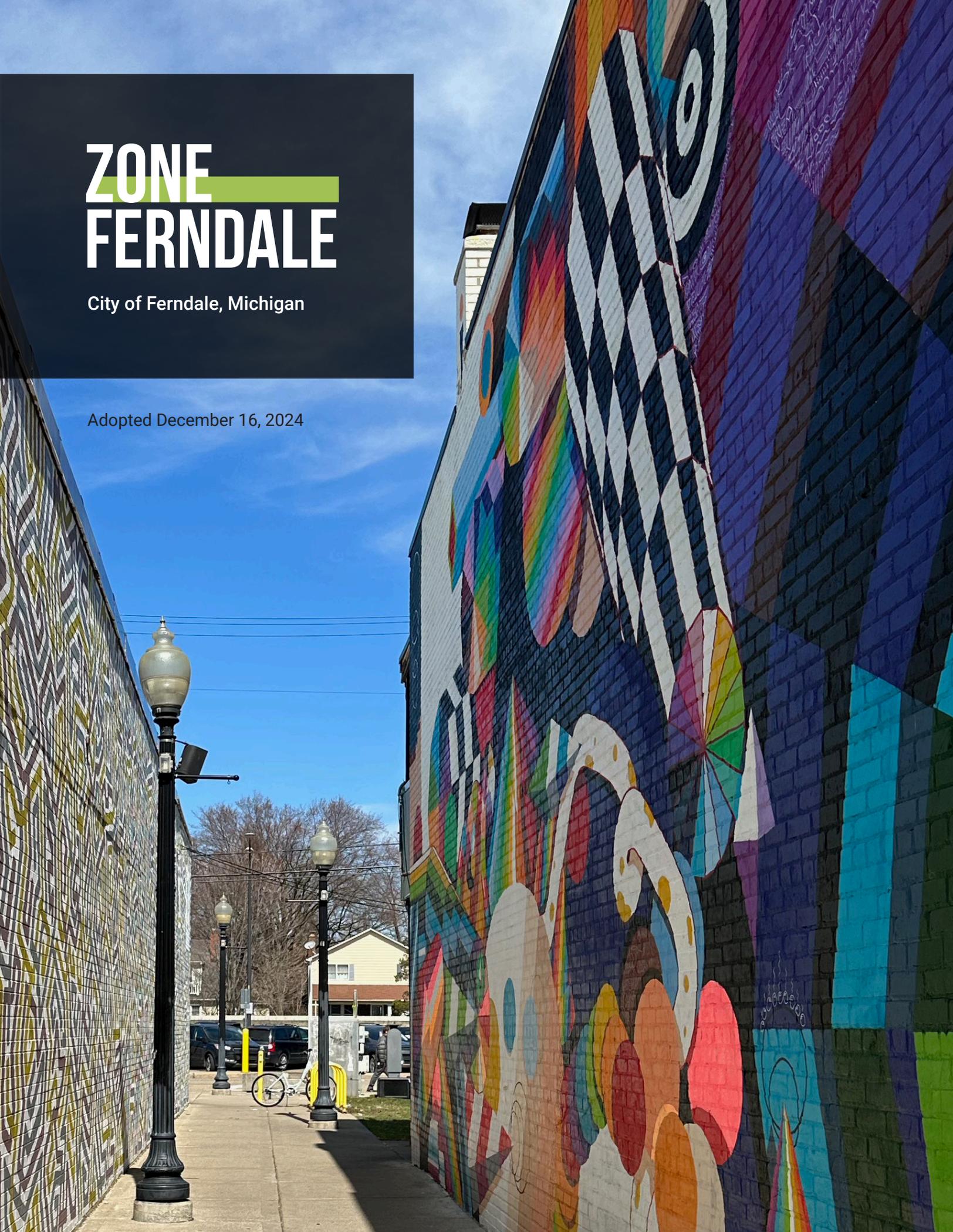


ZONE FERNDALE

City of Ferndale, Michigan

Adopted December 16, 2024



ZONE FERNDALE

CHAPTER 24: ZONING CODE
CITY OF FERNDALE, MI ZONING CODE
ADOPTED · December 16, 2024

Prepared with the assistance of



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Table of Contents

SUMMARY TABLE OF AMENDMENTS.....	iii
Table of Contents	i
Article 1. Title, Scope, and Intent.....	1
Section 1.01 Short Title	1
Section 1.02 Enabling Authority	1
Section 1.03 Intent.....	1
Section 1.04 Scope of Application.....	2
Section 1.05 Conflict with Other Laws.....	2
Section 1.06 Separability.....	2
Section 1.07 Repeal	2
Section 1.08 Effective Date	3
Article 2. Zoning Districts and Map	4
Section 2.01 District Designations.....	4
Section 2.02 Zoning Map and District Boundaries	4
Section 2.03 Zoning District Intents.....	5
Section 2.04 Zoning Map.....	6
Section 2.05 Schedule of Permitted Uses.....	7
Section 2.06 Schedule of Regulations	10
Section 2.07 Lot and Yard Regulations.....	10
Section 2.08 R-1 and R-2, Residential Standards	11
Section 2.09 MXD-1, Neighborhood Mixed Use Standards	12
Section 2.10 MXD-2, Corridor Mixed Use Standards.....	13
Section 2.11 CBD, Central Business District Standards	14
Section 2.12 I-1 and I-2, Industrial Standards	15
Article 3. General Provisions	16
Section 3.01 Abandoned Businesses.....	16
Section 3.02 Accessory Structures Requiring Setbacks	16
Section 3.03 Allowable Projections into Required Yards	17
Section 3.04 Accessory Structures: Distributed Energy Systems.....	18
Section 3.05 Building Grades	20
Section 3.06 Clear Vision Area	21
Section 3.07 Computing Fractions	22
Section 3.08 Essential Services	22
Section 3.09 Fences.....	22

Section 3.10	General Maintenance	23
Section 3.11	Height Exceptions	23
Section 3.12	Lighting	23
Section 3.13	Performance Standards	25
Section 3.14	Separation Standards.....	26
Section 3.15	Sidewalks	26
Section 3.16	Stormwater Management	27
Section 3.17	Waivers.....	28
Article 4.	Architectural and Design Standards	29
Section 4.01	Intent.....	29
Section 4.02	Applicability.....	29
Section 4.03	Building Material Standards	30
Section 4.04	General Architectural Standards	31
Section 4.05	Building Type Standards	32
Article 5.	Specific Uses Standards	69
Section 5.01	Accessory Dwelling Units (ADU)	69
Section 5.02	Adult Business.....	69
Section 5.03	Drive-Thru Facilities	70
Section 5.04	Gas Stations	70
Section 5.05	Garage and Yard Sales.....	70
Section 5.06	Home-Based Businesses	71
Section 5.07	Indoor Self-Storage Facilities	71
Section 5.08	Keeping of Animals	71
Section 5.09	Manufactured Housing	71
Section 5.10	Marihuana Facilities	72
Section 5.11	Mobile Vendors	74
Section 5.12	Novelty Stores	75
Section 5.13	Outdoor Dining	75
Section 5.14	Outdoor Storage.....	75
Section 5.15	Parking Lots.....	76
Section 5.16	Pawnshops	76
Section 5.17	Solar Energy Systems (SES)	76
Section 5.18	Stationary Battery Energy Storage Systems (BESS).....	78
Section 5.19	Temporary Uses: Buildings, Construction Trailers and Minor Equipment / Goods	80
Section 5.20	Temporary Uses: Tents, Canopies, and Bounce Houses	80
Section 5.21	Vehicle Repair Shops, Vehicle Wash Facilities, and Dealerships	81
Section 5.22	Wireless Communication Facilities	81
Article 6.	Landscaping, Screening, and Green Infrastructure	83
Section 6.01	Intent.....	83
Section 6.02	Applicability.....	83
Section 6.03	General Standards	84
Section 6.04	Required Landscaping	86
Section 6.05	Retention and Detention Ponds	89
Section 6.06	Waiver of Landscape Standards	89
Section 6.07	Tree Preservation – Reserved Section	90

Article 7.	Parking, Access, and Mobility	91
Section 7.01	Intent.....	91
Section 7.02	Bicycle Access and Facilities	92
Section 7.03	Vehicle Access and Parking.....	92
Section 7.04	Electric Vehicle (EV) Parking	97
Section 7.05	Barrier Free Parking.....	98
Section 7.06	Barrier Free Electric Vehicle Parking	100
Section 7.07	Off-Street Parking Manual.....	101
Section 7.08	Shared Parking Agreements	102
Section 7.09	Loading Zones.....	103
Section 7.10	Residential Storage of Vehicles	103
Section 7.11	Maximum Number of Parking Spaces.....	104
Section 7.12	Modification of Standards.....	104
Section 7.13	Traffic Impact Studies.....	104
Article 8.	Signs	105
Section 8.01	Intent.....	105
Section 8.02	General Standards	106
Section 8.03	Signs that Require a Permit	108
Section 8.04	Signs that do not Require a Permit	111
Section 8.05	Temporary Signs	112
Section 8.06	Prohibited Signs	112
Section 8.07	Nonconforming Signs	113
Section 8.08	Inspection and Maintenance	113
Section 8.09	Appeals.....	114
Article 9.	Site Plans	117
Section 9.01	Intent.....	117
Section 9.02	Submittal Requirements	117
Section 9.03	Review Process.....	117
Section 9.04	Approval Standards.....	118
Section 9.05	Procedures After Approval	119
Section 9.06	General Considerations.....	120
Section 9.07	Applicability and Types of Reviews.....	121
Article 10.	Special Land Uses	125
Section 10.01	Intent.....	125
Section 10.02	Submittal Requirements	125
Section 10.03	Review Process.....	125
Section 10.04	Approval Standards.....	126
Section 10.05	Procedures After Approval	126
Section 10.06	General Considerations.....	127
Section 10.07	Applicability and Types of Review.....	128
Article 11.	Planned Unit Developments (PUD).....	131
Section 11.01	Intent.....	131
Section 11.02	Submittal Requirements	131
Section 11.03	Review Process.....	132
Section 11.04	Approval Standards.....	132
Section 11.05	Procedures After Approval	136
Section 11.06	General Conditions.....	137

Article 12.	Map Amendments (Rezoning)	139
Section 12.01	Intent.....	139
Section 12.02	Submittal Requirements	139
Section 12.03	Review Process.....	139
Section 12.04	Approval Standards.....	140
Section 12.05	Procedures After Approval	141
Section 12.06	General Considerations.....	141
Article 13.	Conditional Rezoning	143
Section 13.01	Intent.....	143
Section 13.02	Submittal Requirements	143
Section 13.03	Review Process.....	144
Section 13.04	Approval Standards.....	145
Section 13.05	Procedures After Approval	146
Section 13.06	General Considerations.....	147
Article 14.	Text Amendments	149
Section 14.01	Intent.....	149
Section 14.02	Submittal Requirements	149
Section 14.03	Review Process.....	149
Section 14.04	Approval Standards.....	150
Section 14.05	Procedures After Approval	150
Article 15.	Land Divisions	151
Section 15.01	Intent.....	151
Section 15.02	Division of Land.....	151
Article 16.	Nonconformities	153
Section 16.01	Intent.....	153
Section 16.02	Nonconforming Lots	153
Section 16.03	Nonconforming Uses.....	154
Section 16.04	Nonconforming Structures or Buildings.....	154
Section 16.05	Removal Of Nonconforming Uses, Buildings or Structures	156
Section 16.06	Nuisance Abatement of Nonconforming Uses, Buildings or Structures.....	156
Article 17.	Administration and Enforcement	157
Section 17.01	Enforcement	157
Section 17.02	Duties of the CED Director	157
Section 17.03	Public Hearings	157
Section 17.04	Fee Schedule	158
Section 17.05	Penalties and Remedies	159
Article 18.	Planning Commission	160
Section 18.01	Establishment.....	160
Section 18.02	Membership Composition.....	160
Section 18.03	Organization	161
Section 18.04	Powers and Duties	162
Article 19.	Board of Zoning Appeals (BZA).....	163
Section 19.01	Establishment.....	163

Section 19.02 Membership Composition.....163
Section 19.03 Organization164
Section 19.04 Powers and Duties165
Section 19.05 Variances.....165
Section 19.06 Submittal Requirements165
Section 19.07 Findings and Grounds for Decision166
Section 19.08 General Conditions.....166
Section 19.09 Review Process.....166

Article 20. Glossary..... 169

Definitions A-B. 169
Definitions C-D 172
Definitions E-F 175
Definitions G-H 176
Definitions I-J 178
Definitions K-L 178
Definitions M-N 180
Definitions O-P 182
Definitions Q-R 183
Definitions S-T 184
Definitions U-V 189
Definitions W-Z 189

Article 1.

Title, Scope, and Intent

Section 1.01 Short Title

This Zoning Ordinance is known and cited as the City of Ferndale Zoning Code, or the “Code”.

Section 1.02 Enabling Authority

This Code establishes comprehensive zoning regulations for the City of Ferndale (“City”) and provides for the administration, enforcement, and amendment of those regulations, in accordance with the provisions of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and the Michigan Planning Enabling Act (PA 33 of 2008), as amended.

Section 1.03 Intent

The purpose and intent of this Code is to:

- A. Implement the recommendations of the City’s 2022 Master Land Use Plan, or “MLUP”.
- B. Regulate the externalities of development to ensure health, safety, and welfare among land uses and reduce negative impacts on adjacent properties.
- C. Promote orderly development and maintain a sense of place consistent with the guiding principles: progressive, inclusive, equitable, healthy, sustainable, thriving, resilient, and connected.
- D. Create a diversified and balanced mixture of land uses that support the economic vitality, resilience, tax base, and quality of life in the City.
- E. Protect and enhance the natural environment and ensure sustainable building and site design practices.
- F. Incentivize quality design that maintains and enhances appearance and resilience of development.
- G. Create a safe, balanced, and coordinated multi-modal transportation system that is pedestrian-friendly, inclusive, and accessible, and accommodates the current and future needs of the community.

H. Provide for the efficient administration and enforcement of this Code.

Section 1.04 Scope of Application

- A. This Code applies to every building and lot.
- B. Any use not expressly permitted within this Code is prohibited, unless otherwise reviewed and classified as a similar use by the Community and Economic Development (CED) Director. When determining an accessory use, the CED Director can consider sales, size, and years of operation to determine if a use is an accessory use. Any applicant aggrieved by the CED Director’s determination may appeal to the Board of Zoning Appeals.
- C. No building or lot is to be used or occupied, and no building or part thereof is to be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Code, unless specifically superseded by a law or regulation of the State, or the Federal Government of the United States.

Section 1.05 Conflict with Other Laws

- A. **More Restrictive.** Whenever any provisions of the City Code conflict, the more stringent requirements, regulations, restrictions, or limitations govern. Conversely, whenever the provisions of any other regulation or ordinance impose more stringent requirements than are imposed or required by this Code, the provisions of such law or ordinance govern. The CED Director makes the final determination on which is more stringent. Any applicant aggrieved by the CED Director’s determination may appeal to the Board of Zoning Appeals.
- B. **Abrogate or Annul.** This Code is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Code is more restrictive or imposes a higher standard than such easement, covenant, or other private agreement, this Code governs.

Section 1.06 Separability

Should any Section or provision of this Code be declared by a court of competent jurisdiction to be invalid, such decision does not affect the validity of this Code as a whole or any part thereof other than the part so declared to be invalid.

Section 1.07 Repeal

- A. The existing zoning regulations of the City being the City of Ferndale Zoning Ordinance Number 1087, as amended, adopted by the City Council on the 8th of March, 2010, and all amendments thereto, are repealed.
- B. The existing regulations of the City being the City of Ferndale Ordinance Number 958, as amended, adopted by the City Council on the 12th of August, 2002, and all amendments thereto, are repealed.
- C. The existing regulations of the City being the City of Ferndale Ordinance Number 1050, as amended, adopted by the City Council on the 23rd of June, 2008, and all amendments thereto, are repealed.
- D. The existing regulations of the City being the City of Ferndale Ordinance Number 1006, as amended, adopted by the City Council on the 13th of February, 2006, and all amendments thereto, are repealed.

Section 1.08 Effective Date

This Code is declared to be effective seven days following its publication and adoption on December 16, 2024, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.

Article 2. Zoning Districts and Map

Section 2.01 District Designations

For purposes of this Code, Ferndale is divided into the following zoning districts and overlay:

	R-1	Residential
	R-2	Residential
	MXD-1	Neighborhood Mixed Use
	MXD-2	Corridor Mixed Use
	CBD	Central Business District
	I-1	Industrial
	I-2	Industrial
	PUD	Planned Unit Development
	WHH	Woodward Heights / Hilton Overlay

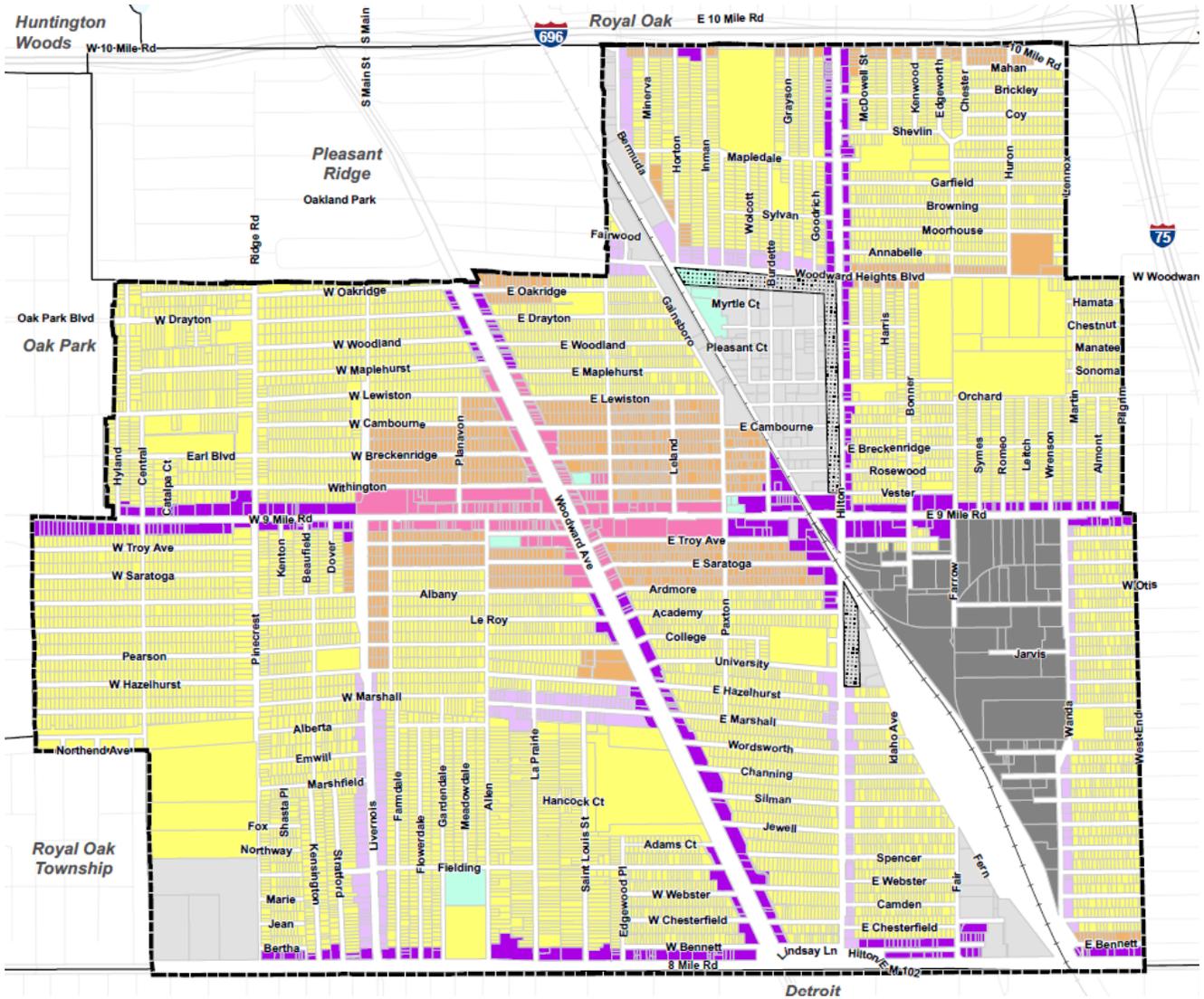
Section 2.02 Zoning Map and District Boundaries

- A. The boundaries of the City’s zoning districts are hereby established as shown on the Zoning Map.
- B. Where, due to scale, lack of detail, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the CED Director will interpret the map upon request. Any person aggrieved by such an interpretation may appeal to the Board of Zoning Appeals (BZA). The CED Director and the BZA, in interpreting the Zoning Map or deciding an appeal, must apply the following: zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or to follow the centerlines of streets, alleys, easements, railroad rights-of-way and are to follow municipal boundary lines.

Section 2.03 Zoning District Intent

- A. **R-1, Residential District.** To encourage a mix of homes (detached, single-units; duplexes; triplexes; fourplexes; and accessory dwelling units, ADUs) to create cohesive, walkable neighborhoods (up to a maximum of three dwellings per lot). Neighborhood serving amenities and services (such as religious institutions, parks, and recreation) are also permitted. The district is defined by tree-lined streets, homes of different architectural styles, and cohesive neighborhoods that facilitate social interaction (i.e., front porches, garages located to the side of the dwelling or detached at the rear of the property, etc.). The R-1 District prioritizes pedestrian activity via building design, traffic calming infrastructure, crosswalks, sidewalks, and bike lanes.
- B. **R-2, Residential District.** To encourage a wider mix of homes (duplexes; triplexes; fourplexes; rowhouses; and ADUs), as well as denser residential typologies: live-work units, residential lofts / terraces, and all other uses permitted in the R-1 District. The district primarily encompasses neighborhoods surrounding the downtown core and serves as a transition zone between the R-1 District and other mixed use districts. Pedestrian safety, traffic calming infrastructure, and protected bike lanes are prioritized.
- C. **MXD-1, Neighborhood Mixed Use District.** To provide for the development, revitalization, and/or extension of mixed use neighborhoods, which are structured upon a network of interconnected pedestrian-oriented streets, transit, and other public spaces. The district intends for a vertical and horizontal mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Businesses in the MXD-1 District primarily serve the needs of the surrounding neighborhoods, providing convenience goods and services. The design and layout of buildings support walking, biking, and transit, and create a neighborhood character that is more place-based than auto-oriented. Development is appropriately scaled to adjacent residential uses.
- D. **MXD-2, Corridor Mixed Use District.** To accommodate commercial and other uses along the City's major transportation corridors (often served by transit) to promote development that is comfortably accessible via all modes of transportation, including bicycles, and walking. Commercial uses in the MXD-2 District may be somewhat larger in scale and more intense than the MXD-1 District. While the ground floors along streets are intended for commercial uses, the upper stories are designed to accommodate residential and/or office uses. This district discourages undesirable strip commercial development and the concentration of larger scale, auto-oriented uses (such as drive-thru facilities).
- E. **CBD, Central Business District.** To provide for a traditional mix of retail stores, restaurants, entertainment, public spaces, offices, and residential uses and related activities that are mutually supportive and serve the needs of both Ferndale and surrounding communities. The CBD encourages a lively social environment and economically viable downtown, with a variety of uses in a pedestrian-oriented setting. The CBD also accommodates the City's highest intensity and density developments.
- F. **I-1, Industrial District.** To provide for light manufacturing, assembling, fabricating businesses, and limited commercial activities which cause a minimum adverse effect beyond the boundaries of their site. These lower intensity industrial uses can be compatible with adjacent mixed use districts.
- G. **I-2, Industrial District.** To provide suitable locations for manufacturing, assembling, and fabricating uses, including large-scale or specialized industrial operations requiring access by the street and/or railroad and public and utility services. Such uses may generate noise, glare, odors, dust, vibration, or other nuisance characteristics that require additional buffering and other standards to protect the public.
- H. **PUD, Planned Unit Development.** See *Article 11: Planned Unit Development*.
- I. **WHH, Woodward Heights / Hilton Overlay.** Applies to the first 300-feet of frontage from the street right-of-way (off Woodward Heights and Hilton) to provide pedestrian-oriented and form-based code design standards. The 300-foot measurement is approximate, the final extent of the overlay is subject to the CED Director. The underlying zoning district controls all other provisions.

