3. Tree survey and superimposed tree survey guidelines:

- A. The purpose of the tree survey is to locate trees on site. The purpose of the superimposed tree survey is to evaluate the impact of development on the trees on site.
- B. The tree survey shall be in a form acceptable to the department and shall bear the following information and details:
  - i. Minimum scale of 1" = 50'. The scale shall be the same as the site plans.
  - ii. The shape and dimensions of the lot or parcel.
  - iii. The location of existing structures.
  - iv. The existing grade at the base of each tree shall be indicated on the tree survey using contour lines at two-foot intervals or spot grades.
  - v. All trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags, and shown on the plan with the corresponding number, including trees within twenty-five (25) feet of property lines and trees affected by road improvements and/or off-site utility work.
  - vi. The tree survey shall include a list of all trees on site with their corresponding tree inventory number and disposition. Indicate common name, botanical name, size, and condition. If this list is too extensive to fit on the plan and is in a separate book, a note indicating so shall be included on the plan.
  - vii. Tree surveys are to be performed by actual field survey by a registered land surveyor and verified on site by a registered landscape architect, arborist or forester. Both professionals must verify the contents by seal or signature, whichever applies.





viii. The requirement for a tree survey may be waived by the department for areas fifty (50) feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area will be required. The area to remain undisturbed shall be snowfenced prior to any activity.

C. The superimposed tree survey shall include all of the above information and shall bear the following additional information:

- i. Excluding single-family residential unit in a preliminary plan, the location of all proposed structures and improvements which shall require submission of a superimposed tree survey before issuance of a building permit, unless such submission is waived by the department pursuant to subsection 34-5.18.3.E below. No existing structures are to be shown.
- ii. All trees that are to be removed, to remain, or to be relocated shall be shown on the plan.
- iii. The total number of trees on site, the total number of trees to be removed, and the total number of replacement trees required to be planted on site shall be indicated on the plan in table form.
- iv. The proposed location of relocated trees shall be indicated on the plan, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.
- v. The proposed grade at the base of each tree shall be indicated, using contour lines at two-foot intervals or spot grades.
- vi. A statement showing how trees to remain are to be protected on a permanent basis, including the proposed use of tree wells, protective barriers, tunneling, or retaining walls, shall be included on the plan.

vii. The location of protective wood snowfence or similar sturdy stock material staked with metal stakes ten (10) feet on center which will shield and protect trees, no closer than six (6) feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.

viii. A statement indicating that trees to be removed shall be marked in the field with red paint or flags and inspected by the planning office prior to any trees being removed.

D. For tracts of land ten (10) acres or larger, a tree survey and superimposed tree survey meeting the conditions of subsection 34-5.18.3.A. shall be submitted with an aerial photograph or copy thereof as suitable quality 1" = 100' minimum.

E. The department may, in lieu of submission of the tree survey or superimposed tree survey, conduct an on-site examination prior to construction, or waive certain provisions of subsections 34-5.18.3.B. and 34-5.18.C. above, under the following conditions:

- i. Where a permit is required to remove or relocate trees on single-family lots.
- ii. Where a permit is required to remove fewer than three (3) trees.

4. Reasons for issuing a tree permit. Tree permits shall be issued for only the following reasons:

- A. Trees pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public utility service.
- B. Trees pose a safety hazard to buildings or structures.
- C. Trees completely prevent access to a lot or parcel.
- D. Trees unreasonably prevent development of a lot or parcel or the physical use thereof. It is the intent of this provision that a permit shall not be granted for the removal of any tree where a reasonable alternative design solution exists consistent with the permitted use of the property under the City of Farmington Hills Zoning Ordinance.





- E. Diseased trees or trees so weakened by age, storm, fire, or other injury so as to pose a danger to persons, property, improvements, or other trees.
  - F. Where a landmark tree is proposed for removal and there is no reasonable alternative that would allow preservation of the tree while still meeting other city requirements.
5. Exemptions. The following are exempt from the provisions of this section:
- A. Any tree less than six (6) inches DBH.
  - B. The removal of two (2) trees per calendar year other than landmark trees, on occupied one-family residential lots.
  - C. On occupied one-family residential lots which are one acre or more in area, the removal of eight (8) trees per calendar year or not more than ten (10) percent of the total number of trees on the lot, whichever is less. This provision shall not apply to landmark trees.
  - D. Trees for which it is determined by the department to have a health condition factor less than sixteen (16) per subsection 34-5.18.11.
6. Tree protection during land development:
- A. Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer, or agent shall do the following:
    - i. All trees for which application is being made for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the department.
    - ii. Erect barriers of four-foot-high wooden fencing or similar sturdy stock material staked with metal stakes ten (10) feet on center which will shield and protect trees, no closer than six (6) feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.
    - iii. Keep clear all debris or fill, equipment, and material from within the required protective barrier.
  - B. During construction, the owner, developer, or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including, but not limited to, the storage of equipment, dumpsters, boulders, dirt, and excavated material, building or waste material, or any other material harmful to the life of a tree.
  - C. No damaging attachment, wires (other than cable wires for trees), signs, or permits may be fastened to any tree protected by this section.
  - D. The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this section.
7. Tree replacement or relocation during land development:
- A. As a condition of granting a tree permit, the applicant will be required to replace trees being removed having six (6) inches or more DBH.
    - i. The permit grantee shall either relocate trees or replace trees on a one-to-one basis. All replacement trees shall measure three-inch caliper for deciduous trees, ten-foot height for evergreen trees, or greater. When replacement or relocation of trees on site or on a one-to-one basis is not feasible and/or desirable, the planning commission may substitute greater size for replacement trees or require replacement trees at another location on public property in the city.
    - ii. Replacement trees shall have shade potential and other characteristics comparable to the tree proposed for removal and shall be State Department of Agriculture Nursery Grade No. 1 stock or better. Replacement trees shall be planted per City of Farmington Hills specifications and details and be guaranteed for one year.



- iii. As an alternative or partial alternative to the above, the planning commission may approve trees which are smaller in caliper size in situations where the intent is to recreate or create a densely wooded area or wood lot. Such groupings of trees shall consist of tightly-grouped trees and shall be a minimum one-inch caliper and shall be used only in situations and locations where it is appropriate to create a densely-wooded effect. Spacing between trees shall be approved by the planning commission. When this alternative is used, the sum of the caliper of the replacement trees shall be equal to the sum of the caliper of the replacement trees as required under subsections 34-5.18.7.A.i and 34-5.18.7.A.iv of this paragraph. (Landscape Design Principles for Densely Wooded Areas adopted by the planning commission shall be used as guidelines for this alternative.)
  - iv. When landmark trees are permitted to be removed, replacement trees shall be provided to a minimum of twenty-five (25) percent of DBH of the tree to be removed. Replacement trees, measured in DBH or calipers, shall be provided either individually or on a cumulative basis to meet the twenty-five (25) percent DBH requirement.
  - v. The applicant shall be required to replace trees originally indicated and intended to be saved when such trees are excessively damaged or removed in violation of an approved site plan during construction to the extent that it puts the tree at risk of death as determined by the department. The replacements shall have at least equal shade potential and other characteristics comparable to those of the damaged trees and be a minimum five-inch caliper, excluding landmark trees. Landmark trees shall be replaced at one hundred (100) percent DBH on an individual or cumulative basis using minimum five-inch caliper stock.
  - vi. Trees required to be planted in accordance with subsection 34-5.18.7 shall be in place and properly supported prior to the issuance of a final certificate of occupancy. The center of said trees shall not be located closer than four (4) feet to any property line or ten (10) feet to any utility line.
  - vii. All trees relocated or planted as replacements shall exhibit a normal live growth cycle to comply with subsection 34-5.14.4.
  - viii. The planning commission may require the submission of a tree replacement plan for review in accordance with the provisions of this chapter.
- 8. Emergency tree removal. When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health, and general welfare following high winds, storms, tornadoes, floods, freezes, fire or other natural or man-made disasters, the requirements of this section may be suspended by the department for a period for this thirty (30) days in the affected areas.
  - 9. Penalties. Each unauthorized removal of a tree protected by this section shall be deemed a separate offense. Section 34-7.13 of the Farmington Hills Zoning Ordinance shall be applicable to violations and penalties.
  - 10. Landmark trees. The following is a list, according to common name, species, and DBH, of landmark trees which are protected under Section 34-5.18:
    - A. The listed DBH for the landmark trees represent the minimum size protected for each species.
    - B. The landmark trees herein listed are prevalent in the City of Farmington Hills and in the surrounding area.
    - C. Landmark tree list:
      - i. All trees twenty-four (24) inches DBH or greater are considered landmark trees.
      - ii. The following trees also shall be considered landmark trees:

**34-5.18.10.C.ii Landmark Trees**

Common Name	Species	Size DBH (inches)
Ash	Fraxinus spp.	18
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp.	18
Black Alder	Alnus glutinosa	12
Black and White Walnut	Juglans nigra, J cinerea	20
Buckeye	Aesculus glabra	18
Cedar, Red	Juniperus spp.	12
Crabapple (cultivar)	Malus spp.	12
Douglas Fir	Pseudotsuga menziesii	18
Eastern Hemlock	Tsuga canadensis	12
Flowering Dogwood	Cornus florida	8
Ginkgo	Ginkgo biloba	18
Hickory	Carya spp.	18
Horse Chestnut	Aesculus carnea	18
Kentucky Coffeetree	Bymnociadus dioicus	18
Larch/Tamarack	Larix laricina (Eastern)	12
London Planetree/Sycamore	Plantanus spp.	18
Maple	Acer spp.	18
Oak	Quercus spp.	16
Pine	Pinus spp.	18
Sassafras	Sassafras albidum	15
Spruce	Picea spp.	18
Tuliptree	Liriodendron	18
Choke Cherry	Prunus spp.	18

11. Tree health/condition standard. The department shall be responsible for determining the health/condition standard for trees under this Section 34-5.18:

- A. By field inspection of trees, the department shall evaluate the trunk condition, growth rate, structure, insects and diseases, crown development, and life expectancy. From the evaluation, the department shall determine a point value which describes the tree's health condition.