Section 2.04 Zoning Map



LEGEND

- | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
|  R-1, Residential |  I-1, Industrial |
|  R-2, Residential |  I-2, Industrial |
|  MXD-1, Neighborhood Mixed Use |  PUD, Planned Unit Development |
|  MXD-2, Corridor Mixed Use |  WHH, Woodward Heights/Hilton Overlay |
|  CBD, Central Business District | |

Section 2.05 Schedule of Permitted Uses

Residential Uses	R-1	R-2	MXD-1	MXD-2	CBD	I-1	I-2
Detached, Single-Unit Dwelling	P	P	P	-	-	-	-
Duplex (Stacked or Side-By-Side)	P	P	P	P	-	-	-
Triplex	S	P	P	P	-	-	-
Fourplex	S	P	P	P	-	-	-
Multiple-Unit (5+ units)	-	P	P	P	-	-	-
Upper-Level Residential	-	-	P	P	P	-	-
Live-Work Unit	-	S	P	P	P	-	-
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*	-	-	-
Manufactured Housing	P*	-	-	-	-	-	-
Home-Based Business	P*	P*	P*	P*	P*	-	-
Short-Term Rental	P	P	P	P	P	-	-
Adult Foster Care, Family Home (1-6 persons)	P	P	P	P	-	-	-
Adult Foster Care, Small Group Home (7-12 persons)	S	P	P	S	-	-	-
Adult Foster Care, Large Group Home (13-20 persons)	S	S	S	S	-	-	-
Child Care, Family Home (1-7 children)	P	P	P	P	-	-	-
Child Care, Group Home (8-14 children)	S	P	P	P	-	-	-
Foster Care, Family Home (1-6 children)	P	P	P	P	-	-	-
Foster Care, Group Home (7+ children)	-	P	P	P	-	-	-
Transitional Housing / Shelter	S	S	S	S	-	-	-
Senior Living Facility (Assisted / Independent)	S	S	S	S	S	-	-

Public / Quasi-Public Uses	R-1	R-2	MXD-1	MXD-2	CBD	I-1	I-2
Cemetery	S	-	-	-	-	-	-
Essential Service (no Building)	P	P	P	P	P	P	P
Essential Service (with a Building)	S	S	S	S	S	S	S
Government / Municipal Facility	P	P	P	P	P	P	P
Library	-	-	P	P	P	-	-
Institution of Higher Education and Trade / Vocational School	S	S	P	P	S	P	P
K-12 School	P	P	P	P	S	-	-
Museum / Cultural Center	-	-	P	P	P	-	-
Parking Lot (as the Principal Use)	-	-	-	S	S	S	S
Parking Structure (as the Principal Use)	-	-	-	-	S	S	-
Recreation - Indoor	S	S	P	P	S	P	-
Recreation - Outdoor	P	P	P	P	S	P	-
Religious Institution	S	S	S	S	-	-	-
Wireless Communication Facility	-	-	-	-	-	S*	S*

P Permitted Land Use
 S Special Land Use
 * Additional Use Standards
 - Not Permitted

Commercial Uses	R-1	R-2	MXD-1	MXD-2	CBD	I-1	I-2
Adult Business	–	–	–	S*	S*	S*	–
Artisan / Maker Space	–	–	P	P	P	P	P
Bar	–	–	S	P	P	–	–
Body Art / Tattoo Shop	–	–	P	P	P	P	–
Brewery / Distillery / Winery / Roastery	–	–	P	P	P	P	P
Child Care Center	–	–	P	P	P	–	–
Community Incubator Kitchen	–	–	P	P	P	P	P
Drive-Thru Facility	–	–	–	S*	–	–	–
Event Venue, Large	–	–	S	S	S	S	–
Event Venue, Small	–	–	S	P	P	P	–
Experiential Retail	–	–	P	P	P	P	–
Financial Institution	–	–	P	P	P	–	–
Non-Profit Social Club	–	–	S	P	P	–	–
Funeral Home / Mortuary	–	–	–	S	–	–	–
Gas Station	–	–	–	S*	–	–	–
Grocery Store	–	–	P	P	P	–	–
Health or Fitness Club / Gym	–	–	P	P	P	S	–
Hospital	–	–	–	S	–	–	–
Hotel / Motel	–	–	S	P	S	–	–
Hotel, Boutique	–	–	P	P	P	–	–
Inn / Bed and Breakfast	–	–	P	P	–	–	–
Landscape Nursery / Greenhouse	–	–	P	P	–	P	P
Laundry / Dry Cleaner	–	–	P	P	P	P	–
Marihuana Provisioning Center	–	–	–	–	–	S*	S*
Marihuana Recreational Facility	–	–	–	–	–	S*	S*
Medical or Dental Clinic / Holistic Treatment Center	–	–	P	P	P	P	–
Mobile Vendor	P*	P*	P*	P*	P*	P*	P*
Night Club	–	–	–	–	P	–	–
Novelty Store	–	–	P*	P*	P*	–	–
Office	–	–	P	P	P	P	–
Outdoor Dining	–	–	P*	P*	P*	P*	P*
Pawnshop	–	–	–	P*	–	–	–
Personal Service Establishment	–	–	P	P	P	P	–
Pet Grooming / Boarding Facility	–	–	S	P	–	P	–
Pharmacy	–	–	P	P	P	–	–
Restaurant, Full Service	–	–	P	P	P	–	–
Restaurant, Cafe / Take Away	–	–	P	P	P	P	–

Retail Sale Establishment	-	-	P	P	P	P	-
Studio (Dance, Art, Photography)	-	-	P	P	P	P	-
Theater / Entertainment Venue	-	-	P	P	P	-	-
Vehicle Repair Shop	-	-	-	-	-	-	P*
Vehicle Sales and/or Rental	-	-	-	S*	-	S*	S*
Vehicle Wash Facility	-	-	-	-	-	-	P*
Veterinary Clinic	-	-	P	P	P	P	-

Industrial Uses	R-1	R-2	MXD-1	MXD-2	CBD	I-1	I-2
Contractor's Yard / Office	-	-	-	-	-	P	P
Distribution Center	-	-	-	-	-	P	P
Manufacturing – Light Intensity	-	-	-	-	-	P	P
Manufacturing – Heavy Intensity	-	-	-	-	-	S	P
Freight Connection (Rail Spur)	-	-	-	-	-	S	P
Outdoor Storage (Only as an accessory use)	-	-	-	-	-	P	P
Research and Development	-	-	-	-	-	P	P
Self-Storage Facility (Indoor)	-	-	-	-	-	S*	S*
Solvent Recovery Centers (and Facilities Handling, Manufacturing, Blending, Refining, Using or Storing Chemicals Deemed Hazardous by State/Federal Regulations)	-	-	-	-	-	-	S
Warehouse or Wholesale Facility	-	-	-	-	-	P	P

Distributed Energy Resource (DER) Uses	R-1	R-2	MXD-1	MXD-2	CBD	I-1	I-2
Energy Storage Systems (ESS)							
Chemical Station Batteries (Tier 1)	P	P	P	P	P	P	P
Chemical Station Batteries (Tier 2)	-	-	S	S	S	P	P
Chemical Portable Battery Swap Station (Tier 3)	-	-	P	P	P	P	P
Vehicle to Grid / Home EV Charging	P	P	P	P	P	P	P
Heat Pump Systems (HPS)							
Air-Source (Single Lot)	P	P	P	P	P	P	P
Ground-Source (Single Lot)	S	S	P	P	-	P	P
Networked Ground-Source	P	P	P	P	P	P	P
Solar Energy Systems (SES)							
Building Exterior Side-Mounted	-	S	P	P	P	P	P
Building Integrated Solar (BIPV)	P	P	P	P	P	P	P
Ground-Mounted Solar	P	P	P	P	S	P	P
Rooftop Solar	P	P	P	P	P	P	P
Wind Energy Conversion Systems (WECS)							
Roof-Mounted (Horizontal / Vertical)	P	P	P	P	P	P	P
Roof-Mounted (Spoiler-Induced)	-	-	S	S	S	P	P
Tower-Mounted (Horizontal Axis)	P	P	P	P	P	P	P
Tower-Mounted (Vertical Axis)	-	-	-	-	-	P	P

P	Permitted Land Use
S	Special Land Use
*	Additional Use Standards
-	Not Permitted

Section 2.06 Schedule of Regulations

The following dimensional standards apply to each zoning district:

Zoning District	Type	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Front Yard Setback		Minimum Side Yard Setback (each side, feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Minimum Greenspace Coverage
				Minimum (feet)	Maximum (feet)				
R-1	Single-Unit	4,000	35	15 ^D	-	5	30	30	25%
	2-4 Units	4,000	35	15 ^D	-	5	20	35	25%
R-2	Single-Unit	4,000	35	15 ^D	-	5	30	30	25%
	2-4 Units	4,000	35	15 ^D	-	5	20	35	25%
	5+ Units	4,000	35	15	-	5	20	35	-
MXD-1	Single-Unit	4,000	50	15 ^D	-	5	30	30	25%
	2-4 Units	4,000	50	15 ^D	-	5	20	35	25%
	5+ Units / Commercial	4,000	50	15	20	0 ^E	0 ^A	45	-
MXD-2	2-4 Units	10,000	100	15 ^D	20 ^D	5	20	35	25%
	5+ Units / Commercial	10,000	100	0	10	0 ^E	0	45	-
CBD		-	-	0 ^B	15	0	0	Section 2.11	-
I-1		10,000	100	0	15 ^C	0 ^A	0 ^A	50	-
I-2		10,000	100	0	15 ^C	0 ^A	0 ^A	50	-
WHH		Same as Underlying District		-	Same as Underlying District			50	-
PUD	Article 11: Planned Unit Developments								

^A When adjacent to a residential use or district, a minimum yard setback of 20-feet is required.

^B 15-feet above the third story (on W 9 Mile between Planavon and Bermuda).

^C For sites undergoing expansion, the maximum front yard setback may be set to match existing buildings on site.

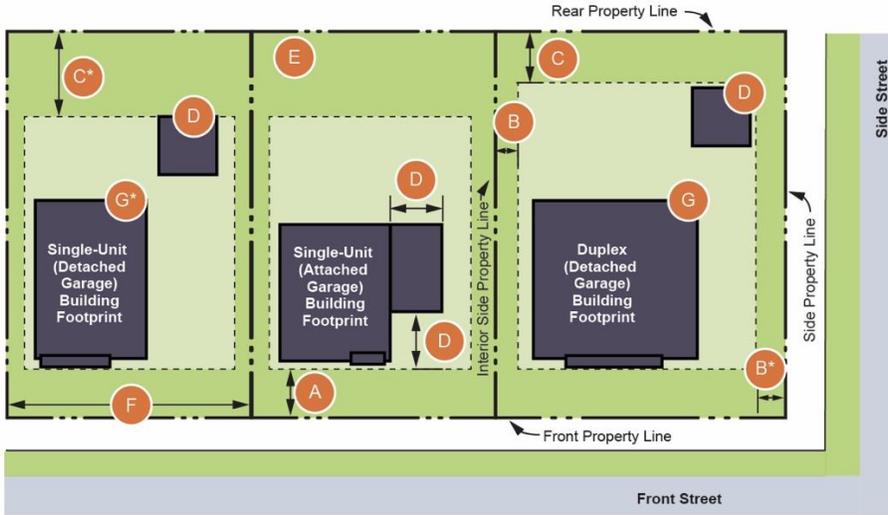
^D Where 50% or more of the frontage on the same block has been previously built upon, the front setback must be plus or minus 5-feet from a line established by using the average depth of the front yards of the five adjacent lots in either direction within the same zoning district eliminating the greatest and least distances measured from the front edge of the house, attached garage or covered front porch. This may result in a front yard setback less than the minimum above.

^E When adjacent to a residential use or district, a minimum yard setback of 6' is required.

Section 2.07 Lot and Yard Regulations

- A. **Required Yards.** All front, side, and rear yards must be the minimum distance, measured perpendicular, from the principal building, excluding permitted encroachments or projections allowed by this Code.
- B. **Setback Measurements.** Setback requirements from the street must be measured from the right-of-way line of a public street or alley or the easement line of a private road.
- C. **Double Frontage Lots.** The front yard requirements apply on both street frontages. The two remaining yards are side yards, there is no rear yard.
- D. **Corner Lots.** A corner lot has one front yard, which is the yard customarily designated with the street address. This is also known as the “Principal Frontage” for building design purposes. A corner lot also has one rear yard, which is directly opposite the designated front yard. The two remaining yards are side yards.

Section 2.08 R-1 and R-2, Residential Standards



Dimensional Standards		
A	Front Yard Setback	Minimum: 15-feet ^D
		Maximum: –
B	Side Yard Setback	Minimum: 5-feet
C	Rear Yard Setback	Minimum: 30-feet* <i>*For duplexes, triplexes and fourplexes: a minimum rear yard setback of 20-feet is required.</i>
D	Residential Garage Standards	For attached garages: <ul style="list-style-type: none"> The garage cannot occupy more than 50% of the front width of the building. The garage must be set back at least 5-feet from the front building façade. The garage doors cannot exceed 9-feet in width. If a two-door garage, the doors must be separated by a 2-foot jamb. If a detached garage is provided, the side yard setback of the primary residential structure must be a minimum of 9-feet, with a driveway of at least 7-feet in width.
E	Lot Size	Minimum: 4,000 square feet
F	Lot Width	Minimum: 35-feet
G	Building Height	Maximum: 25-feet* <i>*For duplexes, triplexes and fourplexes: the maximum height is 35-feet.</i>

Additional District Standards

For all residential uses: 50% of the front yard and 50% (of the total) of the two side yards must be maintained as landscaped, green space. Permeable pavers or other semi-hardscape materials are not considered a landscaped, green space.

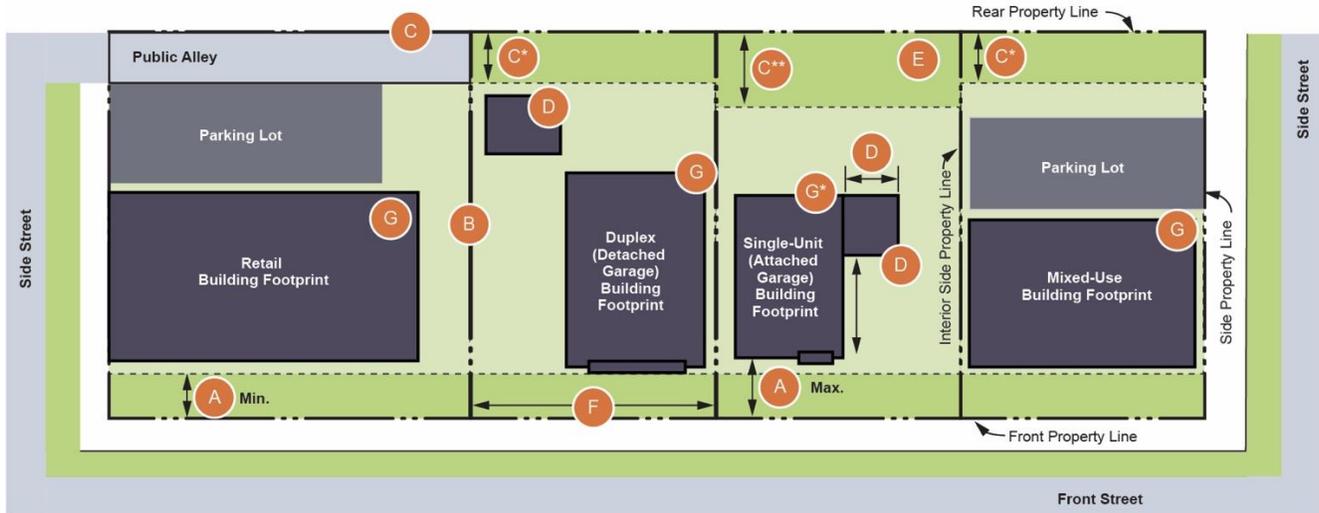
For accessory structures, see *Section 3.02: Accessory Structures Requiring Setbacks.*

For projections into the required yard, see *Section 3.03: Allowable Projections into Required Yards.*

Site Plan Requirements

Section 9.02: Submittal Requirements.

Section 2.09 MXD-1, Neighborhood Mixed Use Standards



Dimensional Standards		
A	Front Yard Setback	Minimum: 15-feet ^D
		Maximum: 20-feet
B	Side Yard Setback	Minimum: 0-feet
C	Rear Yard Setback	Minimum: 0-feet*, **
		<i>*When adjacent to a residential use or district, a minimum yard setback of 20-feet is required.</i>
		<i>**For a single-unit dwelling: a minimum rear yard setback of 30-feet is required.</i>
D	Residential Garage Standards	For attached garages: <ul style="list-style-type: none"> The garage cannot occupy more than 50% of the front width of the building. The garage must be set back at least 5-feet from the front building façade. The garage doors cannot exceed 9-feet in width. If a two-door garage, the doors must be separated by a 2-foot jamb. If a detached garage is provided, the side yard setback of the primary residential structure must be a minimum of 9-feet, with a driveway of at least 7-feet in width.
E	Lot Size	Minimum: 4,000 square feet
F	Lot Width	Minimum: 50-feet
G	Building Height	Maximum: 45-feet*
		<i>*For a single-unit dwelling: the maximum height is 25-feet.</i>

Additional District Standards

For all residential uses: 50% of the front yard and 50% of the total of the two side yards must be maintained as landscaped, green space. Permeable pavers or other semi-hardscape materials are not considered a landscaped, green space.

If applicable to the site conditions, the CED Director may increase the maximum front yard setback, up to 30-feet, to accommodate accessible pathways or space for outdoor dining areas.

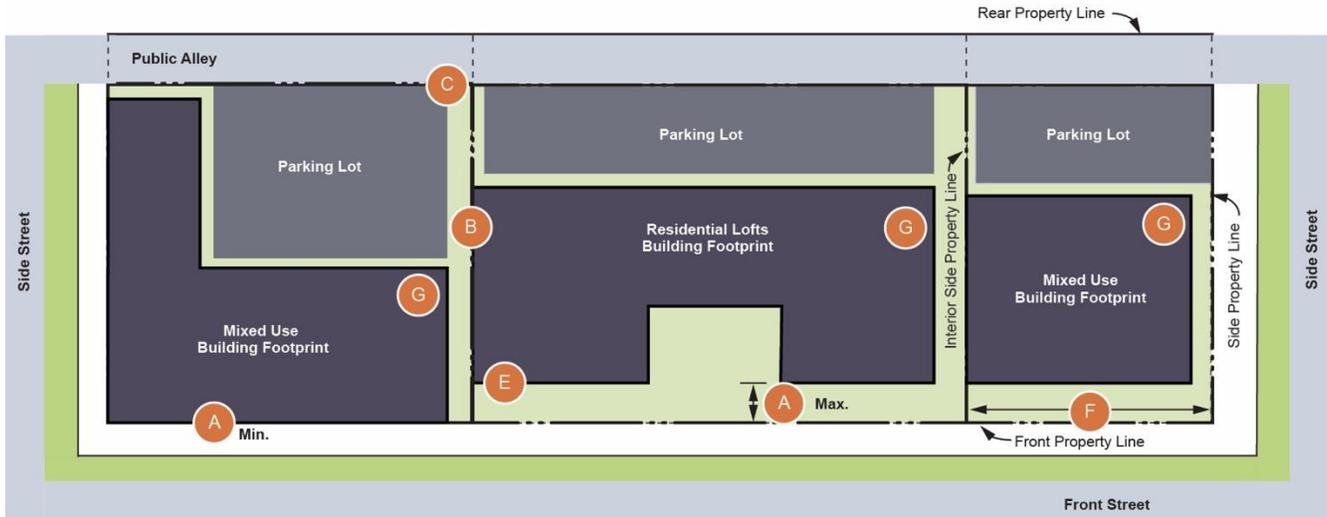
For accessory structures, see [Section 3.02: Accessory Structures Requiring Setbacks](#).

For projections into the required yard, see [Section 3.03: Allowable Projections into Required Yards](#).

Form-Based Building Types

Form-Based Building Type standards may apply depending on the use, see [Article 4: Architectural and Design Standards](#).

Section 2.10 MXD-2, Corridor Mixed Use Standards



Dimensional Standards		
A	Front Yard Setback	Minimum: 0-feet
		Maximum: 10-feet
B	Side Yard Setback	Minimum: 0-feet <i>*If it is a 2–4-unit residential building, then a 5-foot setback is required.</i>
C	Rear Yard Setback	Minimum: 0-feet
D	Residential Garage Standards	For attached garages: <ul style="list-style-type: none"> The garage cannot occupy more than 50% of the front width of the building. The garage must be set back at least 5-feet from the front building façade. The garage doors cannot exceed 9-feet in width. If a two-door garage, the doors must be separated by a 2-foot jamb. If a detached garage is provided, the side yard setback of the primary residential structure must be a minimum of 9-feet, with a driveway of at least 7-feet in width.
E	Lot Size	Minimum: 10,000 square feet
F	Lot Width	Minimum: 100-feet
G	Building Height	Maximum: 45-feet

Additional District Standards

For all residential uses: 50% of the front yard and 50% of the total of the two side yards must be maintained as landscaped, green space. Permeable pavers or other semi-hardscape materials are not considered a landscaped, green space.

If applicable to the site conditions, the CED Director may increase the maximum front yard setback, up to 30-feet, to accommodate accessible pathways or space for outdoor dining areas.

Any commercial or mixed use property must have a door fronting a public street. Any commercial or mixed use property open to the public must also have such door open and useable during business hours.

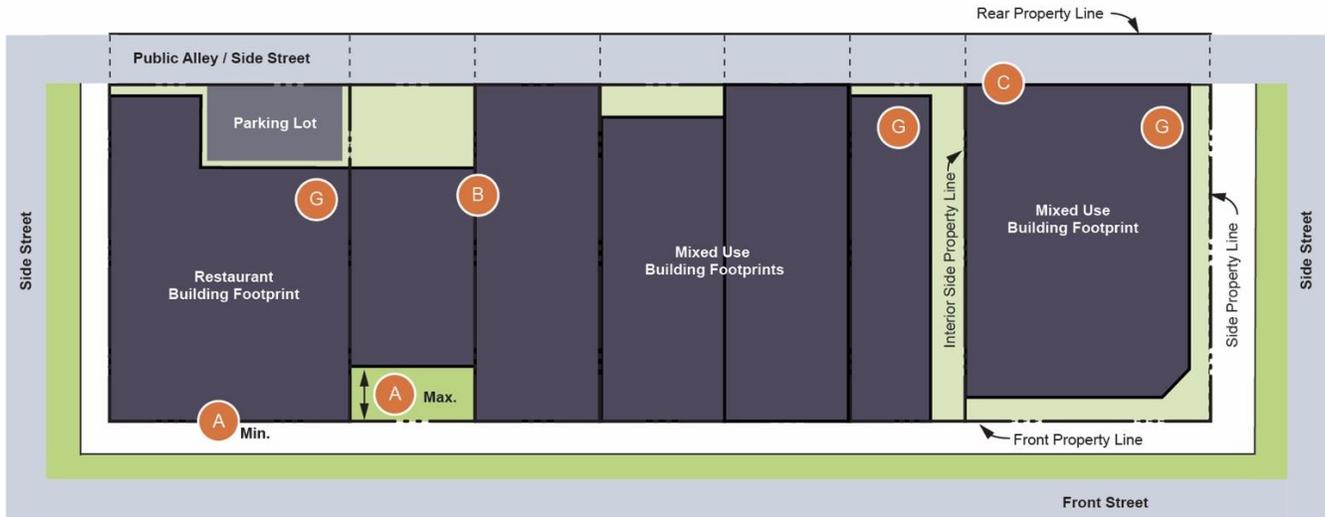
For accessory structures, see [Section 3.02: Accessory Structures Requiring Setbacks](#).

For projections into the required yard, see [Section 3.03: Allowable Projections into Required Yards](#).

Form-Based Building Types

Form-Based Building Type standards may apply depending on the use, see [Article 4: Architectural and Design Standards](#).

Section 2.11 CBD, Central Business District Standards



Dimensional Standards			
A	Front Yard Setback	Minimum: 0-feet (15-feet above third story on W 9 Mile between Planavon and Bermuda)	
		Maximum: 15-feet	
B	Side Yard Setback	Minimum: 0-feet	
C	Rear Yard Setback	Minimum: 0-feet	
D	Residential Garage Standards	If attached, garage doors cannot exceed 9-feet in width. If a two-door garage, the doors must be separated by a 2-foot jamb.	
E	Lot Size	Minimum: -	
F	Lot Width	Minimum: -	
G	Building Height	The following minimum and maximum building heights apply to structures in the CBD based upon their primary road frontage:	
		Woodward Avenue	Min: 25-feet / Max: 70-feet For properties with both a Woodward and 9 Mile frontage, the maximum of 70-feet is not permitted unless both frontages feature a setback of 15-feet above the third floor.
		9 Mile, Livernois to Paxton	Min: 25-feet / Max: 55-feet
		Withington, Vester, and W. Troy	Min: 25-feet / Max: 45-feet

Additional District Standards

Any commercial or mixed use property must have a door fronting a public street. Any commercial or mixed use property open to the public must also have such door open and useable during business hours.

A second floor with occupiable space must be provided. Existing properties undergoing an expansion less than 5,000 square feet are exempt from this requirement.

Form-Based Building Types

Form-Based Building Type standards may apply depending on the use, see *Article 4: Architectural and Design Standards*.

Section 2.12 I-1 and I-2, Industrial Standards



Dimensional Standards			
A	Front Yard Setback	Minimum:	0-feet
		Maximum:	15-feet* <i>* For sites undergoing expansion, the maximum front yard setback may be set to match existing buildings on site.</i>
B	Side Yard Setback	Minimum:	0-feet* <i>*When adjacent to a residential use or district, a minimum yard setback of 20-feet is required.</i>
C	Rear Yard Setback	Minimum:	0-feet* <i>*When adjacent to a residential use or district, a minimum yard setback of 20-feet is required.</i>
D	Lot Size	Minimum:	10,000 square feet
E	Lot Width	Minimum:	100-feet
F	Building Height	Maximum:	50-feet

Site Plan Requirements
Section 9.02: Submittal Requirements.

Article 3. General Provisions

Section 3.01 Abandoned Businesses

During any period when a business is vacated, closed, or otherwise not open for more than 30 consecutive days, the owner or lessee must comply with the following:

- A. Vehicular parking and outdoor storage are prohibited, except as necessary for construction in connection with a building permit or for maintenance of the site.
- B. Within 30 additional days after closing, signage (including posts, foundations, and support structures, if applicable) related to the abandoned business must be removed.

Section 3.02 Accessory Structures Requiring Setbacks

- A. An accessory structure is a subordinate structure (i.e. detached garage or shed) on the same property as a principal structure. Accessory Dwelling Unit (ADU) regulations are found in *Section 5.01: Accessory Dwelling Units*. This includes the requirement that ADU's must be setback at least 5-feet from a property line.
- B. Accessory structures can only be constructed and used when there is an approved principal building and when the following standards are met:

Type of Accessory Structure	Minimum Setback (feet)			Maximum Height	Misc. Standard
	Front Yard	Side Yards (each side)	Rear Yard		
Accessory Structures on Residentially-Used Lots (1-4 dwelling units) Only	Cannot be in the front yard of the principal building. ^A	5 ft. (3 ft. if fire-rated)	5 ft.	20 ft.	Must be located at least 10-ft. from any structure (principal or accessory).
Accessory Structures on all Other Lots		10 ft.	10 ft.	20 ft.	
Any Accessory Structures 200 Square Feet or Less		5 ft. (3 ft. if fire-rated)	5 ft.	15 ft.	

^A In the case of a double frontage lot, the CED Director determines the rear yard.

Section 3.03 Allowable Projections into Required Yards

A. The placement of limited accessory structures and architectural features is consistent with the intent of maintaining open yards. These may project into the required yards, provided compliance with the following:

Projection Type	Minimum Setback Required			Misc. Standards
	Front Yard	Side Yard (each)	Rear Yard	
Architectural Features ^A	May project up to 3-ft. from the building façade and must be setback at least 3 ft. from all lot lines.			
Barrier Free Access Ramp (uncovered)	2 ft.	2 ft.	2 ft.	-
Cantilevering of the Building (past the foundation)	May project up to 2-ft., provided the building is setback at least 3 ft. from all lot lines.			
Flagpole	3 ft.	3 ft.	3 ft.	Maximum height: 25 ft.
Covered or Uncovered Porches, Stairs, Patios, and Decks	50% of the minimum setback for the zoning district.	3 ft.	3 ft.	Exception: If a patio or uncovered porch is at grade, no side or rear setback is required.
Permanent Equipment ^B	Cannot be in the front yard of the principal building.	Not permitted.	3 ft.	Exceptions: Existing equipment in the side yard can remain and may be replaced. The CED Director can allow equipment to be placed in the side yard in instances where the location does not adversely impact an abutting dwelling, conditioned upon screening of the equipment with appropriate landscaping to reasonably conceal the equipment from view.
Energy Storage Equipment ^C	Cannot be in the front yard of the principal building.	3 ft.	3 ft.	
Swimming Pool / Outdoor Game Court	Cannot be in the front yard of the principal building.	5 ft.	5 ft.	
Upper Floor Residential in a Building with a Nonconforming Front Yard	<i>Section 16.02: Nonconforming Lots</i>			

^A Architectural features include bay windows, chimneys, building eaves, awnings, and other similar features.

^B Permanent equipment includes HVAC (Heating, Ventilation, Air-Conditioning, and Heat Pump Systems), Generators, and similar equipment.

^C Energy Storage System equipment includes Stationary Battery Banks (includes battery-buffered EV Chargers); Portable Battery swap charging stations (smallest size being motorcycle/scooter type); and Bi-Directional EV Charging Station Equipment (Vehicle-to-home, V2H; and Vehicle-to-grid, V2G).

- B. The following are permitted in any required yard: arbors, trellises, landscaping, yard ornaments, statues, signs (per [Article 8: Signs](#)), fences (per [Section 3.09: Fences](#)), and mailboxes in accordance with federal law, and other similar structures, provided they comply with Clear Vision Area regulations of [Section 3.06](#).
- C. The following are permitted in any side or rear yard: laundry drying lines or devices, pole-mounted lights, barbecues, picnic tables, and playground equipment.

Section 3.04 Accessory Structures: Distributed Energy Systems

The following energy systems are designed to service the energy needs of the property where the structure is located and considered an accessory structure to the principal use.

A. Wind Energy Conversion Systems (WECS).

Types of Ground-Mounted WECS:		
<p>Standard (Horizontal-Axis) Turbine</p> 	<p>Vertical-Axis Turbine</p> 	<p>Spoiler-Induced Turbine</p> 
Types of Roof-Mounted WECS:		
<p>Standard (Horizontal-Axis) Turbine</p> 	<p>Vertical-Axis Turbine</p> 	<p>Spoiler-Induced Turbine</p> 

1. Standards applicable to both ground-mounted and roof-mounted WECS:
 - a) Must be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the rotor.
 - b) Noise emissions cannot violate the City Noise Ordinance.
 - c) Any WECS not used for 1-year or longer is deemed to be abandoned unless the owner provides verifiable information regarding a contract to repair. Abandoned WECS must be promptly dismantled and removed from the property by the WECS owner.
2. Gound-mounted WECS specific standards:
 - a) The maximum height (with the blade in the vertical position) cannot exceed 80-feet above grade, and the tower must include an anti-climb device to prevent unauthorized climbing.
 - b) Towers must be setback a distance at least equal to the height WECS from all lot lines. The height is measured to the top of the blade at its highest point.
 - c) Blade arcs cannot interfere with any structure, utilities, or vegetation.
 - d) The minimum blade or rotor clearance above grade is 20-feet.

3. Roof-mounted WECS specific standards:

- a) Must meet all relevant building codes. All towers used to support the wind generating equipment must be properly anchored.
- b) Cannot exceed the height of the zoning district or protrude more than 12-feet above the highest point of the roof to which it is attached, with the blades or encompassing superstructure in the vertical position. If the structure is already at the maximum height limit, a height variance request to be considered by the CED Director cannot exceed the 12-feet allowance.

B. Solar Energy Conversion Systems (SES).

Types of Roof-Mounted SES:		
Standard Racking	Ballasted Racking	Building Integrated (BIPV) <i>(Shingle / Carport / Canopy / Wall)</i>
		
		

1. Roof-mounted SES:

- a) Cannot exceed the height of the zoning district or protrude more than 6-feet above the highest point of the roof to which it is attached. If the structure is already at the height limit, a SES height variance request, to be considered by the CED Director, cannot exceed the 6-feet allowance.
- b) Are exempt from rooftop screening requirements.
- c) Solar panels cannot protrude beyond the edges of the roof.

2. Gound-mounted specific standards are detailed in [Section 5.17: Solar Energy Systems \(SES\)](#).

C. Heat Pump Systems (Air-Source and Ground-Source / Geothermal).

1. **All Heat Pump Systems.** Noise emissions cannot violate the City Noise Ordinance.
2. **Air-Source Heat Pump Systems.** Must provide the required setbacks of *Section 3.03: Allowable Projections into Required Yards*.
3. **Ground-Source Heat Pump Systems** (either vertical or horizontal loops).
 - a) Allowed in all yards, however, the setback for private system ground loops must be a minimum of 10-feet from all lot lines.
 - b) The setback for groundloops within a networked system that are adjacent to a co-participating lot (that is also served by the networked GSHP system) can be setback a maximum of 5-feet.

Typical Outdoor Residential Heat Pump Systems Equipment

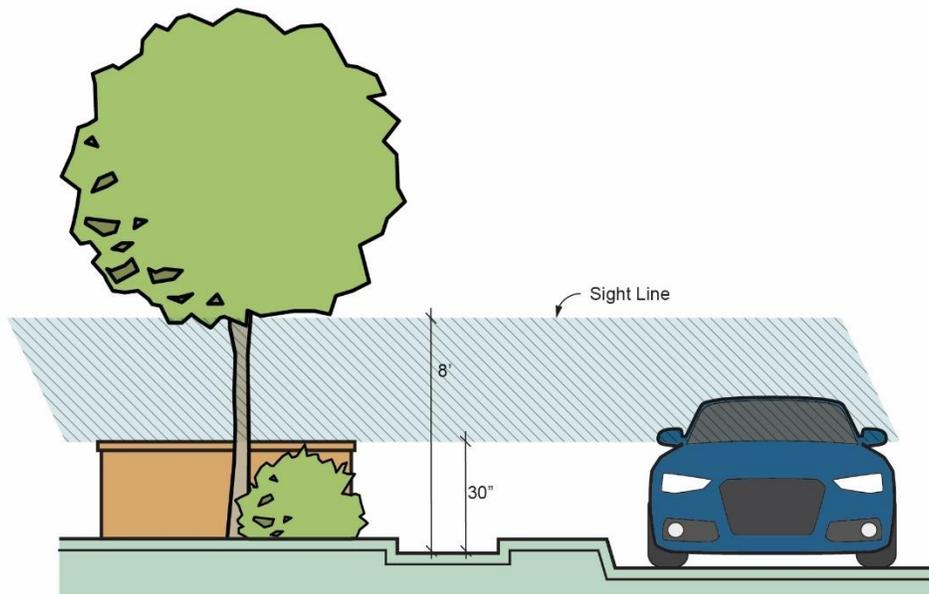


Section 3.05 Building Grades

- A. All lots must be sloped to cause the flow of surface water to run away from the walls of buildings located on the site, without creating a nuisance to adjacent properties or crossing into a public right-of-way.
- B. Newly constructed parking lots, buildings, and projects undergoing sufficient alteration as determined by the City Engineer in accordance with Oakland County guidelines must provide stormwater retention/detention and/or proper drainage in compliance with the Environmental Performance Standards Code and any applicable state, county and federal laws.
- C. Final grades must be approved by the City.

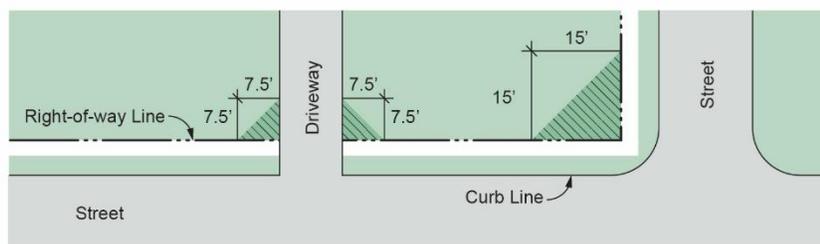
Section 3.06 Clear Vision Area

- A. **Intent.** Within a clear vision area, there can be no fence, structure, or planting between 30-inches to 8-feet in height to enable an unobstructed view of approaching traffic. This standard does not apply to buildings.
- B. **Applicability.**
 - 1. **Two Streets.** The area at the intersection of two streets within a required setback, measured 15-feet on each street along the lot line.
 - 2. **Driveway and a Street.** The area at the intersection of a driveway and the right-of-way, measured 7.5-feet on both the driveway and street along the lot line.
- C. **Alternative Distance.** An alternative distance may be approved by the CED Director in accordance with current American Association of State Highway and Transportation Officials (AASHTO) standards.



Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features



Section 3.07 Computing Fractions

Any fraction up to and including one-half is rounded down; any fraction greater than one-half is rounded up.

Section 3.08 Essential Services

Essential services are permitted as authorized under any franchise in effect within the City, subject to regulation as provided in any state or federal law or in any City ordinance. However, buildings associated with an essential service are subject to special land use approval.

Section 3.09 Fences

A. **Permit.** Installation of a fence or gate on any lot requires a Fence Permit.

B. **Location.**

1. All fences must be constructed within the property's lot lines, unless written consent from adjoining property owners is secured. No fence can be installed side by side to an existing fence, unless this requirement is waived by the CED Director for good cause.
2. Fences must be setback at least 1-foot from a public sidewalk or right-of-way. Fences cannot block any public passage or sidewalk, including alleys. Fence gates cannot swing over public property.

C. **Fence Materials.**

1. Fences must be constructed of materials designed for a decorative effect such as vinyl, split-rail, wood, wrought iron, aluminum metal, and extruded plastic. Powder-coated chain link is encouraged if chain link fencing is proposed.
2. Wood fences must be constructed of cedar, redwood, or other decay-resistant and treated wood.
3. Razor edge or barbed wire fences, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge of any fence, is prohibited.
4. No fabric, plastic slats, tarps or other similar items shall be hung from a fence.

D. **Height and Opacity.**

	Residential Districts		Mixed Use Districts	Central Business District	Industrial Districts	All Districts
	Min. Height	Max. Height	Max. Height	Max. Height	Max. Height	Max. Opacity
Front Yard	Not Permitted*	Not Permitted*	Not Permitted*	Not Permitted	6 ft.	50%
Side Yard	3 ft.	6 ft.	6 ft.	4 ft.	8 ft.	100%
Rear Yard	3 ft.	6 ft.	6 ft.	Not Permitted	8 ft.	100%

*Decorative fencing, up to 36-inches in height, is permitted in any yard without a Fence Permit. A decorative fence is a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the yard, typically in a residential area.

E. **Finished Fence Side.** The finished side of any fence must face the exterior of the lot it is built on.

F. **Clear Vision Zone.** *Section 3.06: Clear Vision Area* must be met.

- G. **Dumpster Fencing.** For dumpsters, see *Section 6.04(G): Required Landscaping, Dumpster / Refuse Containers* for standards.
- H. **Nonconforming Fences.** Nonconforming fences are subject to *Article 16: Nonconformities*.

Section 3.10 General Maintenance

- A. All lots must be kept free of rubbish, pests, debris, and any other undesirable materials.
- B. Buildings, structures, and fences must be structurally sound, and their materials durable, weather-resistant, rustproof, and kept in good condition.
- C. All properties must be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area. This includes all parking lots, screening, landscape areas, etc.
- D. All properties must adhere to the City's most recently adopted Property Maintenance Code and other ordinances adopted by the City.

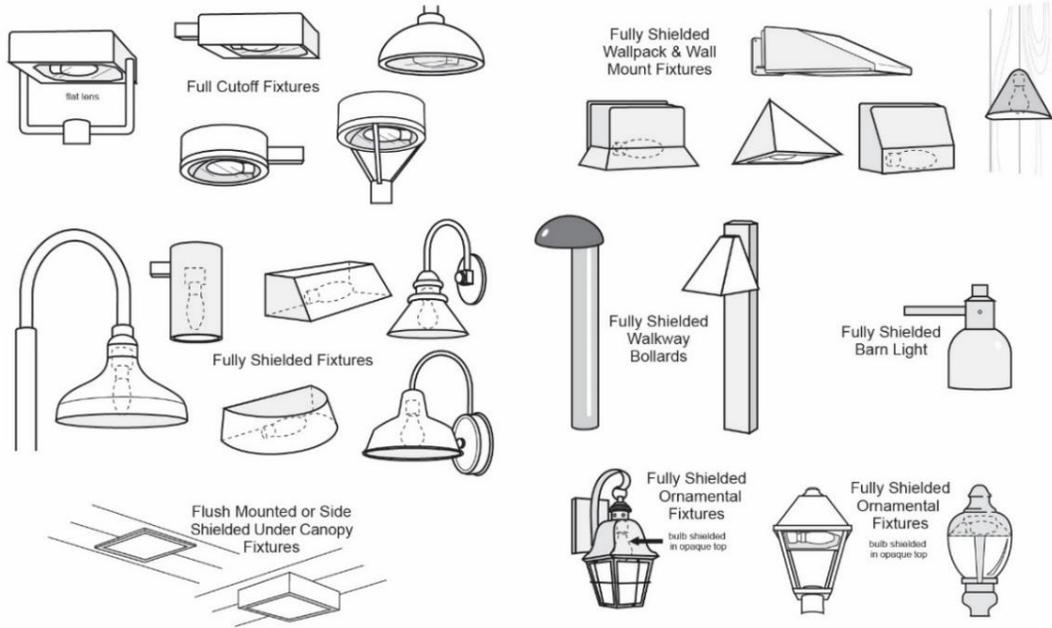
Section 3.11 Height Exceptions

- A. The height of the following may be increased by not more than 10- feet of the subject zoning district's maximum permitted building height: roof mechanical equipment or roof structures for the housing of elevators, parapets, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; chimneys; fire walls; water towers and cooling towers; and other similar and necessary mechanical appurtenance.
- B. Wireless communication towers (*Section 5.23: Wireless Communication Facilities*).
- C. Religious institutions may be erected to a height not exceeding 75-feet when the required side and rear yards are each increased by 1-foot for each foot of additional building height above the height regulations in the subject zoning district.

Section 3.12 Lighting

- A. **Intent.**
 - 1. Permit exterior lighting for night-time safety, utility, security, productivity, and commerce.
 - 2. Minimize adverse off-site impacts including light trespass onto adjacent properties, glare, and sky glow.
 - 3. Prevent lighting from impairing the vision of motorists with disability glare or discomfort glare.
 - 4. Preserve nighttime and a dark sky environment by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.
 - 5. Conserve energy and resources.
- B. **Applicability.** These standards apply to any proposed exterior light source and any light source that is visible from any lot line, or beyond, for the site from which the light is emanating.
- C. **Standards.**

1. All interior lighting must be designed to prevent the light source or high levels of light from being visible from a lot line.
2. All exterior lighting must be shielded and downward facing to reduce glare and to deflect light away from adjacent properties. Acceptable light fixtures that are fully shield and downward facing are pictured below:



Acceptable Light Fixtures

D. **Lighting Heights.** Free standing light poles are measured from the grade to the top of the fixture:

Zoning District	Maximum Light Pole Height (feet)
R-1 / R-2	18 ft.
MXD-1	18 ft.
MXD-2	18 ft.
CBD or WWH Overlay	16 ft.
IND-1 / IND-2	25 ft. (18 ft. if within 150' of a residential zoning district or use)

E. **Intensity.** The following light intensity requirements (in foot candles, “fc”) apply to all lots. During Curfew Hours (10:00 PM – 6:00 AM.) the lighting must be turned down or off. Exceptions to Curfew Hours include code required lighting for walkways and entrances, motion activated lighting, and businesses that are open and operating.

Zoning District ^{A, B}	Non-Curfew Hours of Operation (6:00 AM – 10:00 PM)		Curfew Hours (10:00 PM - 6:00 AM)		At Property Line Max. fc
	Min. fc	Max. fc	Min. fc	Max. fc	
R-1 / R-2	0.2	2.6	0.2	1.3	0.1
MXD-1	0.6	5.0	0.2	3.0	0.5
MXD-2 / CBD / IND 1 +2	1.0	10.0	0.7	10.0	0.5
^A Parking Decks (follow the following standards, regardless of the zoning district):					
At Ramp Areas	2.0	20.0	1.0	10.0	0.5
At Entrance Areas	20.0	50.0	1.0	7.0	0.5
At Parking, Maneuvering, and Walkway Areas	1.0	10.0	1.0	7.0	0.5
^B Gas Station Canopies (follow the following standards, regardless of the zoning district):					
Beneath Canopies	1.0	20.0	1.0	10.0	0.5

F. **Prohibited Lighting:**

1. Visible rope lighting, or other similar lighting, around windows, doors, architectural accents, and other building features. This does not apply to indirect lighting that does not expose the light source.
2. Flashing, moving, animated, or intermittent lighting, except bulbs on marquee lighting
3. String lighting when used to cover an exterior façade, or portion thereof.
4. Any lighting the CED Director determines is a nuisance or road hazard.

G. **Exemptions.** The following are exempt from lighting requirements:

1. Temporary events, such as active construction work or seasonal holiday lights.
2. Window displays without glare.
3. Shielded pedestrian walkway lighting.
4. Public streetlights and traffic control signs.
5. City sponsored lighting for temporary events.

Section 3.13 Performance Standards

No building or lot can be used in any manner that creates a dangerous, injurious, noxious, or otherwise objectionable element or condition that adversely affects the surrounding area or adjoining lots. All uses must meet performance requirements:

- A. **Noise.** *Article 2-VI Noise of the General Code of Ordinances* must be met.
- B. **Vibration.** No vibration is permitted which is discernable on any adjoining lot.

- C. **Air Pollution / Odor.** The drifting of air borne materials (including dust, particles, foul odors, or debris) beyond the lot line is prohibited.
- D. **Glare and Heat.** Glare from any process which emits harmful ultraviolet rays must be performed in such manner as not to be seen from any point beyond the lot line, and as not to create a public nuisance or hazard. If heat is a result of an operation, it must be insulated as to not raise the temperature at any property line at any time.
- E. **Erosion.** No erosion, by either wind or water, is permitted which will carry objectionable substances onto neighboring lots or waterbodies, unless otherwise allowed by law
- F. **Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions are subject to regulations established in conjunction with the Air Pollution Act, Michigan PA 348 of 1965, as amended, the federal Clean Air Act of 1990, as amended, and any other applicable state or federal regulations.
- G. **Radioactive Materials.** Radiation, including radioactive materials and electro-magnetic radiation such as that emitted by the x-ray process or diathermy, cannot be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the lot line.
- H. **Fire and Safety Hazards.** Storage and handling of flammable liquids, liquefied petroleum gases and explosives must comply with all City regulations and with all state rules and regulations.

Section 3.14 Separation Standards

Where a separation distance is required for a given use, it is measured from the lot line of one property to the lot line of another property, by a straight line using the shortest distance possible.

Section 3.15 Sidewalks

- A. Sidewalks are required along both sides of any street (public and private); this may be waived in industrial districts by the Approving Body.
- B. Sidewalks must provide safe, convenient, uncongested, and well-defined pedestrian circulation within and to the site. Additional landscaping to screen the sidewalk or path from adjacent uses may be required.
- C. Sidewalks must be constructed in accordance with City specifications, including barrier-free requirements. Alternative, sustainable paving materials may be permitted by the Approving Body if accessibility standards are still met.
- D. Sidewalks must be installed by the developer and located in public street rights-of-way, private road access easements, or in separate pedestrian easements, where easements are necessary for public use. An access easement must be a minimum of 8-feet wide (if not within a street right-of-way).