B. Any tree with a score of sixteen (16) or higher is protected under this section.

- C. The means by which the department calculates the tree's health/condition is listed as follows:

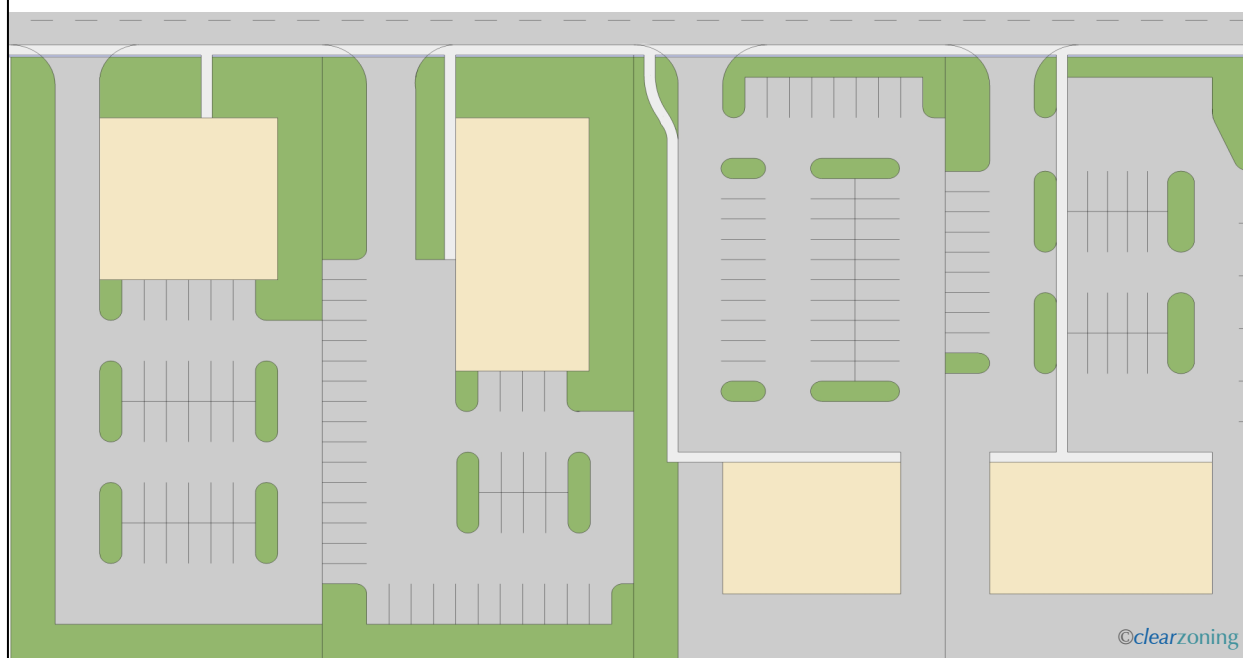


**34-5.18.11.C Tree Health/Condition**

Factor Ranking	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth	More than 6" twig elongation	2"--6" twig elongation	Less than 2" twig elongation
Structure	Sound	One major or several minor limbs dead	2 or more major limbs dead
Insects/Diseases	No pests present	One pest present	2 or more pests present
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy	Over 30 years	15--20 years	Less than 5 years
			TOTAL

**34-5.19 PEDESTRIAN ACCESS AND CONNECTIVITY FROM PUBLIC RIGHTS-OF-WAY**

1. Pedestrian access-ways of sufficient width and design to allow convenient use shall be provided between public sidewalks and principal building entrances, except one-family residential dwelling units.
2. Walkways shall provide pedestrian access through parking lots from public sidewalks to building entries in a safe and efficient manner. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.

**PEDESTRIAN ACCESS AND CONNECTIVITY FROM PUBLIC RIGHTS-OF-WAY**

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3. Pedestrian access-ways may be included in the calculation of open space required under Sections 34-3.1. and 34-3.5.2.j.
4. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.
5. All designated pedestrian areas which pass through a parking or circulation area shall be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.
6. Walkways shall be a minimum of five (5) feet in width and installed in accordance with the city's engineering design standards.
7. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along walkways to provide ample lighting during nighttime hours. This may be waived when street or parking lot lighting fixtures are deemed by the Planning Commission to be sufficient to adequately illuminate adjacent walkways.
8. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.
9. Planning commission has discretion to waive or modify this requirement when it is not practical or may not result in any pedestrian activity.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



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**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Chapter 34*

## *Article 6.0*

### *Development Procedures*



## Article 34-6.0 Development Procedures

- 34-6.1 [Site Plan Review](#)
- 34-6.2 [Notice of Public Hearing](#)
- 34-6.3 [Special Land Use and Special Approval Use Standards](#)
- 34-6.4 [Planned Residential Development Application, Approval Procedures](#)
- 34-6.5 [Mobile Home District Application Approval Procedures](#)