Section 3.16 Stormwater Management

- A. **Intent.** Stormwater management is intended to address flooding concerns and the continued effects of climate change. The City requires a review of stormwater management for new developments, redevelopments, and additions or alterations to an existing development. The intention is to store stormwater on site to reduce peak stormwater flow into the municipal combined sewer system.
- B. **Commercial Requirements.** All commercial projects undergoing development, redevelopment, or addition shall be reviewed for stormwater management as determined by the City Engineer and implemented as required.
- C. **Residential Requirements.** One and two-unit residential are exempt, but residential properties with three or more units shall be reviewed for stormwater management as determined by the City Engineer and implemented as required. An Accessory Dwelling Unit is considered a residential unit and requires stormwater management review if its addition creates three units on site, except if it is reusing an existing structure and there is no change in the site's permeable area.
- D. **Ownership.** Ownership of the storm sewer and detention system shall fall to the legal owner of the property. In the case of condominiums or other developments where shared ownership of the storm sewer system is owned by multiple property owners, associations, or entities, the association or joint owners shall register the legal owners name(s), contact representative, current address and telephone number with the City Clerk.
- E. **Maintenance.** The owner of the property will be required to submit for review and approval a Long-Term Storm Water Maintenance Agreement (LTSWMA) for the entire on-site storm sewer and detention system, including areas of green technology (rain gardens, bioswales, etc). Upon review and approval, the LTSWMA shall be recorded with the Oakland County Register of Deeds. The LTSWMA shall be executed by the Owner (but not recorded), signed by the Owner, and an original copy delivered to the City Planning Department prior to the City of Ferndale's scheduling of a mandatory preconstruction meeting.

Section 3.17 Waivers

The following Articles or Sections can be waived by their respective Approving Body, depending on the scope of work and application. All other deviations from this Code require a variance from the Board of Zoning Appeals, *Article 19: Board of Zoning Appeals*.

Type	Section Reference	Waiving Authority		Appealable
		CED Director	Planning Commission	
Determination of Uses	1.04	x		BZA
Minimum Front Yard Setback in the R-1 / R-2 / MXD-1 / MXD-2	<i>Section 2.06: Schedule of Regulations (footnote C)</i>	x		
Code Conflicts	1.05	x		BZA
Zoning Map Determinations	2.02	x		BZA
Clear Vision Distance	3.06	x		
Prohibited Lighting	3.12	x		
Drive-Thru stacking	5.03		x	
Outdoor Dining standards	5.13	x		
Parking lot standards	5.15	x		
Temporary Use Duration	5.19	x		
Payment-in-Lieu of Tree Planting	6.03	x	x	
Landscaping Standards	6.06	x	x	
Parking Requirements	7.07	x		PC
Shared Parking Agreements	7.08	x		
Access Management Standards	7.12	x	x	
Sign Standards	8.09			BZA

Article 4. Architectural and Design Standards

Section 4.01 Intent

To provide clear and simple architecture and design regulations to promote the following objectives:

- A. Stabilize and reinforce property values to protect private and public investment and improve building aesthetics and quality.
- B. Promote the renovation of existing buildings, neighborhoods, and business areas to preserve and reinforce their natural, historic, cultural, social, and architectural qualities.
- C. Ensure that new projects are compatible with the character of the surrounding area.
- D. Promote sustainable and resilient development.

Section 4.02 Applicability

- A. All buildings (except where specifically excluded) must adhere to the following:
 - 1. *Section 4.03: Building Material Standards.*
 - 2. *Section 4.04: General Architectural Standards.*
 - 3. *Section 4.05: Building Type Standards.*
- B. *Sections 4.03 and 4.04* standards may be waived by the Approving Body upon a determination that a building design is in keeping with the intent of this Article, the City's Master Plan, and all the following:
 - 1. It is determined to not be grossly dissimilar in exterior design and appearance to nearby buildings and it does not adversely affect property values in the surrounding area.
 - 2. It does not adversely affect the desirability of immediate and neighboring areas.

3. It does not impair the stability of the area or prevent the most appropriate use and development of real estate.
4. It does not adversely affect the public health, safety, comfort and welfare of the citizens of the City.

Section 4.03 Building Material Standards

A. The following standards apply to all buildings (except for single-unit and two-unit dwellings):

Material	Building Type					
	Commercial, Institutional, and Mixed Use		Three-Unit+ Residential		Industrial	
	Primary	Secondary	Primary	Secondary	Primary	Secondary
Masonry <ul style="list-style-type: none"> • Brick (natural, glazed, painted) • Stone (natural, synthetic) • Terra Cotta 	permitted	permitted	permitted	permitted	permitted	permitted
Concrete <ul style="list-style-type: none"> • Cast in Place • Precast 	permitted	permitted	-	-	permitted	permitted
Concrete Masonry Units (CMU) <ul style="list-style-type: none"> • Burnished and Split Face 	-	permitted	-	permitted	permitted	permitted
Siding <ul style="list-style-type: none"> • Wood (natural, composite) • Fiber Cement Board (e.g. Hardi Panel) 	-	permitted	permitted	permitted	-	-
Stucco <ul style="list-style-type: none"> • Traditional cementitious • Synthetic EIF 	-	-	-	permitted	-	-
Architectural Metal Panel <ul style="list-style-type: none"> • Insulated • Composite 	permitted (outside of CBD)	permitted	-	permitted	permitted	permitted

* Primary materials comprise a minimum of 75% of the first-floor façade and 50% of the façade for upper floors.

** Secondary materials comprise a maximum of 25% of the first-floor façade and 50% of the façade for upper floors.

- B. In addition to permitted primary and secondary materials, materials that may be used for architectural details, accent, or trim (not to exceed 10% of the façade) include: glass reinforced fiber cement; molded polyurethane; glass block; metal; and wood.
- C. The following exterior finish materials are prohibited for all buildings, due to their environmental impact or lack of durability: plywood siding materials, sheet / corrugated metal.
- D. The color of each façade material must be harmonious with the color of all other façade materials used on the same building and on adjacent buildings and must be in character with or improve the character of the vicinity. Colors are harmonious if they are complementary in hue, tone, and intensity.
- E. Balconies, railings, and porch structures must be metal, wood, glass, cast concrete, or stone.

- F. Storefronts must be primed and painted, or factory-finished (anodized, powder-coated, clear coated, plated, or polished).
- G. Structural elements that support signage must be primed and painted, or factory-finished (anodized, powder-coated, clear coated, plated, or polished) and complementary to the selected storefront finish.

Section 4.04 General Architectural Standards

- A. **Articulation of Fenestration.** Window glazing surfaces cannot be flush with the façade plane. Windows must be recessed a minimum of 3-inches or defined by a projecting, defined sill, lintel, and trim.
- B. **Utilities.** HVAC, dryer ventilation areas, and utility boxes located on the building must be screened and the same color as the façade material. This includes any rooftop mechanical equipment visible from the right-of-way or a residential use/district.
- C. **Balconies.** The balcony support structure must be integrated with the building façade; separate columns or posts supporting any balcony from the ground are prohibited.
- D. **Awnings.**
 - 1. Façades may be supplemented by a straight-shed or gabled awning.
 - 2. Glass, steel, canvas, and other natural fabric awnings are permitted; slatted metal, vinyl, plastic, and other synthetic awnings are prohibited. Exception: if building integrated solar (BIPV) cells are embedded in the awning, synthetic materials may be approved.
 - 3. The front extended edge of awnings must be compatible in height to others in the same block, but in no case lower than 8-feet, 6-inches above grade.
 - 4. Awnings must be constructed so as to discourage harborage of birds and their structural elements must be primed and painted, anodized or powder-coated.

Section 4.05 Building Type Standards

A. Within the R-1, R-2, MXD-1, MXD-2, CBD Districts and the WHH Overlay, all new construction and work that involves the expansion of the building (either by square footage or height) must also meet the requirements of one of the Building Types, as permitted below.

Building Types	Form Based Districts and Overlays					
	R-1	R-2	MXD-1	MXD-2	CBD	WHH
	Residential	Residential	Neighborhood Mixed Use	Corridor Mixed Use	Central Business District	Woodward Heights – Hilton Overlay
Single-Unit Dwelling, Detached	–	–	P	E	E	E
Stacked Duplex	–	–	P	P	–	–
Side-by-Side Duplex	–	–	P	P	–	–
Triplex	S	P	P	P	–	–
Fourplex	S	P	P	P	–	–
Residential Loft (>4 Units)	–	P	P	P	–	–
Residential Terrace (>4 units)	–	P	P	P	–	–
Neighborhood Rowhouse	–	P	P	–	–	–
Corridor Rowhouse	–	P	P	P	–	–
Mixed Use	–	–	P	P	P	P
Retail / Office (One-Story)	–	–	P	P	P	P
Theater	–	–	–	P	P	P
Bank	–	–	P	P	P	P
Hotel	–	–	–	P	P	P
Inn / Bed and Breakfast	–	–	P	–	–	–
Parking Structure	–	–	S	S	S	S
Artisan / Maker Space	–	–	P	P	S	P
Landmark Building <i>(Permitted by right, unless the use triggers special land use review)</i>	P	P	P	P	P	P

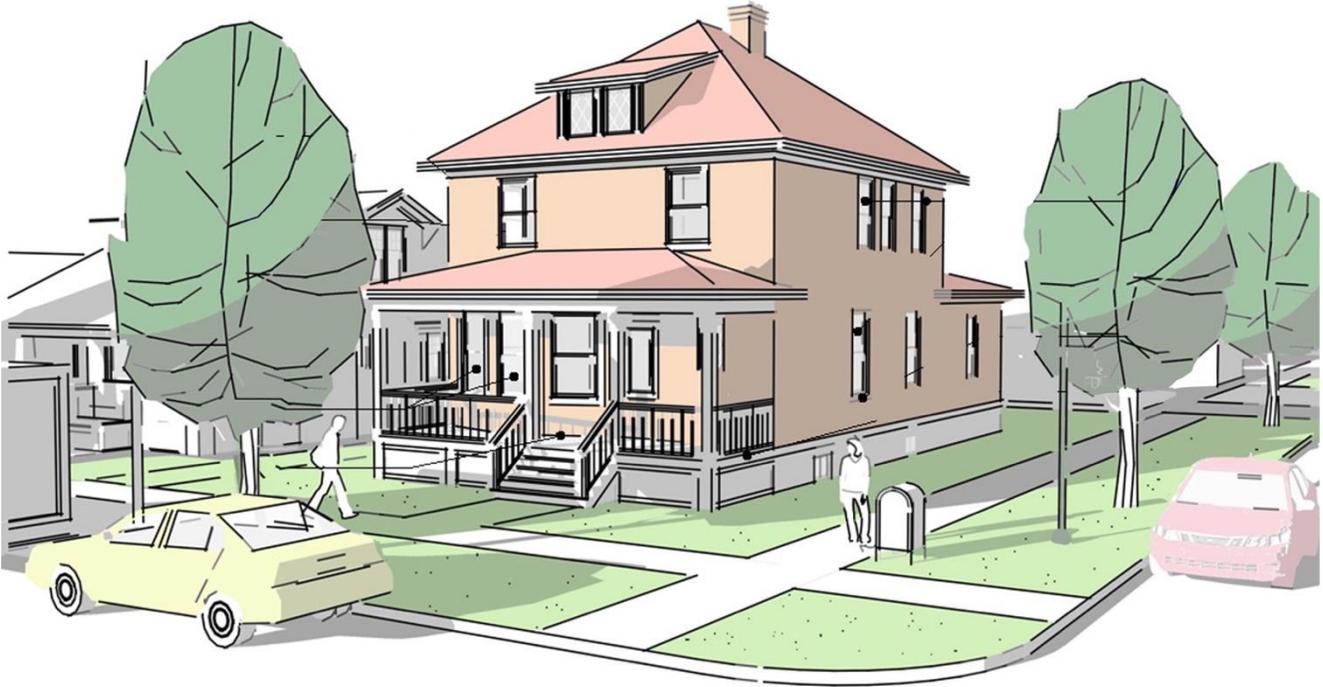
- P Permitted Land Use
- S Special Land Use
- E Permitted with Existing Buildings (new construction of this Building Type is not permitted)

B. **Waivers.** The Approving Body may waive the regulations of *Section 4.05: Building Type Standards*, upon determining that the following criteria are met:

1. One or both of the following:
 - a) There are two or more Building Types that cannot be met simultaneously in the development.
 - b) The building or lot is subject to a unique circumstance, not caused by the owner / developer that renders compliance with a standard of the Building Type regulations impossible or not practical.
2. Both of the following:
 - a) The building and site design clearly still meet the intent of the Building Type form, even though all standards will not be met.
 - b) The waiver will not create an unsafe and/or unwelcoming pedestrian environment.

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Single-Unit Dwelling, Detached



Definition and Intent: A home for one communal group of residents that lives as a single unit that matches the historic character of the neighborhood and promotes a welcoming environment and public streetscape.

District Permitted: MXD-1.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
		Principal Frontage:	15%
		Secondary Frontages:	0%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
Minimum Roof Pitch	4/12		

Single-Unit Dwelling, Detached

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Standards:

- **Front Porch:** A covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage. The porch must be surrounded by a decorative rail, 28-inches to 36-inches in height.
- **Rear Detached Garage:** Attached garages are prohibited. All accessory buildings, including garages, must be in the rear yard. Front yard parking areas, other than a driveway leading directly to the rear yard garage, are prohibited.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Stacked Duplex



Definition and Intent: A traditional-styled dwelling containing two residential units, with one or two main entrances at the front and alternate or service entrances along the sides and/or rear elevations. Residential units exist one above the other (stacked) within building enclosure.

Districts Permitted: R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
		Principal Frontage:	15%
		Secondary Frontages:	0%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
First Floor Grade	Minimum Height:	24-inches	
	Maximum Height	36-inches	
	At least one accessible entrance must be provided.		
Building Length	Façades cannot exceed 150-feet in overall length in a given plane, inclusive of any architectural features that are attached to or connect the parts of the building together.		
Minimum Roof Pitch	4/12		

Stacked Duplex

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Requirements:

- **Front Porch:** A covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage. The porch must be surrounded by a decorative rail, 28-inches to 36-inches in height.
- **Rear Detached Garage:** Attached garages are prohibited. All accessory buildings, including garages, must be in the rear yard. Front yard parking areas, other than a driveway leading directly to the rear yard garage, are prohibited.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Side-By-Side Duplex



Definition and Intent: A traditional-styled single-unit dwelling containing two residential units with main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist one above the other.

Districts Permitted: R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
		Principal Frontage:	15%
		Secondary Frontages:	0%
Upper-Floors	Minimum Glass Transparency	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).
		Minimum Roof Pitch	4/12

Side-By-Side Duplex

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Requirements:

- **Front Porch:** At least one covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage. The porch must be surrounded by a decorative rail, 28-inches to 36-inches in height.
- **Entrances:** Each unit must have its own exterior front entrance, which must be accessed from the front porch.
- **Rear Detached Garage:** Attached garages are prohibited. All accessory buildings, including garages, must be in the rear yard. Front yard parking areas, other than a driveway leading directly to the rear yard garage, are prohibited.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Triplex



Definition and Intent: Building containing three residential flats, stacked vertically upon one another.

Districts Permitted: R-1 (with Special Land Use), R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
		Principal Frontage:	15%
		Secondary Frontages:	0%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	

Triplex

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	–	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Requirements:

- **Front Porch:** At least one covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage. The porch must be surrounded by a decorative rail, 28-inches to 36-inches in height.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Fourplex



Definition and Intent: A four-unit residential building configured with side-by-side residential units stacked upon one another (doubling the pair), with a shared lobby or vestibule along the principal frontage. The primary building materials of masonry and/or stucco, along with repetitive unit floor plans, evoke a small urban apartment building. No ADU is permitted if the fourplex is located in the R-1 District.

Districts Permitted: R-1 (with Special Land Use), R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
		Principal Frontage:	15%
		Secondary Frontages:	0%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	

Fourplex

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Requirements:

- **Main Lobby Entrance:** The first floor must have a main lobby entrance to be located along the principal frontage. The entrance must be covered by an awning or canopy. Side and rear entrances are also permitted but cannot be designed as the primary lobby entrance.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Stepback Prohibited:** Upper floors must maintain the same façade plane as all other floors.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Residential Loft (>4 Units)



Definition and Intent: A medium-sized residential building that contains five or more dwelling units with a common, at-grade main entrance and lobby located along the principal frontage.

Districts Permitted: R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
Minimum Roof Pitch	4/12		

Residential Loft (>4 Units)

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	–	P	–	–	P
Accents	–	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	–	–
Window Sills	P	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Main Lobby Entrance:** The first floor must have a main lobby entrance to be located along the principal frontage. Side and rear entrances are also permitted but cannot be designed as the primary lobby entrance.
- **Horizontal Architectural Dividers:** Two projecting cornices or other architectural design features that extend uninterrupted for the entire width of the building. The dividers may be located between any two floors but must produce the overall feeling of a building with a “base”, a “shift”, and a “capital.”
- **Upper-Floor Design:** Upper floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Stepback Prohibited:** Upper-floors must maintain the same façade plane as all other floors.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on Principal and Secondary Frontages is encouraged.

Residential Terrace (>4 Units)



Definition and Intent: A multi-story urban building with a terrace frontage.

Districts Permitted: R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		

Residential Loft (>4 Units)

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Other
Building Façade	P	–	–	P	–	Portland Cement Stucco
Accents	P	P	P	P	P	Smooth Painted or Rough Stained Wood
Window and Door Heads	Soldier Course Only	P	P	P	P	Smooth Painted or Rough Stained Wood
Window Sills	P	P	P	P	P	Smooth Painted or Rough Stained Wood
Columns	P	P	P	P	P	Smooth Painted or Rough Stained Wood

Architectural Design Requirements:

- **Front Terrace:** An uncovered, front terrace or patio is required, between 16- and 30-feet in depth, and between at-grade and 30-inches elevation, at the main entrance facing the principal frontage. The front setback is measured to the building façade, not the terrace. The terrace may be used for outdoor dining and/or landscaped gardens. Parking, drop-off lanes, swimming pools, and storage are prohibited within the terrace. The terrace must be enclosed by an 34-inch high wall or decorative fence.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Stepback Prohibited:** Upper floors must maintain the same façade plane as lower floors.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.

Neighborhood Rowhouse



Definition and Intent: A traditional-styled building, evoking a residential character, containing multiple residential units each with their main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist side-by-side, with each extending front to back and foundation to roof. A neighborhood rowhouse has a front porch and residential-style architecture in order to blend in with nearby single-unit dwellings, duplexes, and smaller multiple-unit buildings.

Districts Permitted: R-2 and MXD-1.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
First Floor Grade	Minimum Height:	24-inches	
	Maximum Height:	36-inches	
	At least one accessible entrance must be provided for each unit.		
Minimum Roof Pitch	4/12		
Individual Unit	Minimum Width:	16-feet	
	Maximum Width:	22-feet	

Neighborhood Rowhouse

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Beveled Cedar Siding	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	–	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Window Sills*	Soldier Course Only	P	P	P	P	–	Painted Wood*
Columns	P	P	P	P	P	–	Painted Wood*

*Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.

Architectural Design Requirements:

- **Front Porches:** At least one covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage. The porch must be surrounded by a decorative rail, 28-inches to 36-inches in height. Each unit may have a separate front porch.
- **Entrances:** Each unit must have its own exterior front entrance, which must be accessed from a front porch.
- **Rear Detached Garage:** Attached garages are prohibited. All accessory buildings, including garages, must be in the rear yard. Front yard parking areas, other than a driveway leading directly to the rear yard garage, are prohibited.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on Principal and Secondary Frontages is encouraged.

Corridor Rowhouse



Definition and Intent: A traditional-styled building, evoking a residential character, containing multiple residential units each with their main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist side-by-side, with each extending front to back and foundation to roof. The building has a front stoop, massing near the front lot line, and heavy building materials such as brick, in order to fit in along higher traffic urban corridors.

Districts Permitted: R-2, MXD-1, and MXD-2.

Required Architectural Dimensions:		
Building Width	Minimum:	80% of Lot Width
	Maximum:	Consistent with Setback Requirements
Floor to Floor Heights	10-feet required on all floors.	
Window Glazing	First Floor Minimum Percentages	All Frontages (total): 35%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only).
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).
First Floor Grade	Minimum Height: 24-inches Maximum Height: 36-inches At least one accessible entrance must be provided for each unit.	

Corridor Rowhouse

Required Architectural Dimensions (continued):		
Brick Coursing	Width: 8-inches Height: 2.66-inches	
Minimum Roof Pitch	4/12	
Minimum Roof Overhang	2-feet	
Individual Unit	Minimum Width:	16-feet
	Maximum Width:	22-feet

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Other
Building Façade	P	–	–	–	–	Portland Cement Stucco
Accents	P	P	P	P	P	Painted Wood*
Window and Door Trim*	Soldier Course Only	P	P	P	P	Painted Wood*
Window Sills*	P	P	P	P	P	Painted Wood*
Columns	P	P	P	P	P	Painted Wood*

**Cement siding and wood trim installed smooth side out. Visible woodgrain embossing or rough-sawn surfaces prohibited.*

Architectural Design Requirements:

- **Entrances:** Each unit must have its own exterior front entrance.
- **Top Half-Story:** The top story must be a half-story, with dormer windows and a peaked roof.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on Principal and Secondary Frontages is encouraged.

Mixed Use



Definition and Intent: A multi-story building with storefronts along the principal frontage and a portion of secondary frontages to accommodate ground-floor retail, with office uses on floors above retail, and residential uses above office and/or retail.

Districts Permitted: MXD-1, MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Storefronts	Doorway Recess	Minimum: 7-feet Maximum: 10-feet	
	Minimum Width	Along Principal Frontage:	80% of frontage
		Along Secondary Frontage:	12-feet
Must have entrances at least every 60-feet along the Principal Frontage.			
Window Glazing	First Floor Minimum Percentages	Principal Frontage (total):	60%
		Secondary Frontages and Exempt Frontages:	15%, except for the required storefront area on Secondary Frontages, which is 60%
	Upper-Floors Percentage	<ul style="list-style-type: none"> Minimum: 15% Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		

Mixed Use

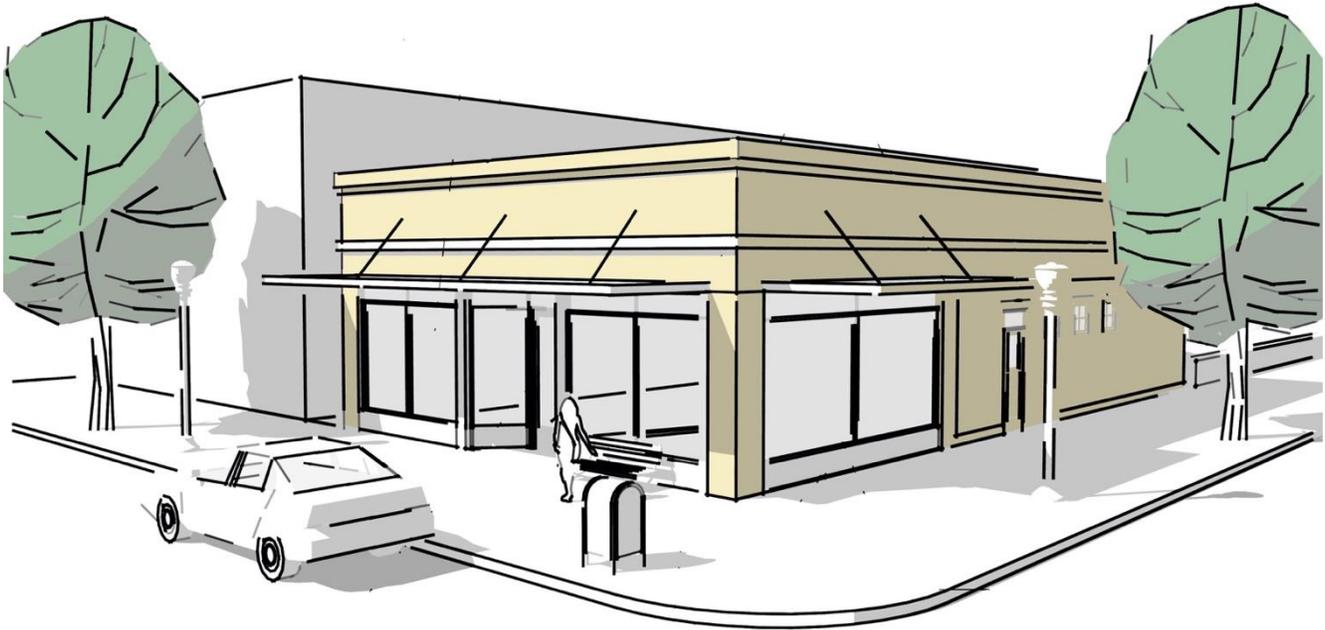
Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco
Accents	P	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	P	–
Window Sills	Soldier Course Only	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Main Business Entrance:** The commercial first floor must have a main business entrance to be located either along the principal frontage. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but are not designed as the primary business entrance.
- **Sign Band:** A sign band, at least 85% of the width of the building, must be included above the storefront. The sign band must be a horizontal area uninterrupted by windows or architectural features, except that the horizontal architectural divider may serve as the sign band. An awning may also serve as the sign band, provided it is at least 10-inches tall.
- **Horizontal Architectural Divider:** A projecting cornice or other architectural design feature that extends uninterrupted for the entire width of the building, to divide the first floor from the upper floors.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on Principal and Secondary Frontages is encouraged.

Retail / Office (One-Story)



Definition and Intent: A one-story building with storefront frontage, constructed at the right-of-way lines along street frontages.

Districts Permitted: MXD-1, MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Storefronts	Doorway Recess	Minimum: 7-feet Maximum: 10-feet	
	Minimum Storefront Width	Along Principal Frontage:	80% of frontage
		Along Secondary Frontage:	12-feet
Must have entrances at least every 60-feet along principal frontage.			
Window Glazing	First Floor Minimum Percentages	Storefront (Principal Frontage):	60%
		Secondary Frontages and Exempt Frontages:	15%, except for the required storefront area on Secondary Frontages, which is 60%.
	Minimum Glass Transparency	80% Visible Light Transmission.	
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		

Retail / Office (One-Story)

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	P	–	–	P	Portland Cement Stucco
Accents	P	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	P	–
Window Sills	Soldier Course Only	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Single-Story Limitation:** Buildings are limited to one-story, or 16-feet, in height. Multi-story buildings must comply with the requirements of another Building Type allowable in the district.
- **Main Business Entrance:** The commercial first floor must have a main business entrance to be located either along the principal frontage. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but cannot be designed as the primary business entrance.
- **Sign Band:** A sign band, at least 85% of the width of the building, must be included above the storefront. The sign band must be a horizontal area uninterrupted by windows or architectural features. An awning may also serve as the sign band, provided it is at least 10-inches tall.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on Principal and Secondary Frontages is encouraged.

Theater



Definition and Intent: High-ceilinged building with lobby frontage, façade, and marquee along principal frontage with allowable blank walls along all other frontages.

Districts Permitted: MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Theater-Front	Doorway Recess	Minimum: 7-feet Maximum: 10-feet	
	Minimum Theater Front Width	Along Principal Frontage:	80% of frontage*
	<i>*A ticket or will-call booth may be exempted from the minimum.</i>		
Window Glazing	First Floor Minimum Percentages	Principal Frontage (total):	60%
		Secondary Frontages and Exempt Frontages:	0%
	Upper-Floors	<ul style="list-style-type: none"> ▪ Minimum: 0% ▪ Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		

Theater

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	–	P	P	P	–
Accents	P	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	P	–
Window Sills	P	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Main Entrance:** The building must have a main entrance to be located either along the principal frontage or facing the intersection on a corner lot. Side and rear entrances are also permitted but cannot be designed as the primary entrance.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on principal and secondary frontages is encouraged.

Bank



Definition and Intent: A building without storefronts that can be appropriately located within a walkable mixed use district and provides the inherent security of a dedicated banking use (but also allows for residential and office tenants or other permitted uses).

Districts Permitted: MXD-1, MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	Principal Frontage:	60%
		Exempt Frontages:	15%
	Upper-Floors	<ul style="list-style-type: none"> ▪ Minimum: 15% ▪ Must be Recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		

Bank

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	–	P	P	P	–
Accents	P	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	P	–
Window Sills	P	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Main Entrance:** The building must have a main entrance to be located either along the principal frontage or facing the intersection on a corner lot. Side and rear entrances are also permitted but cannot be designed as the primary entrance.
- **Sign Band:** A sign band, at least 85% of the width of the building, must be included above the storefront. The sign band must be a horizontal area uninterrupted by windows or architectural features, except that the horizontal architectural divider may serve as the sign band. An awning may also serve as the sign band, provided it is at least 10-inches tall.
- **Horizontal Architectural Dividers:** Two projecting cornices or other architectural design features that extend uninterrupted for the entire width of the building, to divide the first floor from the upper-floors, and the second floor from floors above it.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and secondary frontages. They are not required for exempt frontages.
 - Groups of up to three windows are permitted and do not violate upper-floor design requirements.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on principal and secondary frontages is encouraged.

Hotel



Definition and Intent: A multi-story building with or without storefronts, intended for a lobby and upstairs guest rooms, but re-usable for a variety of uses. A hotel may include boutique hotel.

Districts Permitted: MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	60%
	Upper-Floors:	<ul style="list-style-type: none"> • Minimum: 0% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
Pilasters	Width: 8-inches Maximum Interval: 24-feet		
Brick Coursing	Width: 20-inches Height: 2.66-inches		
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		

Hotel

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	–	P	–	–	P
Accents	–	P	P	P	P	P	–
Window and Door Heads	Soldier Course Only	P	P	P	P	–	–
Window Sills	P	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Main Lobby Entrance:** The first floor must have a main lobby entrance to be located along the principal frontage. The entrance must be covered by an awning or canopy. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but cannot be designed as the primary lobby entrance.
- **Horizontal Architectural Dividers:** Two projecting cornices or other architectural design features that extend uninterrupted for the entire width of the building. The dividers may be located between any two floors but must produce the overall feeling of a building with a “base”, a “shift”, and a “capital.”
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Stepback Prohibited:** Upper-floors must maintain the same façade plane as all other floors.
- **Upper Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required by the Planning Commission along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on principal and secondary frontages is encouraged.

Inn / Bed and Breakfast



Definition and Intent: A building designed as a single-unit dwelling or mansion-style with a front porch, moderate landscaped setbacks, and low fence along the right-of-way-line but intended for temporary residential occupancy.

Districts Permitted: MXD-1 and MXD-2.

Required Architectural Dimensions:			
Window Glazing	First Floor Minimum Percentages	All Frontages (total):	35%
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).	
Pilasters	Width: 8-inches Maximum Interval: 24-feet		
Brick Coursing	Width: 20-inches Height: 2.66-inches		
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		
Balconies	May project up to 6-feet beyond the façade of the building, and may project over the right-of-way, provided they are at least 15-feet above grade.		
Minimum Roof Pitch	4/12		

Inn / Bed and Breakfast

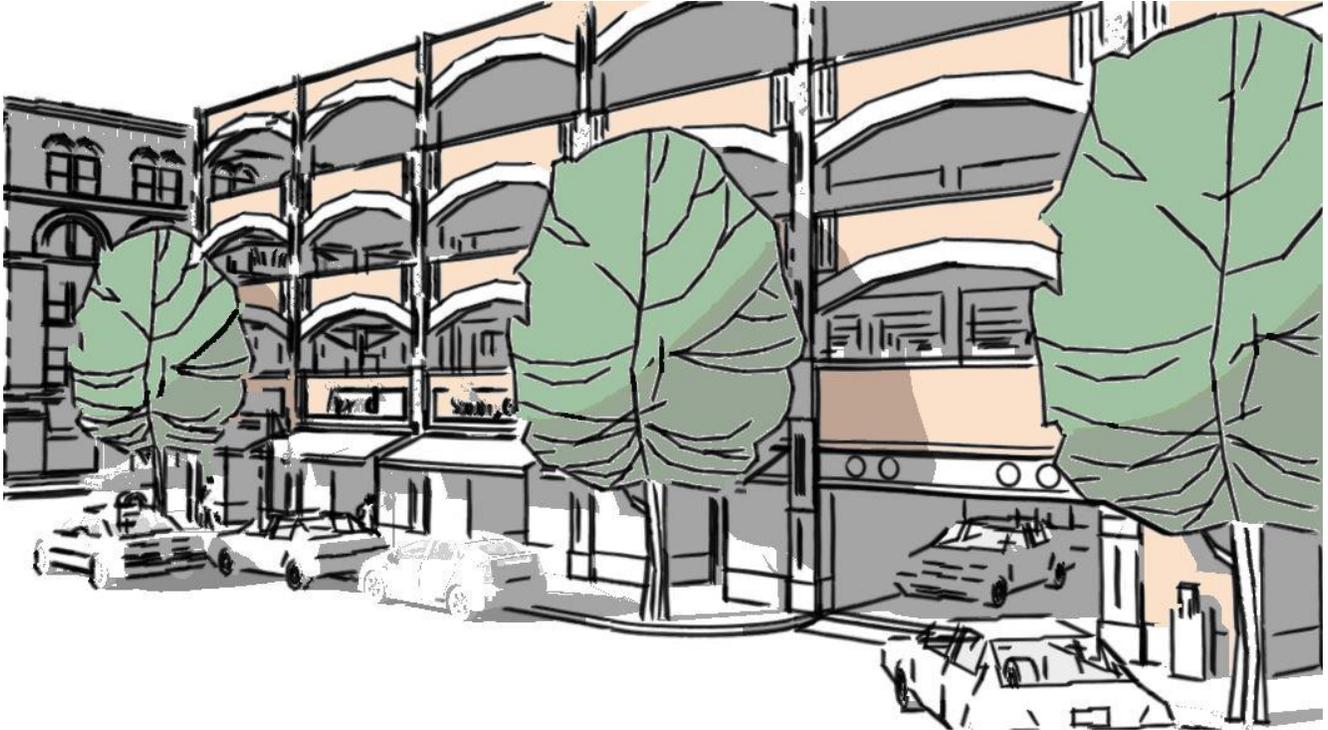
Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	–	P	P	P	Portland Cement Stucco
Accents	P	P	P	P	–	P	Painted Wood
Window and Door Heads	Soldier Course Only	P	P	P	–	P	Painted Wood
Window Sills	P	P	P	P	–	P	Painted Wood
Columns	P	P	P	P	–	P	Painted Wood

Architectural Design Requirements:

- **Front Porch:** A covered front porch is required, with a minimum depth of 6-feet, at the main entrance facing the principal frontage.
- **Residential Style:** The building must mimic the architectural style of residential homes in the vicinity.
- **Front Setback:** The front setback may be used for outdoor dining and/or landscaped gardens. Parking, drop-off lanes, swimming pools, and storage are prohibited. The front yard must be enclosed by a 36-inch-high wall or decorative fence along the right-of-way line and side lot lines.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Building Materials:** Heavier or darker building materials must be placed at the bottom of the building, with lighter materials higher up.

Parking Structure



Definition and Intent: A parking deck constructed with ground-floor storefronts along street frontages.

Districts Permitted: MXD-1, MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Storefronts	Doorway Recess	Minimum: 7-feet Maximum: 10-feet	
	Minimum Storefront Width	Along Principal Frontage:	80% of frontage
		Along Secondary Frontage:	12 feet
Must have entrances at least every 60-feet along principal frontage.			
Window Glazing	First Floor Minimum Percentages	Storefront (Principal Frontage):	60%
		Secondary Frontages:	15%
	Minimum Glass Transparency	80% Visible Light Transmission.	
At-Grade Entrances	All first-floor entrances must be barrier-free accessible.		

Parking Structure

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	P	-	P	P	P
Accents	P	P	P	P	P	–	P
Window and Door Heads	Soldier Course Only	P	P	P	P	–	Soldier Course Only
Window Sills	Soldier Course Only	P	P	P	P	–	Soldier Course Only
Columns	P	P	P	P	P	P	P

Architectural Design Requirements:

- **Masonry Openings:** Parking levels must contain masonry openings designed to be filled in with windows if the building is converted into another Building Type.
- **Integration into Mixed Use Building:** A parking garage may be integrated into a mixed use building, provided that all visible parking levels along primary and secondary frontages meet the requirements of this section, and all requirements for a mixed use building are met.
- **Main Business Entrances:** A commercial first floor is required along the principal frontage, and along secondary frontages within 25-feet of any intersection. The commercial first floor must have main business entrances to be located along the principal frontage. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but cannot be designed as the primary business entrance.
- **Sign Band:** A sign band, at least 85% of the width of the building, must be included above the storefront. The sign band must be a horizontal area uninterrupted by windows or architectural features, except that the horizontal architectural divider may serve as the sign band. An awning may also serve as the sign band, provided it is at least 10-inches tall.
- **Horizontal Architectural Divider:** A projecting cornice or other architectural design feature that extends uninterrupted for the entire width of the building, to divide the first floor from the upper-floors.
- **Upper-Floor Design:** Upper-floors must have opaque exterior façades with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper-floor façade must be consistent along the entire width of the building.
- **Upper-Floor Window Design:**
 - Decorative sills and/or headers are required on upper-floor windows located along principal frontages and may be required by the Planning Commission along secondary frontages. They are not required on façades facing alleys or parking lots.
 - The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.

Artisan / Maker Space



Definition and Intent: A single-story building with storefronts constructed at the right-of-way lines along street frontages in conjunction with limited allowable workshop and garage door frontages.

Districts Permitted: MXD-1, MXD-2, CBD, and WHH.

Required Architectural Dimensions:			
Storefronts	Door Recess	Minimum: 7-feet Maximum: 10-feet	
	Minimum Width	Along Principal Frontage:	80%
		Along Secondary Frontage:	12-feet
Window Glazing	First Floor Minimum Percentages	Storefront (Principal Frontage):	60%
		Secondary Frontages and Exempt Frontages:	15%, except for the required storefront area on Secondary Frontages, which is 60%.
	Upper-Floors	<ul style="list-style-type: none"> • Minimum: 15% • Grills must be applied to both interior and exterior. • Must be recessed 4-inches into façade (masonry or brick buildings only). 	
	Minimum Glass Transparency	80% Visible Light Transmission.	

Artisan / Maker Space

Allowable Building Materials. The following table details encouraged allowable materials that are supplemental to permitted primary and secondary materials of *Section 4.03: Building Material Standards*.

	Brick	Terra Cotta	Sandstone	Limestone	Formed Concrete	Marble	Other
Building Façade	P	–	P	–	–	–	Portland Cement Stucco / Cement Board*
Accents	P	P	P	P	P	P	–
Window and Door Trim	Soldier Course Only	P	P	P	P	P	–
Window Sills	Soldier Course Only	P	P	P	P	P	–
Columns	P	P	P	P	P	P	–

Architectural Design Requirements:

- **Single Story Limitation:** Buildings of this type are limited to one-story, or 16-feet, in height. Multi-story buildings must comply with the requirements of another building type allowable in the district.
- **Main Business Entrance:** The commercial first floor must have a main business entrance to be located either along the principal frontage. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but cannot be designed as the primary business entrance.
- **Garage / Overhead Doors:** Garage and overhead doors may only face secondary frontages and exempt frontages.
- **Sign Band:** A sign band, at least 85% of the width of the building, must be included above the storefront. The sign band must be a horizontal area uninterrupted by windows or architectural features. An awning may also serve as the sign band, provided it is at least 10-inches tall.
- **Architectural Flourishes:** Towers, sculptures, masonry reliefs and/or motifs up to 4-inches in depth, and other characteristic forms and/or focal points are encouraged.
- **Cornice (Rooftop):** A cornice at least 15-inches tall on the roofline on principal and secondary frontages is encouraged.

Landmark Buildings

- A. A Landmark Building is one that has significant historical, architectural, or cultural meaning. The Planning Commission may approve a Landmark Building through the site plan review process. If the proposed use within the Landmark Building is considered a special land use in that zoning district, special land use review is also required.
- B. A Landmark Building is exempt from the Building Types regulations but must meet the dimensional requirements of the underlying zoning district, except that the Planning Commission may waive architectural features such as cupolas or steeples that exceed the maximum building height.
- C. To approve a Landmark Building, the Planning Commission must find that each of the following exist:
 1. The building contains **one or more** of the following uses:
 - a) Religious Institution
 - b) Recreational or Cultural Center
 - c) Government / Municipal Service
 - d) K-12 School, Trade / Vocational School, or Institution of Higher Education
 - e) Library
 - f) Theater / Entertainment Venue or Museum
 2. The building addresses all street frontages in a way that promotes a safe and attractive pedestrian environment.
 3. The use of the building would be hindered if required to meet the Building Type standards.

Article 5. Specific Uses Standards

Section 5.01 Accessory Dwelling Units (ADU)

- A. Must be located on a lot with a principal dwelling unit and cannot be split from that principal dwelling onto a separate lot.
- B. ADUs are to intended complement low-intensity residential and are only permitted on parcels with an single-unit dwelling or duplex.
- C. Must be connected to a City approved water and sewer system.
- D. Must meet the following dimensional standards:

Minimum Floor Area	Maximum Height	Minimum Setbacks Required		
		Front Yard	Side Yard (each)	Rear Yard
The footprint of the ADU cannot exceed the footprint of the principal structure, or 20% of the of the lot, whichever is less.	25-feet	Cannot be in the front yard of the principal building.	5-feet	5-feet

Section 5.02 Adult Business

- A. Are not permitted within a 500-foot radius of an existing K-12 school, library, public park, child care center, licensed family or group home, or religious institution.
- B. Are not permitted within a 1,000-foot radius of an existing adult business.
- C. Residential uses cannot be located on the same lot as an adult business.

Section 5.03 Drive-Thru Facilities

Drive-Thru Facilities must provide adequate off-street stacking spaces and drive-thru service lanes that do not conflict with pedestrian and/or bike lanes and best practices in access management. These requirements can be waived by the Planning Commission, provided the applicant provides a study indicating that fewer stacking spaces are not necessary for the use and will not adversely impact the operations of the establishment or negatively impact neighboring properties and the traffic flow in the area, or that an alternative site / dimensional configuration can still provide a safe environment for all users and promote pedestrian and vehicular safety. Any waiver granted for a specific Special Land Use approval will expire once a change in the site’s business occurs.

- A. Each stacking space must be a minimum of 9-feet in width and 20-feet in length.
- B. Each drive-thru service lane must be a minimum of 10-feet in width and positioned to not interfere with normal vehicular on- or off-site traffic.
- C. An escape lane from the drive-thru service lane must be provided to allow other vehicles to pass those waiting to be served. A maneuvering lane can be considered as an escape lane.
- D. Public streets, alleys and sidewalks cannot be used as stacking spaces. Where a pedestrian pathway crosses a drive-thru, a path will be designated and marked.
- E. The minimum number of stacking spaces required per service lane is determined by use in the following table. If the site is located on a State Road (MDOT jurisdiction, ex: Woodward Avenue), MDOT’s standards may control, and may require greater stacking spaces than what is required below.

Use	Number of Recommended Stacking Spaces Per Service Lane
Financial Institution	6 spaces
Laundry / Dry Cleaner	4 spaces
Pharmacy	3 spaces
Restaurant (full service or café / takeaway)	12 spaces
Vehicle Repair Shop	3 spaces
Vehicle Wash Facility	8 spaces

- F. **Outdoor Speakers / Menu Boards.** Outdoor speakers cannot be located closer than 50-feet to an adjacent residential lot line and must comply with *Article 2-VI Noise* of the General Code of Ordinances. Menu boards (without speakers) do not apply to this setback standard, provided they comply with the requirements of *Section 3.12: Lighting*.

Section 5.04 Gas Stations

- A. Must be located at least 300-feet away from the lot line of any R-1 or R-2 District.
- B. Must be located at least 1,000-feet away from an existing gas station.

Section 5.05 Garage and Yard Sales

Garage and yard sales are subject to *Chapter 7 Business Regulations and Licenses Generally, Article 7 XIV Garage and Yard Sales* and *Article 7 IV Vending, Division 7 IV 1 Sidewalk Vending*.

Section 5.06 Home-Based Businesses

A home-based business must be clearly incidental and subordinate to the residential use of the dwelling unit; the following site and operational standards apply:

Operational Element	Standards
Employees	Maximum of 1 nonresidential employee.
Merchandise Sold on the Premises	Prohibited.
Deliveries	Limited to the customary delivery and pickup of mail and packages by the Postal Service or other private home-delivery services.
Non-Residential Exterior Building Alterations	Prohibited.
Parking / Traffic	Cannot generate parking or circulation concerns or draw truck traffic into the neighborhood.
Outdoor Activities	Prohibited (except for one trailer or food truck).

Section 5.07 Indoor Self-Storage Facilities

- A. All units must be accessed from the inside of the building.
- B. Access to storage units is restricted to customers and employees with mechanical or electronic locking devices at all access points.
- C. Site circulation must be designed to accommodate moving trucks that will customarily access the site.
- D. No person can reside or socialize in storage areas or inside storage units.
- E. The following are prohibited:
 - 1. Commercial, wholesale, retail, industrial or other business activity with the exception of minor storage-related commercial activity, such as the sale of packing materials.
 - 2. Storage of any toxic, explosive, corrosive, flammable, illegal, or hazardous materials.

Section 5.08 Keeping of Animals

The keeping of household pets (i.e., dogs, cats, rabbits, birds, hamsters, etc.) is permitted on any lot with permitted residential uses. No more than 4 of any combination of household pets, 4-months of age or older, are permitted at each dwelling unit. The keeping of exotic animals is prohibited. The keeping of chickens is regulated under *Chapter 5: Animals and Fowl* of the City Code.

Section 5.09 Manufactured Housing

- A. The dwelling must be firmly anchored to a permanent foundation; dwellings cannot be installed with attached wheels, or have any exposed towing mechanism, undercarriage, or chassis.
- B. Additions must be constructed with similar or better quality as the original structure; all additions must be constructed on a permanent foundation.
- C. Where the dwelling is required by state or federal law to comply with regulations for construction that are different than those imposed for single-unit dwelling site built housing, federal or state regulations control.

Section 5.10 Marihuana Facilities

A. **Applicability.** Pursuant to Section 205(1) of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended, and pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended and the rules established by the Marihuana Regulation Agency, the City authorizes the following types of medical marihuana facilities and marihuana establishments. The City limits the number of medical marihuana facilities and marihuana establishments for each category of facilities or establishments and may revise those categories and limits, by amendment, from time to time:

Type of Facility / Establishment	Maximum Number of Facilities Permitted
Designated Consumption Establishment	0
Grower	0
Marihuana Microbusiness	0
Marihuana Retailer	6
Processor	0
Provisioning Center	3 (as of July 1, 2024) <i>If a provisioning center obtains a marihuana retailer permit and then seeks to surrender or cancel its provisioning center permit, the number of authorized provisioning centers allowed is reduced by that number.</i>
Secure Transporter	0
Safety Compliance Facility	1
Temporary Marihuana Event	0

1. No person or entity that was open or operating any facility purporting to grow, produce, manufacture, test, sell, transfer or transport medical marihuana or marihuana prior to the adoption of this Code is considered a lawful use or lawful nonconforming use to conduct activity as a provisioning center or safety compliance facility.
2. This Code does not apply to, or regulate, any protected patient or caregiver conduct pursuant to Initiated Law 1 of 2008.

B. **General Provisions.** The following requirements apply to all facilities:

1. The facility cannot open earlier than 9:00 AM and close no later than 9:00 PM, daily.
2. The facility cannot have a drive-thru facility or curbside delivery.
3. No use of marihuana is permitted at the facility. Marihuana products cannot be smoked, ingested, or otherwise used within the facility or onsite.
4. No person, other than employees or consultants, is allowed in the facility after hours.
5. The facility must be available for inspection, during business hours, by the City code enforcement official and/or police to confirm the facility is operating in accordance with all applicable laws, including state law and City codes.
6. Upon request, the City must provide a copy of this Code (including any additional Codes that apply to medical marihuana regulations in the City) to the State’s Marihuana Regulatory Agency.
7. A security plan and floor plan must be submitted with the application; the facility must identify the chemical storage, space, and other critical aspects of the layout. The security and floor plan are confidential documents by the City, exempt from disclosure under the Freedom of Information Act.

8. A waste disposal plan must be included with the application, detailing plans for any chemical, water and/or plant waste disposal.
9. The facility must be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter:
 - a) The filtration system must consist of one or more fans and activated carbon filters. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) must be rated for the applicable CFM.
 - b) Doors and windows must remain closed, except for the minimum length of time needed to allow people to ingress and egress the facility.
 - c) An alternative odor control system may be proposed if the applicant submits a report certified by a mechanical engineer licensed in the State demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The City may allow the alternative odor control system if it determines it will control odor as well as the activated carbon filtration system.