# 6.0 Development Procedures

## 34-6.1 SITE PLAN REVIEW

1. Whenever the provisions of this chapter require submission of a site plan to the planning commission, it shall be submitted in accordance with the provisions of this Section and article III of chapter 21. A site plan shall meet all applicable requirements of this chapter and shall be approved if in compliance with such requirements. In instances of conflict between article III of chapter 21 and this chapter, the requirements of this chapter shall prevail.
2. In the process of reviewing a site plan, the planning commission shall consider the following:
  - A. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, to nearby driveways of other property and in relation to pedestrian traffic.
  - B. The traffic circulation features within the site and the location of automobile parking areas.
  - C. The planning commission may make such requirements with respect to any matters as will assure:
    - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and of adjacent neighborhoods.
  - D. The planning commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
3. Whenever a landscape or greenbelt plan is required by provision of this chapter, plans shall be submitted concurrently with the site plan for review by the planning commission. The applicant may apply to the planning department to delay submission of the landscape or greenbelt plan and proceed with the site plan when they can demonstrate the following:
  - A. The plans do not propose removing more than 10% of the existing trees, as identified on a tree survey, and
  - B. The application does not propose adding 3,000 square feet or more of hard surface area, and
  - C. The applicant does not propose adding or relocating outdoor storage areas or loading areas, and
  - D. The use is not a special approval use, and
  - E. The site does not abut a residential district.Landscape or greenbelt plans that were not submitted with the site plan application shall be submitted to the city within three (3) months from time of site plan approval.
4. Site plan approval by the planning commission shall remain effective for a period of three (3) years; provided, however, that any plan submitted with the application for a building permit shall meet all requirements of this chapter in effect at the time the permit is applied for. If a building permit is not obtained within three (3) years, the approval shall expire and become null and void.
5. Site plans shall be submitted in accordance with the following:
  - A. Scale:
    - i. For zoning lots of twenty-five (25) acres or less; one inch equals fifty (50) feet minimum.
    - ii. For zoning lots of over twenty-five (25) acres; one inch equals one hundred (100) feet minimum.
  - B. The location of driveways or intersecting streets within one hundred (100) feet of the zoning lot and on either side of the abutting street shall be indicated.
  - C. A preliminary grading plan in detail sufficient to determine whether or not extensive grading of the site is proposed and to enable the building height to be determined. Spot grades are sufficient, but should include locations near the major corners of buildings. First floor elevations and rooftop elevations should be indicated. If the proposed building height is to be within five (5) feet of the maximum height limit and the grade is not constant, the average grade along each major building face shall be provided.

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



### 34-6.2 NOTICE OF PUBLIC HEARING

For uses making reference to this section, and in all applications for special approval, notice of the public hearing before the planning commission or the council shall be given as follows:

1. One notice of the public hearing shall be published in a newspaper of general circulation in the city fifteen (15) days before the hearing.
2. One notice of the public hearing shall be sent by first-class mail, postage prepaid or by personal delivery, to the owners of the property for which the hearing is conducted, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of such property. Notice shall be given not less than five (5) and not more than fifteen (15) days before the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post a notice at the primary entrance to the structure.

### 34-6.3 SPECIAL LAND USE AND SPECIAL APPROVAL USE STANDARDS

In the consideration of applications for the review of special land uses and special approval uses, following a public hearing the approving body shall review each case individually based upon the standards set forth in this Section and, in addition, such uses, if approved, shall be subject to conditions, restrictions, and safeguards as are authorized by law and deemed to be necessary by the City:

1. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with:
  - A. The surrounding uses; and/or
  - B. The orderly development of the surrounding neighborhood and/or vicinity.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle interfacing.
3. The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
4. The proposed use shall be such that the proposed location and height of buildings or structures and the proposed location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
6. The proposed use is so designed, located, planned and to be operated so that the public health, safety and welfare will be protected.



7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
8. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
9. The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
10. The proposed use shall have appropriate physical, visual and spatial characteristics based upon compatible design and architectural elements that relate harmoniously to the design characteristics of area development.

#### 34-6.4 PLANNED RESIDENTIAL DEVELOPMENT APPLICATION, APPROVAL PROCEDURES

See Section 34-3.19.2 through 34-3.19.6.

#### 34-6.5 MOBILE HOME DISTRICT APPLICATION, APPROVAL PROCEDURES

See Section 3.21.1.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



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# *Chapter 34*

## *Article 7.0*

### *Administration, Appeals and Enforcement*

## Article 34-7.0 Administration, Appeals and Enforcement

- 34-7.1 [Nonconformities](#)
- 34-7.2 [Guarantee for Improvements](#)
- 34-7.3 [Enforcement](#)
- 34-7.4 [Duties of Code Enforcement Officer](#)
- 34-7.5 [Plot Plan](#)
- 34-7.6 [Permits](#)
- 34-7.7 [Certificates](#)
- 34-7.8 [Final Inspection](#)
- 34-7.9 [Fees](#)
- 34-7.10 [Interpretation; Conflicts](#)
- 34-7.11 [Changes and Amendments](#)
- 34-7.12 [Petition for Amendment; Fee](#)
- 34-7.13 [Violations and Penalties](#)
- 34-7.14 [Board of Appeals](#)

# 7.0 Administration, Appeals, and Enforcement

## 34-7.1 NONCONFORMITIES

It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such structures or uses shall be regulated as follows:

1. Intent:
  - A. It is the intent of this chapter to permit legal nonconforming structures or uses to continue until they are removed but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter, that 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.
  - B. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption (November 13, 1951) or amendment of this chapter, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
2. Nonconforming uses of land without buildings. Where, at the effective date of adoption (November 13, 1951) or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption (November 13, 1951) or amendment of this chapter.
  - 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 (November 13, 1951) or amendment of this chapter.
  - C. A nonconforming use of land shall not be extended or enlarged after passage of this chapter by placement on the premises of additional signs intended to be seen from off the premises, or by the addition of any other uses until the nonconforming use is discontinued.
  - D. If such nonconforming use of land is abandoned for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located. Land occupied by seasonal uses shall be excepted from this provision.
3. Nonconforming structures. Where a lawful structure exists at the effective date of adoption (January 10, 2011) or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No structure shall be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
  - B. Should such structure be destroyed by any means to an extent of more than twenty-five (25) percent of its market value, as determined from the city assessor's records, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.
  - C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



4. Nonconforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption (November 13, 1951) or amendment of this chapter, 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 chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - 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 (November 13, 1951) or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
  - C. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
  - D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - E. When a nonconforming use of a structure, or structures and land in combination, is abandoned for one hundred eighty (180) consecutive days or for eighteen (18) months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
  - F. When a nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
  - G. A nonconforming use of a structure or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of any other uses until the nonconforming use is discontinued.
5. Repairs and maintenance:
  - A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five (25) percent of the market value of the building, as determined from the city assessor's records, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.
  - B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures or structures and land in combination.



7. Acquisition of uses or structures. The council may acquire by purchase, condemnation or otherwise private property or an interest in private property for the removal of nonconforming uses or structures all in accordance with the applicable provisions of Act 110 of 2006 (MCL 125.3101 et seq), as amended.
8. Class of use exemption:
  - A. Churches, colleges, universities and other such institutions of higher learning, public or private, offering courses in general technical or religious education, hospitals, municipal buildings, publicly owned and operated libraries, and public utility buildings, shall be exempt from the nonconforming use regulations of this section; provided, however, that all provisions controlling height, bulk, density, area, off-street parking, walls and other provisions not affecting the use regulations shall be complied with.
  - B. Housing for the elderly shall be exempt from the nonconforming use regulations of this section; provided, however, that all provisions controlling height, bulk, area, off-street parking, walls and other provisions not affecting the use regulations shall be complied with. The number and size of residential units for such housing shall not exceed that permitted in the district in which it is located or that permitted in its final approved site plan, whichever is greater.
  - C. Subdivision open space plans or plats that were permitted at the dwelling units per acre permitted in the RA-1B, RA-1 and RA-2 districts by Section 34-3.15.2.A. prior to the effective date of this subsection shall be exempt from the nonconforming provisions of this subsection, only as to dwelling units per acre, under the current provisions of Section 34-3.15.2.A.
9. Uses under exception provisions not nonconforming uses. Any use for which a special approval or exception is granted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use.
10. Nonconforming lots:

- A. In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this subsection, a one-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption or amendment of this subsection. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, however, that setbacks and other requirements not involving area or width, or both, conform to the regulations for the district in which such lot is located.
- B. If two (2) or more lots, or a combination of lots and portions of lots, with a continuous frontage and single ownership are of record at the effective date of adoption or amendment of this subsection, or at any time thereafter; and if all or part of the lots do not meet the requirements for lot area or width as established by this chapter, the lands involved shall be considered an undivided parcel or zoning lot for the purpose of this chapter, and no portion of such undivided parcel or zoning lot shall be used or occupied which does not meet lot area or width requirements established by this chapter, nor shall any division of the parcel or zoning lot be made which leaves remaining any lot with area or width below the requirements stated in this chapter.

#### 34-7.2 GUARANTEE FOR IMPROVEMENTS

1. In those instances where the planning commission or zoning board of appeals decides that an improvement, such as a wall, berm, acceleration/deceleration lane, etc., which is a requirement of this chapter, should be temporarily waived, the planning commission or zoning board of appeals may require a cash guarantee to ensure the eventual construction of such improvement if it is required at a future date.
2. If a guarantee is required, the applicant shall deposit cash, irrevocable letters of credit or other equivalent forms of security acceptable to the city attorney. The amount of such guarantee shall cover the estimated cost of the improvement.



3. The guarantee shall include a schedule of costs assigned to the improvements. Monies may be released to the applicant in proportion to work completed on the improvement after inspection of work and approval of the engineering division; provided, however, that ten (10) percent of the estimated costs shall be retained by the city until all work has been completed and subsequently inspected and approved by the building inspector.
4. If more than one guarantee is involved in the guarantee of improvements, each such guarantee shall be treated as a separate agreement and the ten (10%) percent holdback may be released upon satisfactory completion of such phase of construction and approval by the engineering division.

### 34-7.3 ENFORCEMENT

1. The provisions of this chapter shall be administered and enforced by the code enforcement officer who shall be appointed by the council for such term and subject to such conditions and at such rate of compensation as the council shall determine.
2. In the enforcement of the provisions of this chapter, the code enforcement officer shall have the assistance of the police department. In such enforcement, the code enforcement officer shall be empowered to take any one or any combination of the following courses of action:
  - A. To issue an order to cease and desist from any violation of this chapter which shall come to his or her attention. Such order shall be posted on the property involved and a copy thereof mailed to the owner as shown on the tax rolls. Failure to comply with such order shall be a violation of this chapter.
  - B. To make complaint before a court of common jurisdiction for violation of this chapter.
  - C. To commence suit for injunctive relief through the attorney for the council in the circuit court for the county, as provided for in Section 407 of Act 110 of 2006 (MCL 125.3101 et seq.), as amended.
  - D. Nothing in this section shall be construed as prohibiting private injunctive relief.