C. Medical Marihuana Facility. The following additional requirements apply:

1. Primary caregivers and/or qualified patients must be legally registered by the Michigan Department of Community Health (MDCH) to assist qualified patients with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended.
2. The facility is not allowed within 500-feet of a K-12 school, licensed child care home, child care center, or a medical marihuana facility provisioning center or safety compliance facility.

D. Provisioning Center and Safety Compliance Facility. The following additional requirements apply:

1. Prior to opening, the facility must be licensed by the State as required by the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, and then must be at all times in compliance with state laws, including but not limited to the Michigan Medical Marihuana Act, and the Marihuana Tracking Act, PA 282 of 2016, and all other applicable rules promulgated by the state.
2. The facility is not allowed within 500-feet of a K-12 school, licensed child care home, child care center, or another provisioning center or medical marihuana facility or marihuana retailer. This separation does not apply to a provisioning center licensee that also has a marihuana retailer license that is co-located.
3. If only a portion of a building is used by a facility, the remainder of the building cannot be accessible or have an entrance or entry way into the facility.
4. A maximum floor area of 5,000 square feet of retail usable floor space for merchandise and service area open to the public may be used by a provisioning center. A provisioning center may have not more than an additional 5,000 square feet of space that is not open to the public, for storage and other administrative uses necessary for the provisioning center.
5. Security cameras are required for ingress/egress to the facility to record the property. Cameras showing any point of sales are also required.
6. All activities of a provisioning center, including all transfers of marihuana, must be conducted within the building and out of public view. A provisioning center cannot have a walk-up window.
7. The exterior appearance of the building must remain compatible with the exterior appearance of buildings constructed or under construction within the vicinity of the facility.

8. Licensed medical marihuana patients or caregivers authorized by the State under Initiated Law 1 of 2008 are not required to receive special use approval to conduct legal activities, within the limits established under the Michigan Medical Marihuana Act, in any zoning district, but must comply will all applicable City codes, including those governing odor, and all applicable state laws.

E. Marihuana Retailer. The following requirements apply:

1. Prior to opening, a retailer must be licensed by the State as required by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, and must be at all times in compliance with the laws of the State, including but not limited to the Michigan Medical Marihuana Act, and the Marihuana Tracking Act, Act 282 of 2016, and all other applicable rules promulgated by the state.
2. The retailer is not allowed within 500-feet of a K-12 school, licensed child care home, child care center, or another provisioning center or medical marihuana facility or marihuana retailer. This distance requirement does not apply to a safety compliance facility. This distance requirement does not apply to a marihuana retailer licensee that has a provisioning center license and is trying to co-locate at a single location.
3. If only a portion of a building is used by a facility, the remainder of the building cannot be accessible or have an entrance or entry way into the facility.
4. A maximum floor area of 5,000 square feet of retail usable floor space for merchandise and service area open to the public may be used by a marihuana retailer. A marihuana retailer may have not more than an additional 5,000 square feet of space that is not open to the public, for storage and other administrative uses necessary for the marihuana retailer.
5. All sales of a retailer must be conducted within the building and out of public view. A retailer cannot have a walk-up window.
6. The exterior appearance of the building must remain compatible with the exterior appearance of buildings constructed or under construction within the vicinity of the retailer.
7. If the department does not issue rules and the City issues a permit, pursuant to Section 16 of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, the City must notify the department upon issuance of any City permit to a marihuana establishment.
8. Licensed medical marihuana patients or caregivers authorized by the State under Initiated Law 1 of 2008 are not required to receive special use approval to conduct legal activities, within the limits established under the Michigan Medical Marihuana Act, in any zoning district, but must comply will all applicable City codes, including those governing odor, and all applicable state laws.

Section 5.11 Mobile Vendors

Reserved.

Section 5.12 Novelty Stores

- A. Cannot be located within a 1,000-foot radius of another novelty store.
- B. Cannot be located within a 500-foot radius of a K-12 school, library, park, or child care facility.
- C. Medical Marihuana Facilities, Provisioning Centers, and Marihuana Retailers authorized under this Chapter, in accordance with the Michigan Medical Marihuana Act, Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended and Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, does not constitute a novelty store.

Section 5.13 Outdoor Dining

Outdoor Dining is subject to the requirements below and within *Chapter 7 Business Regulations and Licenses Generally, Article 7 XVIII Sidewalk Cafés of the General Code of Ordinances.*

- A. **Permit Required.** Outdoor dining is permitted as an accessory use to a principal establishment and an annual Outdoor Dining Permit must be obtained from the CED Department, unless it is part of Mobile Vendor standards of *Section 5.11: Mobile Vendors.*
- B. **Process.** An application must detail the operation, capacity, and hours of operation, as well as a sketch plan. The sketch plan must include a layout of tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, utilities, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
- C. **General Standards.**
 - 1. If outdoor dining is located on a public sidewalk or within the public right-of-way, a minimum of 5-feet of unobstructed, pedestrian access and circulation along the sidewalk must be maintained. Sufficient space must also be provided to allow vehicle doors to open along the curbside, access to main business doors, etc.
 - 2. Outdoor dining must meet or exceed the US Access Board of Public Right-of-Way Accessibility Guidelines (PROWAG) standards. A minimum of one seating arrangement within the outdoor dining must be accessible dining.
 - 3. If not used weekly, the storage of the outdoor dining components must be kept indoors and concealed from public view.
 - 4. The CED Director can increase any location or setback, reduce hours of operation, or add other restrictions if in the best interest of the public.

Section 5.14 Outdoor Storage

Outdoor storage must be accessory to a principal use in only the I-1 or I-2 Industrial Districts.

- A. **Location.** Must be located on a paved area and not located in the right-of-way or road easement. Cannot be located within a designated loading zone.
- B. **Screening.** All outdoor storage visible from the right-of-way must be screened from view.

Section 5.15 Parking Lots

- A. Parking lots must be an accessory use to a principal use, unless it is a municipal parking lot. The parking of vehicles on a lot without a principal building is also prohibited.
- B. Parking lots must be setback a minimum of 10-feet from any street fronting property line. The CED Director may reduce this setback to 5-feet if a 3-foot-high masonry wall is erected along the street-fronting property line.
- C. Parking lots must be setback a minimum of 10-feet from side or rear property lines. This setback may be reduced by the CED Director if the topography of the site limits the installation of a 10-foot setback or if the features (i.e., sidewalk) of the site prove that a 10-foot setback is unwarranted.
- D. Screening must be provided between any right-of-way and a parking lot, except for curb cuts and other similar site items. See *Section 6.04: Required Landscaping* for screening options.

Section 5.16 Pawnshops

A pawnshop cannot be located within 1,500-feet of another pawnshop.

Section 5.17 Solar Energy Systems (SES)

Solar Energy Systems (SES) regulations provide a renewable, abundant, local, distributed, resilient, and non-polluting energy resource; decrease the cost of energy; improve quality of life of current residents while also protecting the public health, safety, and welfare; protect property-owner rights to construct SES in all zoning districts and protect legal permission from landlords to tenants; and increase employment and business development in the region by furthering the installation of SES. This Code does not prohibit the sale of excess power (through a “net billing”, “net-metering”, or “bill credit”, or other arrangement) in accordance with Michigan’s laws overseen by the Michigan Public Service Commission (MPSC) or any other federal statute.

Types of Ground-Mounted Solar Energy Systems:		
Standard Ground Mount	Standard Pole Mount	Balleasted
		

- A. Accessory use SES must meet the requirements of *Section 3.04: Accessory Structures: Distributed Energy Systems*.
- B. Ground-mounted SES must comply with the following:
 - 1. Cannot be located closer than 10-feet to any principal building. If current Electrical code requires a larger horizontal separation for any SES equipment, that distance must be met.

2. Must be setback at least 8-feet from any side or rear lot line.
3. Cannot exceed 15-feet in height at maximum tilt. Taller structures, not to exceed the maximum height of the underlying zoning district, may be considered by the Planning Commission as a Special Land Use.
4. A principal-use SES must be secured with perimeter fencing to restrict unauthorized access, subject to *Section 3.09: Fences*.
5. In residential and mixed-use zoning districts:
 - a) Accessory Use SES must be located in the rear or side yard unless they are screened per subsection (c) below, then the SES may be located in the front plane of the house. This provision is not applicable to principal use SES.
 - b) Principal Use SES do not have the rear and side yard requirement, but a landscaped screen may be required by the Planning Commission to screen from front lot and side rights-of-way (as applicable).
 - c) When located within the non-required front yards (in residential or mixed use districts), a landscaped screen may be required by the Planning Commission to screen from front lot and side public rights-of-way (as applicable).
6. A Building Permit is required, and all systems must comply with the Building Code Applications for Roof-Mounted SES must include elevation drawings that show the location, height and dimensions of the SES on the Building and dimensions of the SES. A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump, or other similar singular device is exempt from SES code requirements.
7. Sealed, engineered drawings must be submitted detailing how the SES is securely anchored to the ground or a permanent roof structure, to meet the State Frost Laws (a minimum of 42-inches below grade).
8. A decommissioning plan, to outline steps for removal of the SES, is required.
9. If a SES ceases to perform its intended function for more than 12 consecutive months, the property owner must remove the collector, mount, and associated equipment and facilities no later than 60 days. The property must be restored to the condition prior to the development of the system. Exception: for inoperable BIPV (a type of building-integrated SES) materials which still perform another purpose of maintaining the building façade (this may include materials such as shingles, siding, or windows). The owner of an inoperable BIPV must obtain professional services from a Licensed Electrician to fully disconnect formerly energized wiring and request documentation from the electrician that will be submitted to the City to put on file. However, the electrician should not disconnect grounding wires or other electrical sensors or components which minimize future risks to life and property, unless doing so is required by current electrical codes.

Section 5.18 Stationary Battery Energy Storage Systems (BESS)

This Section applies to the siting, design, installation, and operation of chemical-based, stationary Battery Energy Storage Systems (BESS), excluding general maintenance and repair. Modifications to, retrofits, repowering, or replacements of an approved BESS that increases the total BESS designed discharge, duration, or power rating is subject to this Section.

Tiers of Battery Energy Storage Systems:



A. Application and Approval.

1. Any grid-tied BESS must receive the required approval from the applicable utility authorities. The City must receive a copy of the document which confirms the system has been approved by the utility.
2. A building permit submittal must include the following:
 - a) Location and layout diagram of the room or area in which the BESS is to be installed.
 - b) Details on the hourly fire-resistance ratings of assemblies enclosing the BESS.
 - c) The quantities and types of BESS to be installed. Manufacturer’s specifications, ratings, and listings of each BESS.
 - d) Description of battery management systems and their operation.
 - e) Details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.
 - f) Support arrangement associated with the installation, including any required seismic restraint.

B. General Tier 1 BESS Use Standards.

1. Where feasible, BESS must be located inside of a building. BESS located outside of a building must be screened to the maximum extent possible without posing a fire risk. BESS must be placed in a secure container or enclosure meeting the requirements of the Building Code.
2. BESS must be installed, maintained, and used only in accordance with the manufacturer’s directions. A copy of such directions must be submitted to the City.
3. Ground-mounted BESS must be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment must be submitted to the City; the City may require an additional certification by a professional engineer or other qualified person prior to installation.
4. Building-mounted BESS: proof of the safety and reliability of the means of attachment must be submitted to the City; the City may require an additional certification by a professional engineer or other qualified person prior to installation.
5. Ground-mounted BESS cannot exceed 16-feet in height.

6. The 1-hour average noise generated cannot exceed 45 dBA (measured at the lot line). Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.

C. General Standards for Tier 2 and Tier 3 BESS.

1. **Setbacks.** Must be setback back at least 100-feet from rights-of-way and all property lines.
2. **Height.** Must comply with the building height limitations for principal structures of the zoning district.
3. **Signs.** Signs must be posted, in compliance with American National Standards Institute Z535 and include the type of technology associated with the BESS, any special hazards associated, the type of suppression system installed in the area of BESS, and 24-hour emergency contact information, including a reach-back phone number. As required by the National Electric Code, disconnect and other emergency shutoff information must be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
4. **Fencing.** The BESS, including all mechanical equipment, must be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a building and not interfering with ventilation or exhaust ports.
5. **Containment.** Must include containment systems to prevent chemicals, fire suppressant agents, or similar hazards from contaminating surface water, groundwater, and soil, and to minimize the risk of human exposure.
6. **Vegetation and Tree Cutting.** Areas within 20-feet on each side of a BESS must be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated groundcover such as grass, ivy, or similar plants used as groundcover are permitted, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
7. **Screening and Noise Barriers.** Must use architectural features, berms, landscaping, or other screening methods that will visually screen the BESS from adjacent properties and function as a sound barrier. These elements must be designed to harmonize the BESS installation with the surrounding area but cannot interfere with ventilation or exhaust ports.
8. **A Commissioning Plan.** Must document and verify that the system and its associated controls and safety systems are in proper working condition per requirements in the Fire Code, Building Code, etc.
9. **Decommission Plan.** A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all BESS components, structures, equipment, security barriers, and transmission lines from the site.
10. **Hazard Mitigation Analysis.** An analysis that evaluates the consequences of BESS failure modes according to the procedures established in the Fire Code or other applicable standards as determined by the City Fire Department or City Engineer.
11. **Sound Study.** An acoustic assessment prepared by a licensed engineer from a reasonable number of sampled locations at the perimeter of the BESS.
12. **Fire Safety Compliance Plan.** Must document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code.
13. **Operation and Maintenance Manual.** Must describe continuing BESS maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information.

- 14. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan must be given to the system owner, the City and City Fire Chief / Fire Marshall. A permanent copy must also be placed in an approved location to be accessible to facility personnel, the City, and emergency responders.
- D. **Semi-Annual Report.** A semi-annual report must be provided to the City Fire Department and include a copy of a recent inspection report by a licensed professional engineer including any sustained structural damage and a copy of proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
- E. **Abandonment or Decommissioning.** A Tier 2 or Tier 3 BESS which has reached the end of its useful life or has been abandoned must be removed, and the owner is required to restore the site to its original condition within 150 days after the date of discontinued operations. Absent notice of a proposed date of decommissioning, a BESS is considered abandoned when it ceases to operate consistently for more than 1-year. Decommissioning includes: Removal of a BESS, structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with local, state, and federal regulations; and stabilization or re-vegetation of the site to minimize erosion.

Section 5.19 Temporary Uses: Buildings, Construction Trailers and Minor Equipment / Goods

Temporary buildings and construction trailers (including residential moving pods) and minor equipment / goods require a Temporary Use Permit. Applicants must submit a Temporary Use Permit, fee, and sketch plan to the CED Department. The sketch plan must detail the location of the use and how it will meet the following:

- A. **Duration.** Permitted for up to 6-months (with 1, 6-month extension that can be approved by the CED Director). However, residential moving pods are not allowed for more than 21-days (with 1, 3-week extension that can be approved by the CED Director).
- B. **Location.** Must be located on a paved area and not located in the right-of-way or road easement. Cannot be located within a designated loading zone.
- C. **Trailer Standards.** 1 construction trailer per builder or contractor is permitted; the setback requirements for the zoning district must be met. Trailers must have skirting and the storage of materials under the trailer is not permitted.
- D. **Cleaning of the Premises.** All equipment, materials, goods, poles, wires, and other items associated with the Temporary Use Permit must be removed from the premises within 10-days of issuing a final Certificate of Occupancy for a building on the property.

Section 5.20 Temporary Uses: Tents, Canopies, and Bounce Houses

A. A Temporary Use Permit may be required:

Temporary Use Type	Permit Required	Permit Not Required
Tent or Canopy, 10 x 10 square feet or less, Public or Private Property		X
Tent or Canopy, Public Property, Greater than 10 x 10 square feet	X	
Tent or Canopy, Private Property, Greater than 10 x 10 square feet	X	
Bounce House, Public Property	X	
Bounce House, Private Property		X

- B. **Prohibited Uses.** Membrane structures used for the purpose of parking or storage of vehicles, recreation vehicles and/or equipment, maintenance equipment and utility trailers are prohibited.

Section 5.21 Vehicle Repair Shops, Vehicle Wash Facilities, and Dealerships

- A. All work, including, but not limited to: repairs, servicing, vacuuming, greasing and/or washing vehicles, or other similar activities, must be conducted within an enclosed building that is equipped with doors that are secured during non-business hours.
- B. The broadcast of music or announcements over any loudspeaker or public address system, except for emergency safety announcements, is prohibited.
- C. All combustible waste and rubbish must be kept in metal receptacles fitted with a tight cover until removed from the premises. No gasoline, oil, grease, or flammable liquid is allowed to flow into or be placed in the drainage system and is not allowed to accumulate on the floor / be absorbed into the ground; combustible materials (such as sawdust) cannot be used to absorb gasoline, oil, grease, or flammable liquids.
- D. The outdoor storage of equipment and material, including tires, is prohibited.
- E. All inoperable vehicles must be enclosed by a sight-obscuring fence or wall of a minimum height of 8-feet, screened per *Section 6.04: Required Landscaping*.
- F. Vehicle Wash Facilities are subject to the standards of *Section 5.03: Drive-Thru Facilities*.
- G. Must have a minimum frontage of 175-feet along a principal street and a minimum lot area of 20,000 square feet.
- H. Ingress and egress driveways must be located on a principal street, a minimum of 20-feet from any corner, and cannot be more than 25-feet wide. Only one curb cut for each frontage is allowed.
- I. Driveways must be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which does not create a traffic safety or congestion problem.
- J. Pedestrian sidewalks must be demarcated from vehicular parking, stacking spaces and maneuvering lanes.
- K. The parking of vehicles is prohibited between the hours of 10:00 PM and 6:00 AM.
- L. No strings of flags, pennants, strings of lights, or wind signs are permitted.

Section 5.22 Wireless Communication Facilities

Wireless communication facilities must comply with *Article 25-III: Wireless Communication Facilities of the General Code of Ordinances*.

Article 6. Landscaping, Screening, and Green Infrastructure

Section 6.01 Intent

The proper management of trees, plants, and vegetation is essential to the health, safety, and welfare of the City, and to the quality of Ferndale's natural environment. Standards for the development, installation, and maintenance of landscaping are to accomplish the following:

- A. Preserve existing trees and vegetation.
- B. Conserve energy, provide adequate light and air, prevent the overcrowding of land, reduce impervious surfaces, and efficiently manage stormwater runoff.
- C. Incorporate native plant materials and a diversity of species in plantings.
- D. Provide visual buffers and enhance the beautification and character of Ferndale.
- E. Safeguard and enhance property values and protect public and private investment.
- F. Promote a high-quality standard of life for all residents.

Section 6.02 Applicability

- A. These provisions apply to any lot that is subject to site plan approval under *Article 9: Site Plans*.
- B. Each requirement must be met independently; landscaping provided to comply with one requirement does not count towards meeting other requirements. Existing, healthy trees of non-invasive species may count towards the requirements.
- C. All landscaping must be located on site. A Tree Permit must be obtained from the Department of Public Works (DPW) to plant in the public right-of-way. A tree permit must be obtained from the DPW to remove any tree, in compliance with Section 20-11 of the Vegetation Ordinance.

Section 6.03 General Standards

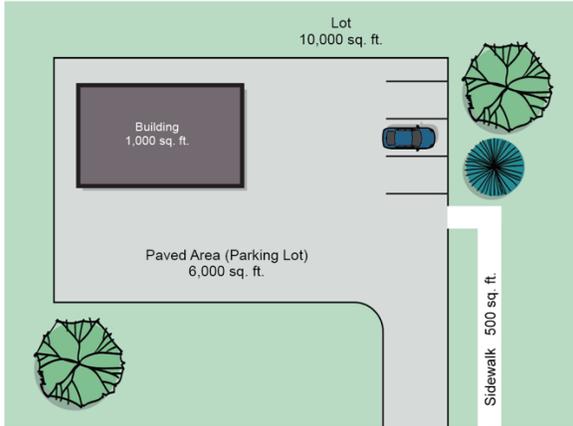
- A. **Landscape Area Materials.** The entire landscaped area (including lawn areas and landscape islands) must be planted with grass, groundcover, shrubbery, or other suitable plant material (excluding areas used as paved patios, terraces, sidewalks, and similar site features). Landscaping areas cannot consist of loose dirt or gravel.
- B. **Maintenance of Existing Landscaping.** All existing landscaping must be maintained in good condition to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead materials must be replaced within 45 days of notice from the City (or within the next planting period, whichever comes next). Landscape inspections may be conducted by the City on a regular basis to ensure long-term compliance.
- C. **Preservation of Existing Vegetation.** Existing healthy vegetation must be protected during construction with temporary fencing around the drip line. To promote the preservation of natural features, sites should be designed to preserve existing woodlands and wetlands to the greatest extent possible.
- D. **Planting Setbacks.** The trunks of trees cannot be planted closer than 4-feet to a property line where possible. Trees must be located in a manner that avoids future conflicts between roots and paved areas or building foundations; this distance will vary based on the species of tree, the spread of the roots, and its planting location.
- E. **Plant Minimum Requirements.** Trees must conform to the list of recommended species of trees for community planting, as amended, published by the Michigan Department of Natural Resources (MDNR) Forest Resources Division.
- F. **Mulch.** Planting beds must present a finished appearance, with shredded hardwood bark mulch or a similar natural material at a minimum depth of 3-inches. All mulched areas must be refreshed seasonally.
- G. **Lawn Area and Groundcover.** Where present, lawns must be planted with species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched. Sod or seed must be clean, free of weeds and noxious pests or disease. The property owner is responsible for soil erosion protection prior to the installation and for maintaining the approved grade before and after lawn installation. Lawns may be substituted for alternative forms of groundcover, such as myrtle, wildflowers, garden beds, or clover in whole or in part.
- H. **Irrigation.** Where irrigated, sprinklers may only operate between the hours of 6:00 p.m. and 10:00 a.m. Where possible, water-conserving landscaping is highly encouraged.
- I. **Species Variety.** A landscape plan cannot contain more than 33% of any single plant species. Landscape plans with less than 3 required plants are exempt from this requirement.
- J. **Minimum Planting Size.** All plantings must meet the following:

Planting Type	Minimum Size at the Time of Planting
Deciduous Tree	2.5-inches in caliper, measured 4.5-feet above grade
Ornamental Tree	2-inches in caliper, measured 4.5-feet above grade
Evergreen Tree	8-feet in height, measured from grade
Shrub	36-inches in height, measured from grade

- K. **Prohibited Species.** All invasive plant species, not suitable for community planting according to the Michigan Department of Natural Resources is prohibited. The City may prohibit other species not listed. If damaged, diseased, removed during construction, or otherwise destroyed, a prohibited plant cannot be replanted or encouraged to continue.
- L. **Native Species.** Native plants are plants that existed in Southeast Michigan before Europeans settled in Michigan in the 1700s. Native plant species are more likely to thrive without extra maintenance and should be integrated into all landscape plans.
- M. **Installation.** All landscaping must be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscape plan, and the following:
1. All trees must be balled and burlapped at the time of planting.
 2. Plant material must be freshly dug, nursery grown, and of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae.
 3. Trees must have straight trunks with leaders intact, undamaged, and uncut.
 4. A minimum of 4-inches of topsoil must be provided for all lawn areas, groundcovers, berms, and planting beds.
 5. All tags must be left on planted materials and may only be removed after the site passes the landscape inspection.
- N. **Payment In-Lieu of Tree Planting.** The Approving Body may allow for a payment in-lieu of tree planting, in an amount to be established by resolution of the City Council, on a case-by-case basis, to be used for tree planting elsewhere in the City. The payment in-lieu must be a 1:1 caliper match to the required trees that are not planted on-site.

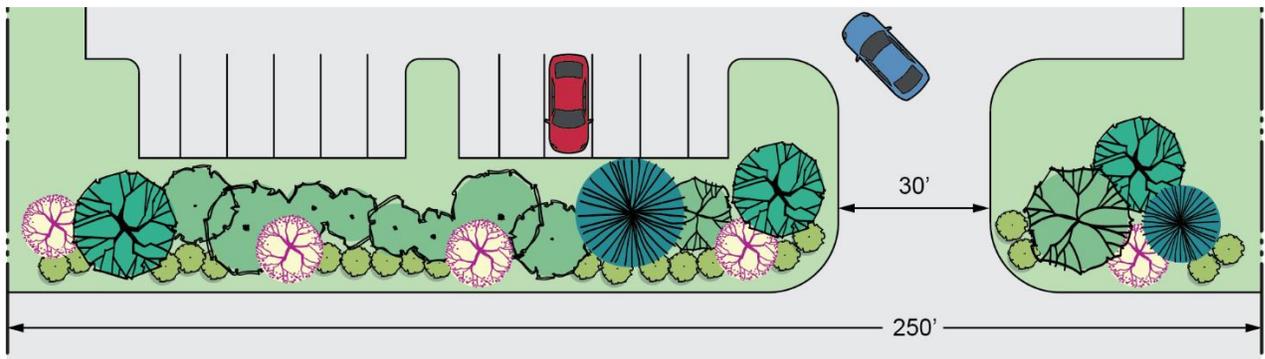
Section 6.04 Required Landscaping

A. **Site Trees.** One deciduous tree or evergreen tree per 1,000 square feet of nonpaved surface must be provided.



Lot – (Building + Paved Area + Sidewalk) / 1,000 = Required Number of Trees
 $(10,000 - 7,500) / 1,000 = 2.5 = 3$ Trees

B. **Street Frontage Landscaping.** Where a lot fronts on the street right-of-way, frontage landscaping must be provided adjacent to the right-of-way or within the right-of-way, as calculated in the table below. For the purposes of computing the length of the street frontage, openings for driveways and sidewalks are counted towards the total linear frontage. Vegetation may be planted at uniform intervals, at random, or in groupings as approved by the Approving Body. $(10,000 - 7,500) / 1,000 = 2.5 = 3$ Trees



Type of Landscaping	Minimum Required per Linear Foot of Street Frontage (or fraction thereof)
Deciduous Trees	1 per 20 linear feet
Ornamental Trees	1 per 50 linear feet
Shrubs	1 per 5 linear feet

C. **Parking Lot Landscaping.** To improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of parking lots, surface parking lots with 20 or more parking spaces must dedicate at least 5% of the total parking lot area to interior landscape islands:

1. Each island must be a minimum size of 150 square feet.
2. Each island must contain at least 1 deciduous tree, 2 shrubs, and covered with grasses or alternative groundcover.
3. Landscaped islands may be located below grade if serving as a swale or other form of bio-retention. If used for bio-retention adjacent to a parking lot or right-of-way, salt and sediment-tolerant plants must be selected.

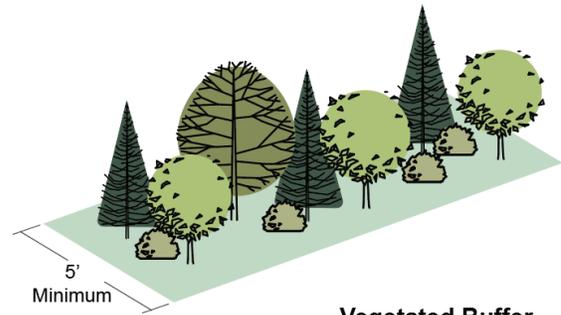
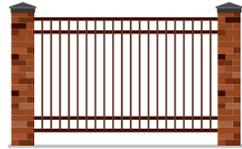


Parking Lot Site Landscaping

D. **Parking Lot Screening.** Screening adjacent to a parking lot is not required if the parking lot is completely screened from the right-of-way by an intervening structure. Parking lot screening is required in any area located adjacent to the right-of-way consisting of at least one of the following:



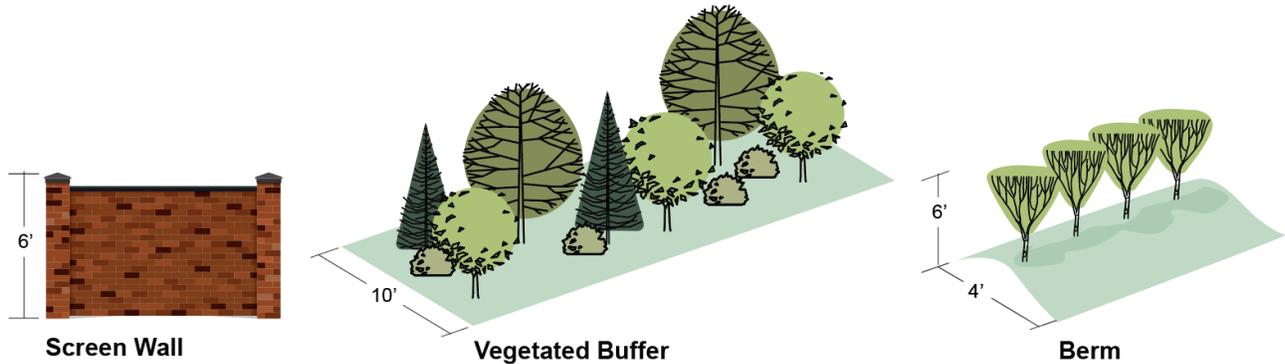
Screen Wall / Fence



Vegetated Buffer

1. **Vegetative Buffer.** A minimum 5-foot-wide greenbelt with an evergreen or deciduous hedge row, at least 3-feet in height. No plant material may be located within 2-feet from the front of a parking space curb (to account for vehicle overhang).
2. **Screen Wall / Fence.** A decorative masonry wall or black aluminum fencing, at least 3-feet in height, but limited by the standards of [Section 3.09: Fences](#). Walls must contain a stone or masonry cap and fences must incorporate stone or masonry piers at regular intervals. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where included, the openings must be so spaced as to maintain the obscuring character required and cannot be used to reduce the minimum height requirement.

- E. **Screening from Residential Uses.** All non-residential uses that abut a residentially zoned or used property, including those separated by a right-of-way, must provide screening by one or a combination of the following:



1. **Screen Wall.** A reinforced, decorative masonry wall, 6-feet in height above grade. Required walls must be located on the lot line except where underground utilities interfere and except in instances where this Code requires conformance with front yard setback lines in adjacent residential districts. Required walls may, upon approval of the Approving Body, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreeable to affected property owners. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where included, the openings must be so spaced as to maintain the obscuring character required and cannot be used to reduce the minimum height requirement.
2. **Vegetated Buffer.** A minimum 10-foot-wide greenbelt with evergreen trees forming a continuous screen (trees planted 10-15 feet apart (on center) in two staggered rows).
3. **Berm.** A 6-foot in height berm, with a slope (measured on the cross-section) no greater than 1:3 and at least a 2-foot-wide landscaped planting area at its crest. The faces of the berm may be constructed as an earthen slope, or retained by means of a decorative wall. No fence may be located on a berm.

F. **Landscaping Adjacent to Buildings.** All building façades visible from a right-of-way or publicly accessible area must have a 3-foot-wide landscape area adjacent to them for at least 25% of their total building length width. This area may include inground landscaping, raised landscape beds, decorative landscape pots or containers, or a combination thereof. If the building is located at the 0-foot setback, this standard does not apply, and buildings less than 3-feet shall comply with the standard as much as possible.

G. **Dumpster / Refuse Containers.** Dumpsters must be screened by a decorative masonry or composite wall at least 6-feet in height above grade, or 1-foot above the object which it is screening, whichever is greater, with posts or bumpers installed at the opening doorway to the screening walls. A solid gate constructed from metal, wood, or composite material is required; chain link fencing with obscuring fabric or slats is prohibited. The enclosure must be situated on a reinforced concrete pad at least 6-inches thick, and the concrete pad must extend at least 6-feet beyond the opening of the enclosure. The name, address and telephone number of the owner and lessee must be clearly marked on each dumpster.

H. **Outdoor Storage.** Outdoor storage areas must be screened from all adjacent rights-of-way with an obscuring wall or fence, no less than 4-feet, 6-inches in height or the height of the materials being screened, whichever is greater.

- I. **Mechanical and Utility Equipment Screening.** Transformers, wireless communication facilities, climate control and mechanical equipment, and other above ground utility cabinets must be screened with evergreen plantings or a decorative opaque fence at least 1-foot taller than the height of the cabinet / equipment. Mechanical equipment attached to the building shall be painted to match or complement the building and shall be placed in an area not adjacent to the right-of-way if possible. This does not apply to equipment serving single-, two-, three, four-unit dwellings or Accessory Dwelling Units.

Section 6.05 Retention and Detention Ponds

- A. Retention and detention ponds are permitted stormwater management purposes and must meet all federal, state, county, and City requirements. The property owner must maintain the pond(s) and the filter system, including, but not limited to the cleaning of the pond(s), the maintenance of grass, and the elimination of any nuisances created by standing water or a water body. All detention system owners must provide Long-Term Storm Water Maintenance Agreement (LTSWMA) which requires cleaning and maintenance of the above or below ground detention / retention system. The LTSWMA must be recorded at the Oakland County Register of Deeds prior to the final certificate of occupancy.
- B. Ponds must incorporate water tolerant grasses and seed mixes at the bottom and appropriate trees, shrubs, and grasses along the banks based on the environment to improve views, filter runoff, and enhance wildlife habitat. This includes Michigan native grasses, shrubs, and trees to create a suitable appearance compatible with development on the property. Landscaping is required on all areas disturbed by grading to establish retention / detention ponds.
- C. One Michigan native deciduous or evergreen tree and 10 shrubs or groupings of native grasses must be planted in a random pattern or in groupings for every 50 lineal feet of pond perimeter, measured along the top of the bank elevation. Required landscaping is not limited to the top of the pond bank, if the plant species is adapted to saturated soil conditions. Plantings within rain gardens, bio-retention swales or irrigation trench planters may be credited towards meeting these requirements.
- D. Where possible, ponds or basins must be "free form" following the natural shape of the land to the greatest practical extent. Side slopes cannot exceed 1-foot vertical for every 6-feet of horizontal distance.

Section 6.06 Waiver of Landscape Standards

- A. The City may determine that existing landscaping or screening is adequate or that dimensional conditions unique to the lot would prevent development of required landscaping. If such a determination is made, the Approving Body may waive, in whole or in part, the landscaping provisions of this Article.
- B. Criteria which must be used when considering a waiver includes, but is not limited to:
 1. Existing natural vegetation.
 2. Topography.
 3. Existing and proposed building placement.
 4. Building heights.
 5. Adjacent land uses and the distances between them.
 6. Dimensional conditions unique to the lot.
 7. Traffic sight distances (safety considerations).

8. Other similar considerations.

Section 6.07 Tree Preservation – Reserved Section

Reserved for future Tree Protection Ordinance reference.

Article 7. Parking, Access, and Mobility

Section 7.01 Intent

- A. **Pedestrian and Persons with Disabilities (PwDs) Access.** To provide safe, direct, and convenient facilities between all buildings, streets and sidewalks, and parking areas as required by the *United States Access Board Public Right-of-Way Accessibility Guidelines* and the most recently adopted Michigan Building Code. Barrier-free, uninterrupted access is necessary for the overall function, activity level, quality of life, and rights of all.
- B. **Bicycle Access and Mobility.** To provide bicycle parking and mobility options that are adequate to support the needs of proposed and future uses of a site and ensure that the design and construction of bicycle facilities meets minimum design standards to promote safety, efficient circulation, and active transportation modes.
- C. **Vehicle Access and Mobility.** To provide for personal vehicles, ride-shares, and transit accessibility and ensure that the design and construction of vehicle transportation routes, parking areas and curb cuts meet accessibility standards, reduces conflicts, and promote safe and efficient circulation for all users.
- D. **Off-Street Parking.** Provide off-street parking that meets the demand of specific businesses, yet does not contribute to over-parking, arbitrarily increasing the costs of development, or creating environmental hazards such as heat islands, stormwater runoff, loss of habitat, and flood hazards.

Section 7.02 Bicycle Access and Facilities

All projects which require Site Plan approval, or conversions of use for which a Building Permit is required, must comply with the following:

A. Minimum Number and Location of Bicycle Facilities.

1. The minimum number of parking facilities is based on use with requirements located within the Parking Manual.
2. The minimum number of bicycle parking spaces must be available to the public, in a publicly accessible outdoor area on the lot, provided by either short- or long-term bicycle parking (or a combination thereof) depending best on the type of use it serves. Additional bicycle parking, beyond the minimum required, is encouraged if applicable to the use and such additional spaces may be located in an interior structure and not entirely for public usage.
 - a) Short-Term Bicycle Parking (temporary users, typically parking for 2 hours or less) must be placed within 100-feet of, and clearly visible from, the main entrance to the principal building.
 - b) Long-Term Bicycle Parking (geared for employees, residents, and public transit users who leave a bicycle unmonitored for longer than 2 hours) must be placed within 200-feet of the main entrance. These parking areas may require security and weather protection that let users park without unreasonable concern for loss or damage.

B. Design and Construction of Bicycle Facilities.

1. All bicycle parking facilities must be constructed in accordance with the latest version of the Association of Pedestrian and Bicycle Professionals Bicycle Parking (APBP) Guidelines, as related to short-term and long-term parking, the installation process, bicycle rack selection, and placement.
2. All bicycle parking areas must be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.

Section 7.03 Vehicle Access and Parking

A. **Applicability.** Vehicle parking areas and access points (i.e., ingress and egress points, curb cuts, driveways) must be developed in accordance with, when applicable, the Michigan Department of Transportation (MDOT), the Road Commission for Oakland County, the most recently adopted Michigan Building Code, the Americans with Disabilities Act, and the Department of Public Works specifications.

B. Location of Parking.

1. **Rear Yard.** Parking must be located within a screened rear yard or side yard in the MXD-1, MXD-2, and CBD Districts (front yard parking is not permitted).
2. **Front Yard.** In the I-1, and I-2 Districts, parking areas in the front yard are permitted, provided they are screened from the right-of-way, pedestrian areas, and any residentially zoned or used property.
3. **Design and Construction.** All off-street parking must have direct access to a public right-of-way through an alley, driveway, or permanent access easement. All spaces must be provided adequate access by means of maneuvering lanes; backing directly onto a street is prohibited.
4. **Lawn Parking.** Parking is prohibited on lawn areas.

C. Residential Parking.

1. Parking may consist of a driveway, garage, or combination thereof that consists of asphalt or concrete, or pervious pavement. In combination with an impervious surface, reinforced grass parking strips are permitted to run the length of the driveway.
2. Driveways cannot be wider than 3-feet on either side of the opening of the garage door(s) or carport opening. If no garage or carport exists, residential parking areas cannot account for more than 50% of the total front yard and cannot be directly located in front of a principal dwelling unit (excluding an ADU).
3. Detached carports cannot be constructed closer to the side or rear lot line than the permitted setbacks. Portions of the carport cannot extend into the required front yard area.
4. Front yard circular or horseshoe drives are prohibited.
5. One curb cut and approach is permitted per street frontage.
6. A minimum one-foot-wide lawn or landscape strip is required between the edge of the parking area and all lot lines to provide adequate room for drainage, snow storage and privacy screening.
7. Parking areas shall not extend into or include any part of that area enclosed by the front lot line, the front line of the principal building and the extended side lines of the principal building.

D. Parking Area Layout. The layout of all off-street parking areas, except those zoned R-1 and R-2 with four or less units, must be in compliance with the table and figure below (exception: parking for compact vehicles). An alley adjacent to the lot may be used to meet the requirement for drive aisle width.

1. **Lane Widths.** All maneuvering lane widths permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
2. **Curbing.** Bumper blocks and wheel chocks are not permitted. Parking areas must be curbed.
3. **Signage and Striping.** Appropriate signage and striping must be provided within all parking lots. Designating traffic flow at all entrances and exits (i.e., directional arrows) may be required by the City.
4. **Compact Vehicles.** Up to 20% of the parking spaces may be designated for small, compact vehicle spaces. Spaces must be at least 8-feet-wide and 16-feet-long and clearly signed "*For Compact Vehicles Only*".

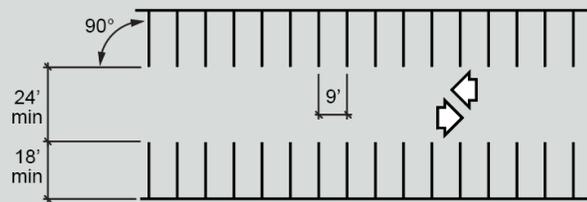
Parking Pattern	Maneuvering Lane Width (one way)	Maneuvering Lane Width (two way)	Parking Space Width	Parking Space Length ^B
0° (Parallel)	12 feet ^B	20 feet	9 feet	24 feet
30° – 53°	12 feet	24 feet	9 feet	20 feet
54° – 74°	15 feet	24 feet	9 feet	20 feet
75° – 90° ^A	24 feet	24 feet	9 feet	20 feet

^A Parking space length may be reduced to 18-feet if the space is not adjacent to landscaping or sidewalks.

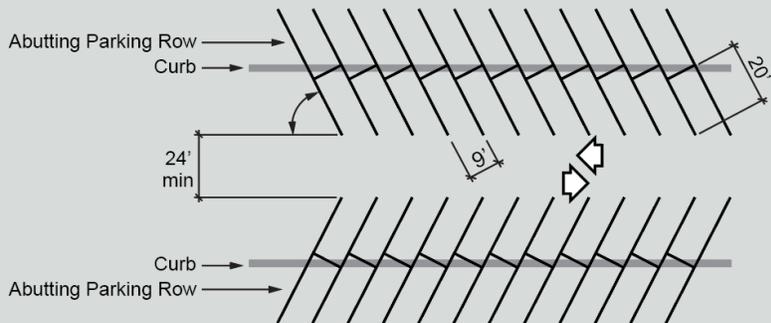
^B May be required to be increased in instances where fire or safety apparatus uses the maneuvering lanes.

5. **Driveway Width.** All two-way driveways providing vehicular access to a parcel, when not adjacent to parking, must be at least 20-feet in width. When such driveway is proposed to be one-way, the minimum must be 12-feet in width and the applicant must receive Fire Department approval.

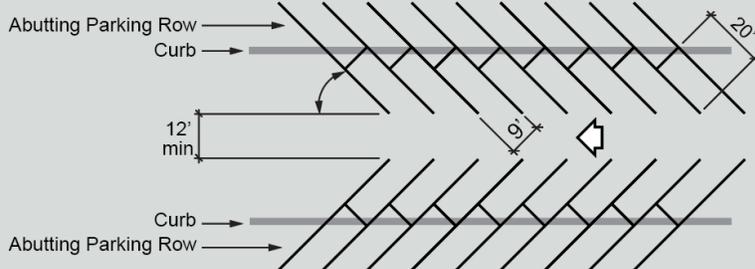
75 to 90 Degree



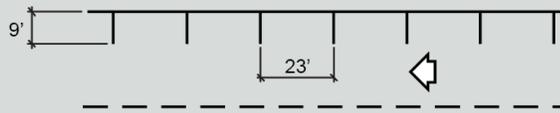
54 to 74 Degree



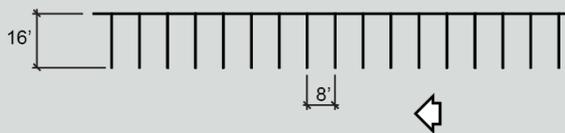
30 to 53 Degree



**0 Degree
(Parallel Parking)**



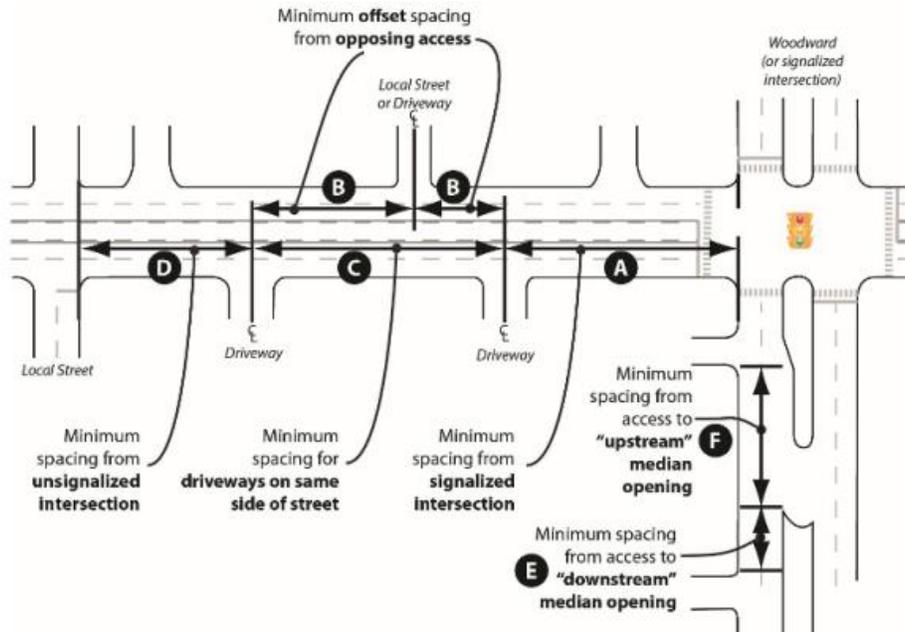
Compact Car Parking



Parking Space Layout

E. Design and Construction, Curb Cuts.

1. **Alley or Secondary Streets.** If present, all vehicular access must take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.
2. **Number of Curb Cuts.** The number and width of curb cuts must be the minimum needed. Access must be provided for each site; where feasible, access must be provided via a shared access curb cut. One additional curb cut may be allowed for properties with a continuous frontage of over 500-feet and one additional curb cut for each additional 250-feet of frontage.
3. **Spacing.** Curb cut spacing is measured as illustrated in the figure below:



- a) **Spacing from Intersections.** Minimum spacing requirements between a curb cut (excluding single- and two-unit dwellings) and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but must follow the distances listed in the table below. The spacing from intersections is measured from the nearest edge of the street pavement to the centerline of the curb cut.

Type of Street	Minimum Spacing Between Driveways
Arterial Street with Intersection 8 Mile; Woodward; 9 Mile; Hilton; Livernois (8 Mile to 9 Mile); Pinecrest (8 Mile to 9 Mile)	80-feet. See "A" in Figure.
Local Street with Intersection	20-feet or as far as practical. See "D" in Figure.

- b) **Spacing from Other Curb Cuts.** Minimum spacing requirements between curb cuts (excluding single- and two-unit dwellings), measured from centerline to centerline, is determined based upon posted speed limits along the lot frontage:

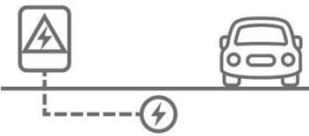
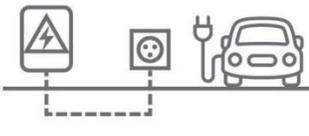
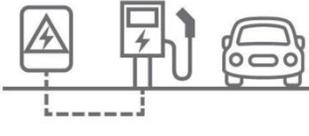
Posted Speed Limit	Minimum Spacing Between Driveways
25 MPH	130-feet
30 MPH	185-feet
35 MPH	245-feet
40 MPH	300-feet

- c) **Spacing from Other Curb Cuts, Across Roadway Alignment.** To reduce left-turn conflicts, new or modified curb cuts must be aligned with those across the street. If alignment is not possible along arterial streets, curb cuts must be offset from those on the opposite side of the street, a minimum of 150-feet (see "B" in Figure) and a waiver granted by the Approving Body.
 - d) **Driveway Spacing from Median Openings.** For streets that have a center median such as Woodward Avenue, to reduce conflicts between traffic entering and exiting a median crossover and driveways, curb cuts cannot be directly aligned with crossovers unless it would be signalized or where direct ingress from the crossover would result in acceptable traffic operation and safety as determined by the City and the Michigan Department of Transportation. Curb cuts must be offset from median crossovers as follows:
 - 1) A curb cut must be offset a minimum of 150-feet from a "downstream" access where turning movements will not interfere with the median crossover (see "E" in Figure).
 - 2) A curb cut must be offset a minimum of 525-feet from an "upstream" access to provide adequate weaving distance to or from the curb cut to or from the median crossover, or as determined by the City engineer based on anticipated volumes along the street and of the curb cut (see "F" in Figure).
4. **Turn Prohibitions.** Left turns may be prohibited to and/or from curb cuts if any of the following circumstances exist: inadequate corner clearance; inadequate sight distance; and/or inadequate driveway spacing.
5. **Shared Driveways.**
- a) Where the spacing standards are not met, the City may require a shared curb cut or construction of a frontage road or rear service drive connecting two or more properties. Shared access is appropriate near existing traffic signals or near locations that have the potential for future signalization; along major streets or arterials with high traffic volumes; and where there is a relatively high number of crashes or limited sight distance. Provisions for shared access is considered between sites that are in the same or similar zoning district (e.g. between adjacent commercially zoned properties).
 - b) Shared curb cuts and service roads must be within an access easement recorded with the Oakland County Register of Deeds. The access agreement shall clarify the responsibility of each property owner for the responsibility of maintenance and improvements of the easement.
6. **Directional Driveways, Divided Driveways and Deceleration Tapers.** Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.