### 34-7.4 DUTIES OF CODE ENFORCEMENT OFFICER

1. The code enforcement officer shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the code enforcement officer to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this chapter.
2. The code enforcement officer is under no circumstances permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out the duties of the code enforcement officer.

### 34-7.5 PLOT PLAN

1. The code enforcement officer shall require that all applications for building permits shall be accompanied by the necessary copies of plans and specifications including a plot plan, drawn to scale, showing the following:
  - A. The actual shape, location and dimensions of the lot, drawn to scale;
  - B. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot, drawn to scale;
  - C. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate;
  - D. The proposed grade of the ground at each corner of any building, and if the building height is within five (5) feet of the maximum permitted height and the grade is not level, the average grade along each main building face;
  - E. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.





2. A copy of the plot plans for any use or development, other than one-and two-family residential, shall be forwarded to the department of public services or the county road commission, where applicable, for the determination of compliance under section 34-5.6; and for the review of such plans to alleviate vehicular traffic and pedestrian danger or congestion; and for the review of such plans to determine the requirements for drainage, utilities and rights-of-way. Any permit issued hereunder shall be subject to the requirements of the governmental unit having jurisdiction over the subject matter.

### 34-7.6 PERMITS

The following shall apply in the issuance of any permit:

1. Compliance with chapter prior to issuance. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this chapter.
2. Changes in use, new use of land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a permit is first obtained for the new or different use.
3. Changes in use, new use of buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of different class or type unless a permit is first obtained for the new or different use.
4. Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit has first been issued for such work. The term "altered" and the term "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the city building code, state housing law or this chapter, except for minor repairs or changes not involving any of the aforesaid features.

### 34-7.7 CERTIFICATES

No land, building or part thereof shall be occupied by or for any use for which a permit is required by this chapter unless and until a certificate of occupancy has been issued for such new use. The following shall apply in the issuance of any certificate:

1. Compliance with chapter prior to issuance. No certificates of occupancy pursuant to the building code of the city shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
2. Required. No building or structure or parts thereof, which are hereafter erected or altered, shall be occupied or used or the same caused to be done by the owner or occupant unless and until a certificate of occupancy has been issued for such building or structure. A certificate of occupancy shall also be required for the change of any existing principal use or tenancy of a building or land to another principal use or tenancy of the building or land.
3. Scope. 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 chapter.
4. 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 buildings, structures or parts thereof or such use of land are in conformity with the provisions of this chapter.
5. Temporary certificates. Nothing in this section shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in the process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this chapter.
6. Records. A record of all certificates issued shall be kept on file in the office of the building department, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.



7. Accessory buildings. Buildings accessory to dwellings shall not require separate certificates of occupancy when shown on the plot plan and when completed at the same time as such dwelling, but may be included in the certificate of occupancy for the dwelling.
8. Application:
  - A. Application for certificates of occupancy shall be made in writing to the building division on forms furnished by the division. Such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure or part thereof or the use of land is in accordance with the provisions of this chapter.
  - B. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof within the aforesaid ten (10) day period. Failure of the building division to provide such notification shall not constitute approval.

#### 34-7.8 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the building division immediately upon the completion of the work authorized by such permit, for a final inspection.

#### 34-7.9 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the building division in advance of issuance. The amount of such fees shall be established by resolution of the council and shall cover the costs of inspection and supervision resulting from enforcement of this chapter.

#### 34-7.10 INTERPRETATION; CONFLICTS

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, morals and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not to conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

#### 34-7.11 CHANGES AND AMENDMENTS

The council may from time to time, on recommendation from the planning commission, or on petition, amend, supplement or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter pursuant to the authority and procedure established in Act 110 of 2006 (MCL 125.3101 et seq.), as amended.

#### 34-7.12 PETITION FOR AMENDMENT; FEE

1. Upon presentation to the planning commission of a petition for amendment of the zoning ordinance by the owner of real estate affected, such petition shall be accompanied by a deposit or fee in an amount to be established by resolution of council payable to the finance director/treasurer of the city. If the petitioner withdraws his or her request prior to the time the planning commission sets the amendment for public hearing, the petitioner shall be entitled to a refund of part of the fee as established by resolution of the council upon demand. Should a public hearing be held in connection with the petition for amendment, no part of the established fee or deposit shall be returned.
2. All sums received under this section shall be placed in the general fund of the city to defray in part the expense of administering this chapter.



### 34-7.13 VIOLATIONS AND PENALTIES

1. Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation, who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Board of Appeals, Planning Commission, or the City Council, shall be responsible for a municipal civil infraction, and subject to the penalties, sanctions and procedures set forth in Chapter 1, General Provisions, of the City of Farmington Hills Code of Ordinances.
2. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, raised, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court may, in addition to the remedies provided above, enter any such judgment, writ or order necessary to enforce or enjoin violation of this Chapter 34, Zoning Ordinance, of the City of Farmington Hills Code of Ordinances.

### 34-7.14 BOARD OF APPEALS

1. Creation; membership:

A. There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided in Article IV of Act 110 of 2006 (MCL 125.3101 et seq.), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The board shall consist of not less than five (5) members, each to be appointed for a term of three (3) years; provided, that appointments for the first year shall be for a period of one, two (2) and three (3) years respectively so as nearly as may be possible to provide for the appointment of an equal number each year, depending on the number of members, thereafter each member to hold office for the full three (3) year term. Any vacancies on the board shall be filled by appointment by the council for the remainder of the unexpired term. The board shall annually elect its own chairperson, vice-chairperson and secretary. The compensation of the appointed members of the board may be fixed by the council.

B. The council may appoint not more than two (2) alternate members of the zoning board of appeals who shall be called to serve by the chairperson on a rotating basis as a member of the board in the absence of a regular member. An alternate member shall also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. 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 in cases such member hears as a regular member of the board. Appointments of alternate members for the first year shall be for a period of one and two (2) years respectively; thereafter each alternate member to hold office for the full three-year term.

2. Meetings. Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as such board may determine or specify in its rules of procedure. All hearings conducted by the board shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall file a record of its proceedings in the office of the city clerk, which shall be a public record. The concurring vote of the majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the code enforcement officer; or to decide in favor of an applicant a matter upon which the board is required to pass under this chapter; or to affect a variation in this chapter. A concurring vote of two-thirds (2/3) of the members of the board shall be necessary to grant a variance from uses of land permitted in this chapter.

3. Appeals:

A. An appeal from the ruling of the code enforcement officer concerning the enforcement of the provisions of this chapter, may be taken to the board of appeals within such time as shall be prescribed by such board by a general rule. Such appeal may be taken by any person or by an officer, department, board or bureau of the city. The appellant shall file with the board, on blanks or forms to be furnished by the code enforcement officer, a notice of appeals specifying the grounds thereof.



B. The code enforcement officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming wholly or partly the decision or determination appealed from.

4. Stay. An appeal shall stay all proceedings in furtherance of the action appealed from unless the code enforcement officer certified to the board of appeals after notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the circuit court, on application, on notice of the code enforcement officer and on due cause shown.

5. Fees for appeals. A fee in the amount to be set by resolution of the council shall be paid to the finance director/treasurer at the time the notice of appeal is filed. All sums received under this section shall be placed in the general fund of the city to defray in part the expenses of administering this chapter.

6. Jurisdiction:

A. 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 chapter, nor to permit any use in a district in which it is not permitted, but does have the power to act on those matters where this chapter 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.

B. Administrative review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the code enforcement officer, planning commission or any other administrative official in carrying out or enforcing any provisions of this chapter, except as regards to special land uses and special approval uses.

C. Variance: Where owing to special conditions a literal enforcement of the provisions of this chapter would involve practical difficulties or cause unnecessary hardships within the meaning of this chapter, the board of appeals shall have power upon appeal in specific cases to authorize such variation or modifications of the provisions of this chapter with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this chapter and so that public safety and welfare is secured and substantial justice done. No such variance or modification of the provisions of this chapter shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- i. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
- ii. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
- iii. That the granting of such variance or modification will not be materially detrimental to public welfare or be materially injurious to the property or improvements in such zone or district in which the property is located.
- iv. That the granting of such a variance will not adversely affect the purposes or objectives of the future land use plan of the city.

D. Exceptions and special approvals: To hear and decide, in accordance with the provisions of this chapter, requests for exceptions and decisions on which this Code specifically authorizes the board of appeals to pass, and requests for interpretations of the zoning map. Any exception or decision shall be subject to such conditions as the board may require to preserve and promote the character of the district in question and otherwise promote the purpose of this chapter, including the following:





- i. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
  - ii. Permit the erection and use of building or use of premises for public utility purposes and make exceptions therefor to the height and bulk district requirements herein established which the board considers necessary for the public convenience or welfare.
  - iii. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - iv. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
  - v. Permit a limited increase in the number of employees permitted in processing activities in a business district, but only when such increase will not adversely affect the character of the establishment, will not be detrimental to or affect the character of surrounding residential development and will not materially increase traffic or parking congestion.
- E. Temporary uses:
  - i. The board of appeals may permit the following temporary uses not otherwise specified in a zoning district, provided such uses do not require the erection of any capital improvements of a permanent structural nature and meet the requirements of subsection (F) below:
    - a. Carnivals, amusement rides and special events, as specified in Section 5-101 et seq. of this Code, but subject to Section 34-3.26.14 of this chapter.
    - b. Temporary commercial uses when accessory to existing uses conducted by the applicant, such as, but not limited to, outdoor storage of goods or merchandise. Outdoor sales is not considered a “temporary commercial use” for the purpose of this subsection and is regulated elsewhere in this code.
    - c. Temporary buildings, structures or uses related to the principal use of the lot may be permitted during construction, reconstruction or repair of a building or structure while a valid permit for such construction, reconstruction or repair exists; provided, however, that any buildings, structures or uses directly accessory to such construction, reconstruction or repair, such as tool trailers and contractor's offices, shall not be subject to this section; and provided further that temporary trailers and uses permitted under [Sections 34-3.26.13, 34-3.26.14 and 34-3.26.15](#) of this chapter shall not be subject to this section.
    - d. Temporary buildings, structures or uses where the duration of the activity of the use will not exceed five (5) days (does not apply to seasonal outdoor sales as regulated in Chapter 22, Article III of the City Code and [Section 34-4.56](#) of the Zoning Ordinance).
  - ii. The board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:
    - a. The granting of the temporary use shall be made in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
    - b. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the board of appeals.



- c. The use shall be in harmony with the existing general character of the district.
- d. The board shall set an appropriate limit for the maximum period of time during which the use will be permitted, but not to exceed twelve (12) months.

- F. In consideration of all appeals and all proposed variations to this chapter, the board of appeals shall, before making any variations from the chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.
  - G. Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change the zoning ordinance or the zoning map, such power and authority being reserved to the council in the manner provided by law.
7. Exercising powers. In exercising the powers in this article, the board of appeals may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the code enforcement officer from whom the appeal is taken.
8. Notice of hearing. The board of appeals shall make no determination except in a specific case and after a hearing conducted by the board. The board shall fix a reasonable time for the hearing of the appeal and give ten (10) days' notice of the appeal to the person to whom real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of one-family and two-family dwellings within three hundred (300) feet, the notice to be delivered by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A proof of service of such mailing shall be filed prior to the commencement of such hearing. The council shall also make the necessary provisions requiring the applicant to pay the costs required relative to such notices.
9. Valid term of approval:
- A. No order of the board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
  - B. No order of the board of appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.





# Appendix A – Schedule of Amendments

## Amendments to Chapter 34 - Zoning of the Farmington Hills Code of Ordinances

**Ordinance C-1-2021** Adopted February 1, 2021

[Zoning Map](#) Rezoning of part of Parcel ID No. 22-23-33-477-023 from OS-2 to B-3

**Ordinance C-2-2021** Adopted February 1, 2021

[Zoning Map](#) Rezoning of part of Parcel ID No. 22-23-33-477-022 from OS-2 to B-3

**Ordinance C-3-2021** Adopted July 5, 2021

[Section 34-2.2](#) Definition—Cannabis (add)

[Section 34-2.2](#) Definition—Medical cannabis, Medical use, Primary caregiver (amend)

[Section 34-3.1](#) RA-1A, RA-1B, RA-2B, RA-1, RA-2, RA-3, RA-4—B. Permitted accessory use, xi. Medical marijuana caregiving (remove)

[Section 34-3.1.29](#) LI-1 district, B. Principal Permitted Uses, xi. Primary Caregivers (add)

[Section 34-4.57](#) Marihuana Uses (revise)

**Ordinance C-4-2021** Adopted July 12, 2021

[Zoning Map](#) Rezoned parcel 22-23-21-376-021 from B-3 to LI-1

**Ordinance C-2-2022** Adopted May 9, 2022, Effective May 30, 2022

[Section 34-2.2](#) Definition—Family (amend)

[Section 34-2.2](#) Definition—Reasonable Accommodation, Special Accommodation Residence (add)

[Section 34-4.60](#) Special Accommodation Residence (add)

**Ordinance C-2-2023** Adopted January 23, 2023, Effective February 20, 2023

[Section 34-5.7](#) Storage of Recreational Equipment or Trailers (amend)

**Ordinance C-5-2023** Adopted April 24, 2023, Effective May 15, 2023

[Section 34-3.1.5](#) RA-2 district, B. Principal Permitted Uses, v(f)—municipal facilities that provide both educational and temporary operational services for purposes of economic development in the community (amend)



# Appendix A – Schedule of Amendments

**Ordinance C-8-2023** Adopted October 9, 2023, Effective October 30, 2023

- [Section 34-2.2](#) Definition—Building (amend)
- [Section 34-2.2](#) Definition—Shipping container (add)
- [Section 34-5.1](#) Accessory Buildings and Structures (amend)

**Ordinance C-9-2023** Adopted October 9, 2023, Effective October 30, 2023

- [Section 34-2.2](#) Definition—Motel (amend)

**Ordinance C-1-2024** Adopted February 12, 2024 Effective March 4, 2024

- [Zoning Map](#) Rezoning of Parcel Identification Numbers 22-23-33-227-001, 22-23-33-227-002, and 22-23-33-227-003 from B-1 to RA-4

**Ordinance C-6-2024** Adopted June 24, 2024 Effective July 15, 2024

- [Section 34-5.5.3.A.ix](#) Signs—subsection h, addressing the area of electronic display areas (added)

**Ordinance C-7-2024** Adopted July 8, 2024 Effective July 29, 2024

- [Zoning Map](#) Rezoning of part of Parcel ID No. 22-23-26-480-046 from RA-4 and P-1 to RA-4

**Ordinance C-9-2024** Adopted December 9, 2024 Effective December 30, 2024

- [Section 34-3.1.25](#) B-3 General Business District (amend)
- [Section 34-3.1.29](#) B-3 Light Industrial District (amend)
- [Section 34-4.28](#) Gasoline Service Stations (amend)
- [Section 34-4.31](#) Automobile Repair (amend, formerly titled “Automobile Service Centers and Automobile Repair”)
- [Section 34-4.35](#) Drive-In Restaurants (amend, formerly titled “Drive-In Restaurants (Including Drive-Through Windows)”)
- [Section 34-4.36](#) Outdoor Space for Sale or Rental of New or Used Motor Vehicles, Trailers, Mobile Homes, Boats, Recreational Vehicles and Other Similar Products (amend)
- [Section 34-4.40](#) Vehicle Wash (amend)