- F. **Waiver of Access Standards.** Certain existing site conditions may prohibit full compliance with the curb cut spacing standards. The Approving Body may, after considering the criteria below, grant a waiver from the standards of this Section in the following situations:
1. The request involves a change in use, expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum curb cut spacing standards.
 2. The modification will allow an existing curb cut to remain that does not meet the standards of this Section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 3. The use is expected to generate a relatively high number of trips and an additional curb cut will improve overall traffic operations.
 4. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
 5. Due to restricted turning movements or the presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
 6. Any other considerations deemed similar by the CED Director.

Section 7.04 Electric Vehicle (EV) Parking

- A. **Intent.** To provide electric vehicle (EV) charging abilities throughout the City to meet current and future demand by EV users and help achieve City established climate and equity goals. This Section outlines the types and levels of charging stations that may be required.
- B. **Applicability.** Electric Vehicle Supply Equipment (EVSE), commonly known as charging stations, may be located in any parking lot and within any zoning district, if all other parking standards are met. The requirements of this Section apply to any newly constructed parking lot or parking structure, or if an existing parking lot or structure adds any new parking spaces.
- C. **Types of EVSE.** There are three types of EVSE: EV-C; EV-R; and EV-I. Within each EVSE, there are different charging levels. Level 2 is the default charging level; all EVSE spaces must accommodate a Level 2 charge. When required, each site must install the required quantity of EVSE such that all EVSEs are able to simultaneously charge the same quantity of parked EVs.

	EVSE Capable (EV-C)	EVSE Ready (EV-R)	EVSE Installed (EV-I)
EVSE Diagram			
Infrastructure Process	An electrical panel with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot is installed.	In addition to the EV-C infrastructure, the electrical wiring through the conduit is pulled.	In addition to the EV-R infrastructure, the charging equipment is installed.
Charging Level (min. for each level)	Level 2 = 1, 40A, 240V circuit per 7.2 kW EVSE.	Level 2 = Pull and terminate wire, install junction box or a 240-volt NEMA socket (typical clothing dryer outlet) in weatherproof enclosure.	Level 2 = Install charging station with networked user access / operational hours controls, and payment system.

- D. **Meeting Level 2 EVSE Quantity.** To determine the quantity of required EVSE for a site, take the proposed total number of parking spaces on the site, multiply that number by the C, R, and I percentages in the three columns of the table in the Parking Manual.

Development Examples	# Parking Spaces	% of Parking Spaces with EVSE			Number of EVSE Spaces Required		
		C	R	I	C	R	I
Multiple-Unit	14	66%	25%	10%	9	4	1
Office	18	25%	15%	10%	5	3	2
Institutional	40	15%	10%	10%	6	4	4
Parking Structure	120	15%	10%	10%	18	12	12
Industrial	60	30%	20%	15%	18	12	9
Commercial	12	15%	10%	10%	2	1	1

- E. **Electric Vehicle Charging Management Systems.** Electric Vehicle Charging Management Systems enable electrical load balancing and other smart features for sites where multiple (at least two) EVSEs will be charging simultaneously. For properties where the quantity of EV-C required is at least four Level 2 EVSEs, use of a software-based EVSE energy management and control system is a requirement. Physical wall space must be reserved for the ancillary Charging Management System(s) adjacent to all electrical service panels containing dedicated EV-C circuits, or somewhere along the conduit runs between the panel and the EVSEs. These software systems and related physical control modules or equipment must be installed and operational when at least four EV-I exist at a site. These Electric Vehicle Charging Management Systems should be expanded when necessary to maintain their function and purpose whenever adding EVSE to sites that already have four EV-I.

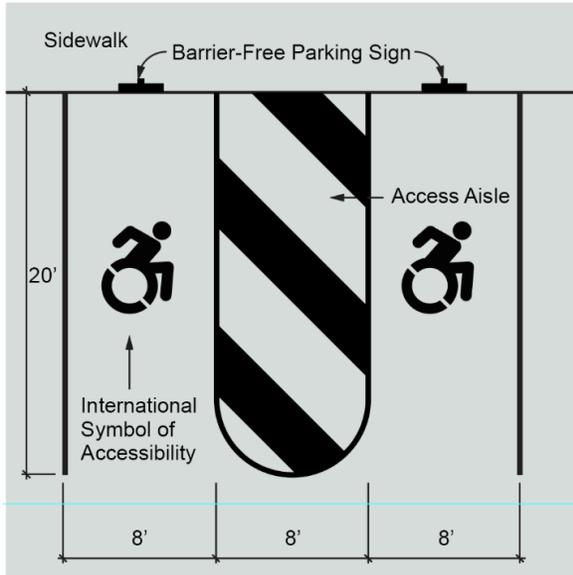
Section 7.05 Barrier Free Parking

- A. **Required Parking Spaces.** Each parking lot that serves a building (except for single- and two-unit dwellings), must provide parking that meets the requirements for barrier-free access, per the table below. A barrier-free route of travel from accessible parking spaces to the nearest barrier-free building approach must also be provided.

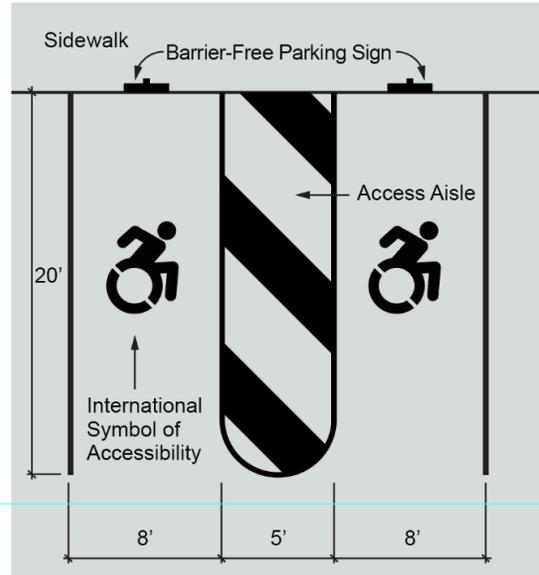
Total Number of Off-Street Parking Spaces	Total Minimum Number of Barrier-Free Parking Spaces Required	Minimum Number of Barrier-Free Parking Spaces that must be Van-Accessible
Up to 25	1 space total	At least 1 space must be sized for a van-accessible parking space
26 to 50	2 spaces total	
51 to 75	3 spaces total	
76 to 100	4 spaces total	
101 to 150	5 spaces total	
151 to 200	6 spaces total	
201 to 300	7 spaces total	
301 to 400	8 spaces total	
401 to 500	9 spaces total	At least 2 spaces must be van-accessible
501 to 1,000	2% of the total parking	At least 1/6 of total barrier-free spaces must be van-accessible
1,001 and greater	20 spaces, plus 1 for each 100 over 1,000 spaces	

- B. **Dimensions of Parking Spaces.** Dimensions, and their pavement marking, must meet the *United States Access Board Americans with Disabilities Act Accessibility Standards*. See illustration of standards below.

Van Accessible



Standard



Barrier-Free Parking Space Layout

- C. **Additional Barrier-Free Parking Space Accessible Standards.** For additional standards, reference the *United States Access Board Americans with Disabilities Act Accessibility Standards*.

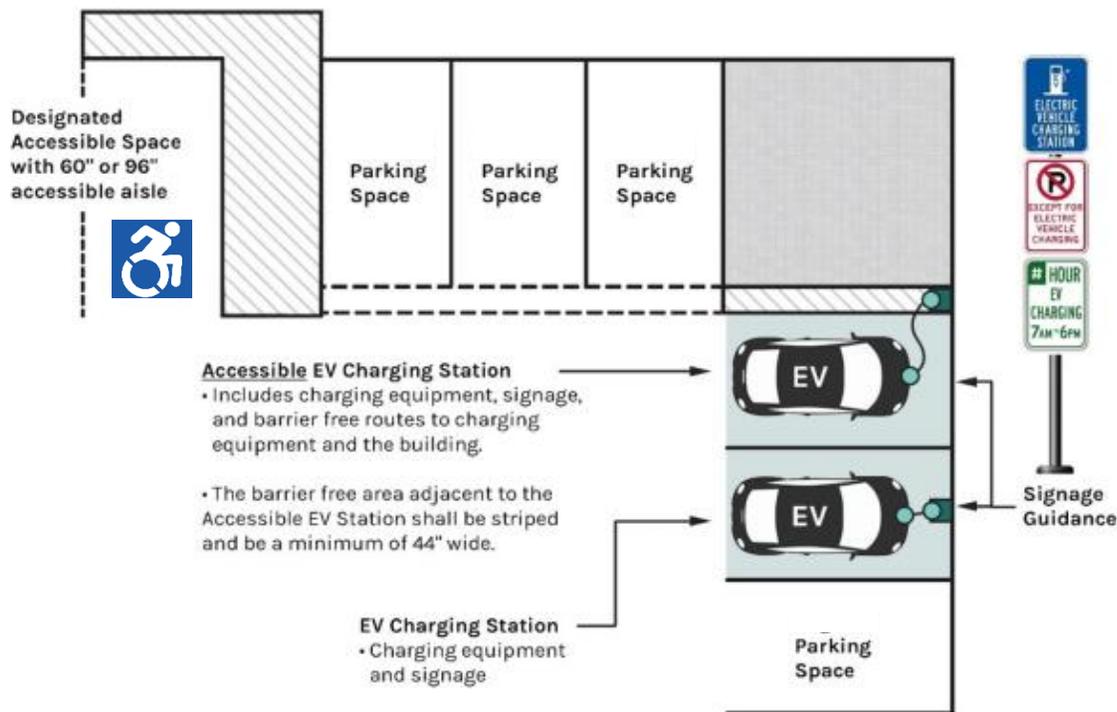
Section 7.06 Barrier Free Electric Vehicle Parking

A. **Required Parking Spaces.** Where EVSE is provided in parking lots or parking garages (excluding single- and two-unit dwellings), barrier free EV charging stations must be provided as follows:

Number of EVSE Parking Spaces	Minimum Accessible EV Charging Stations
1-25	1
26-50	2
51-100	3
101 and up	4%

B. **Design.** Accessible electric vehicle charging stations must meet the recommendations and regulations outlined in the *United States Access Board, Technical Assistance Document: Electric Vehicles*.

C. **Location of Parking Spaces.** Accessible EVSE should be located in close proximity to the building or facility entrance and must be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. See option below for providing accessible EVSE.



Section 7.07 Off-Street Parking Manual

- A. **Purpose.** All projects, except those listed in *Section 7.07(B): Projects Exempt from Off-Street Parking* below, require off-street parking spaces. The Parking Manual establishes the minimum number of required parking spaces, including vehicle, electric vehicle, and bicycle, but allows applicants to deviate from this number by providing the City with a parking study. The CED Director reviews all parking study requests and issues either a letter of parking sufficiency or refers the matter to the Planning Commission for review and final approval. Barrier-free spaces required by the ADA cannot be waived
- B. **Projects Exempt from Off-Street Parking.** Projects exempt from providing off-street vehicle and electric vehicle parking must provide the required ADA barrier-free spaces. Exempt projects include:
1. Non-Residential Projects in the Central Business District (CBD).
 2. Affordable housing units (that portion within a development proposal).
 3. Businesses with an occupancy level of 30 persons or less, only when the use is not subject to special land use approval.
- C. **Process.** The applicant reviews the Off-Street Parking Manual requirements listed for their business / use in the Parking Manual. The applicant can provide this amount or offer an alternative number to the CED Director with a parking study.
1. **Application for a Parking Study.** The application consists of a parking study and a brief short answer narrative of why the required off-street parking amount is excessive for the business. The CED Director can request any additional information needed. Failure to submit information may result in no decision being made.
 2. **Review and Approval Standards.** The CED Director may reduce the parking based upon finding that there will be lower demand for parking due to one or more of the following factors:
 - a) Shared parking by multiple uses with peak parking demands during differing times of the day or days of the week.
 - b) Convenient municipal off-street parking or on-street spaces are located within 500-feet that have the capacity to handle additional parking.
 - c) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design incorporates pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d) Availability of other forms of travel such as transit. The CED Director may require that the site design incorporate transit stops, pedestrian connections to nearby transit stops or enhanced bicycle parking facilities.
 - e) The applicant has provided a parking study that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment.
- D. To compute the number of parking spaces in the Parking Manual, the definition of usable floor area (UFA) governs.
- E. Employee parking is required for the number of employees on the largest working shift.

- F. Where no default parking standard is offered, the CED Director shall apply a standard for a similarly determined use listed in this Code or may study planning best practices to find a suitable alternative parking standard.
- G. Where more than one use is present in a building or on a site, the various components of the use must comply with the parking applicable individually. The applicant must provide information regarding the floor area, employees, or other relevant information about each use to allow the city to determine the minimum parking requirements for the building or site. Shared parking provisions may be applied if applicable.

Section 7.08 Shared Parking Agreements

Private parking facilities may be shared by multiple users whose activities are not normally conducted during the same hours, or when hours of peak use vary. No reduction in the number of spaces reserved for persons with disabilities is permitted.

- A. **Proof from Applicant.** Evidence must be submitted that demonstrates shared parking will not result in inadequate parking. Below is a list of required application information:
 - 1. An analysis of available and used parking spaces based on parking counts taken at certain time intervals and days to verify parking usage patterns.
 - 2. The type and hours of operation and parking demand for each land use.
 - 3. A sketch or site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.
 - 4. A description of the character of land use and parking patterns of adjacent land uses.
 - 5. An estimate of anticipated turnover in parking space use over the course of 12 - 24 hours at the site.
- B. **Distance and Design Standards.**
 - 1. A waiver of the maximum allowable distance between the user and associated shared parking may be approved by the CED Director (up to 500-feet), with written justification and supporting information provided by the applicant.
 - 2. Users sharing a parking facility must provide for safe, convenient walking between land uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting. Pedestrian paths must be as direct and short as possible, without compromising safety. A pedestrian circulation plan that shows connections and walkways between the parking facilities and subject uses must be provided.
 - 3. Details regarding the maintenance of the shared parking areas, including snow removal, must be provided within the shared parking agreement.
- C. **Parking Agreement.** If the CED Director approves the shared parking agreement, a written agreement must be approved by the City Attorney and executed by the property owner to assure the continued availability of the shared parking spaces for the life of the development. The agreement must, at a minimum:
 - 1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties.
 - 2. Provide a legal description of the land upon which the parking area(s) and building(s) appurtenant to the parking areas are located.

- 3. Include a sketch or site plan showing the area of the parking lot, pedestrian and driver circulation, maintenance, etc.
- 4. Provide details regarding the maintenance of the shared parking areas, including snow removal.
- D. **Change in Use.** Should any of the shared parking uses be changed or should the CED Department find that any of the conditions described in the approved shared parking study or agreement no longer exist, or if insufficient parking is an issue due to complaints, the owner can submit a revised shared parking study and an amended shared parking agreement or provide the number of spaces required for each use as if computed separately. If the CED Department determines that the revised shared parking study or agreement does not satisfy the parking needs of the uses, the shared parking request will be denied.

Section 7.09 Loading Zones

- A. **Location.** All buildings (excluding residential with 4 or less dwelling units) with an off-street loading zone must be screened from the public right-of-way and from any residentially zoned or used property. A dedicated alley may satisfy the requirement for off-street loading and unloading.
- B. **Dimensions.** Loading zones must be a minimum of 10-feet by 40-feet, with a 14-foot height clearance.
- C. **Required Greenbelt, Setbacks, and Screening.** Non-alley off-street loading and unloading which abuts residentially zoned or used property must be screened per *Section 6.04: Required Landscaping*.
- D. **Access.** A Loading Zone cannot be configured to allow vehicles to back out directly from it onto a right-of-way, or to require vehicles to back into it from a right-of-way.
- E. **Quantity.** In the case of a mix of uses or a mixed-use building on one developed lot, the total requirements for loading zones is the sum of the various uses computed separately. Loading zones must be provided as follows:

Usable Floor Area (square feet)	Minimum Number of Loading Zone(s) Required
0 – 1,000 square feet	None
1,001 – 20,000 square feet	1 loading zone
20,001 – 100,000 square feet	1 loading zone, plus 1 for each 20,000 sq.ft. more than 20,001 sq.ft.
100,001 square feet and greater	At least 5 loading zones

Section 7.10 Residential Storage of Vehicles

The storage of vehicles for sale and the repair of vehicles on a residentially used or zoned property is prohibited, unless otherwise provided for in this Code. The parking or storage of commercially licensed vehicles is not permitted in the following cases if such parking or storage exceeds a 1-hour period (this does not apply to the lawful and expeditious loading, unloading, delivery or pick-up of materials, goods, merchandise, or persons):

- A. The parking or storage of commercially licensed vehicles, including, but not limited to: semi-tractors, semi-trailers, semi-trucks, and tow trucks.
- B. The parking or storage of commercially licensed vehicles used to transport persons for hire, including, but not limited to: taxicabs, limousines, hearses, food trucks, and buses.
- C. The parking or storage of commercially licensed vehicles which weigh over 6,000 pounds when empty but fully equipped for service.

Section 7.11 Maximum Number of Parking Spaces

To minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum off-street parking permitted cannot exceed 110% of the minimum parking requirements for that specific use in the Parking Manual. This does not apply to one to four-unit dwellings or for the approved storage of vehicles for their repair, sales, and storage and distribution.

Section 7.12 Modification of Standards

The Approving Body can modify the standards in *Article 7: Parking, Access and Mobility*, upon consideration of the following:

- A. The standards would prevent reasonable access to the site or access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
- B. Roadway improvements (such as the addition of a traffic signal, center turn lane, or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- C. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
- D. The proposed location and design are supported by the Michigan Department of Transportation (MDOT) or Oakland County as an acceptable design under the existing site conditions. The City may also request the applicant provide a traffic impact study to support the requested access design.
- E. Where there is a change in use or expansion at a site that does not comply with standards of this Code, the City may determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this Code to the extent practical.

Section 7.13 Traffic Impact Studies

The City may require a traffic impact study (TIS) for all development proposals when there is a concern for the increase in traffic and negative impacts to surrounding neighborhoods. The TIS must be submitted by the applicant to determine the potential future traffic conditions on adjacent roadways once the proposed development is finished. The TIS must include a prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development. The results of the TIS may be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS must meet standards as published by the Southeast Michigan Council of Governments (SEMCOG) and MDOT in the handbook titled *Evaluating Traffic Impact Studies* and found acceptable by the City.

Article 8.

Signs

Section 8.01 Intent

To regulate signs to ensure that they are consistent with the desired characteristics detailed in the City's Master Plan; prevent traffic hazards; provide safe conditions for pedestrians; and protect the public health, safety, and welfare. This includes:

- A. Setting standards and providing uniform regulations that permit reasonable use of signs, recognizing that signs perform an important function in identifying and promoting businesses, services, neighborhoods, events, economic development, and other matters of interest to the public.
- B. Preserving the various characteristics found within the zoning districts and neighborhoods throughout the City, regardless of sign content. In preserving the character of the various neighborhoods, signage must be scaled appropriately.
- C. Prohibiting the erection of signs that may create a hazard to pedestrians and motorists in terms of number, size, illumination, and location.
- D. Avoiding an excessive number of signs so that signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- E. Establishing a clear process for the permitting of signs, allowing some signs without permits, and allowing legally nonconforming signs to continue without jeopardizing the useful life of the sign.
- F. Promoting sustainable practices in sign design and construction. To achieve this, signs must be constructed out of high-quality, durable materials and professionally manufactured.

3. **Sign Safety.**

- a) All signs erected, constructed, reconstructed, altered, or moved must be constructed in such a manner and of such materials as to comply with all requirements of the Building and Electrical Code.
- b) Any sign (including cables, guys, etc.) must have a minimum clearance of 6-feet from any electrical conductor / light pole, road lamp, traffic light, or other public utility pole or standard.

C. **Illumination.** Permanent signs may be internally or externally illuminated, except where prohibited in this Code, in accordance with the following standards.

- 1. **Non-Glare, Shielded Lighting.** Lights must be steady, stationary, and shaded and/or shielded downward with light directed away from adjacent properties and streets.
- 2. **Backlighting.** Signs with internal illumination must have lettering and graphics in a lighter color than the background to the maximum extent practical.
- 3. **Illumination Levels.** Illumination levels cannot exceed 0.5 foot-candles at the lot line, measured 5-feet from the ground. Where adjacent to a residential property, illumination levels cannot exceed 0.1 foot-candles at the lot line.
- 4. **Bare Bulb Illumination.** Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on marquee signs.
- 5. **Wiring.** Underground wiring is required for all illuminated signs not attached to a building. All wiring for signs attached to a building must be concealed (i.e., exposed conduit or wiring is prohibited).
- 6. **Repair.** If any portion of an illuminated sign fails to function, the sign must be repaired within 30 days.

D. **Location.**

- 1. **Public Right-of-Way.** Unless otherwise provided in these regulations, no sign, except those established or approved by the City, Oakland County, state or federal governments can be located in, project or overhang into any public right-of-way or dedicated easement.
- 2. **Projection Maximums.** Measured from the building's façade, an awning, canopy, or sign cannot project greater than the following standards. If the building frontage is on Woodward Avenue or 8 Mile, MDOT approval must be obtained for any projection within the right-of-way.
 - a) Awning / canopy:
 - 1) If retractable, a maximum of a 4-foot projection. Retractable awnings must be retracted at the end of business daily.
 - 2) If non-retractable, a maximum of an 8-foot projection.
 - b) Projecting sign. Maximum projection of 2-feet for brackets and 3-feet for signs, for a total of 5-feet.
 - c) Wall sign. Maximum projection of 1-foot.
 - d) Marquee sign. Maximum projection of 8-feet.
- 3. **Clear Vision Area.** No sign can be located in the clear vision area, [Section 3.06: Clear Vision Area](#).
- 4. **Interior Signs.** Any sign located in a building within 10-feet of a window, meant to attract pedestrian or vehicle traffic, shall adhere to Section 8.03 and 8.04.

- E. **Sign Category.** Every Sign Type has a Sign Category designating it as a Primary or Accessory Sign.
- F. **Number of Signs.** Each business is permitted one Primary Sign. A business may have multiple Accessory Signs subject to the maximum number provided in *Section 8.03: Signs that Require a Permit* and *Section 8.05: Signs that do not Require a Permit*.

Section 8.03 Signs that Require a Permit

- A. **Sign Permit.** It is unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate any sign unless a sign permit is first obtained from the Building Department (except if listed in *Section 8.05: Signs that do not Require a Permit*).
- B. **Permit Application.** The CED Director has final discretion over required submittals for a sign permit. The sign permit application details minimum submittal requirements. Submission of a sign permit plan requires a complete application with ancillary submittals and any associated fees to be paid. Applications will not be processed unless they are determined to be complete.
- C. **Sign Permit Expiration.** A sign permit is null and void if the work for which the permit was issued is not completed within 180 days of the date of issue.
- D. **Sign Standards for Permitted Signs.**

Sign Type	Sign Category	Maximum Height	Maximum Size (per face)	Maximum Number	Additional Requirements
Awning and Canopy	P	12-feet	Cannot exceed 30% of the signable area, or 50 square feet, whichever is less	1 per storefront	Back-lit awnings/canopies are prohibited. Retractable awnings/canopies must be retracted at the end of business, daily. Minimum vertical clearance of 8-feet, 6-inches. Signage on awnings is restricted to the name of the businesses located on the lot. Vinyl awnings are prohibited, must be constructed of cloth or another durable material.
Changeable Message	A	6-feet	16 square feet	1 per lot	This area is included as part of the maximum permitted size of the sign. The message must remain static and cannot change more than twice in any 24 hour period. The message must be related to the business / use on site.
Construction	A	6-feet	6 square feet	1 per lot	Erected during the construction period only and must be removed within 14 days from issuance of a certificate of occupancy. Cannot be installed for over 1-year.
Directional	A	4-feet	2 square feet	2 per lot	Cannot be illuminated.
Integral	A	–	12 square feet	–	–

Sign Type	Sign Category	Maximum Height	Maximum Size (per face)	Maximum Number	Additional Requirements
Marquee	P	–	60 square feet	1 per lot	<p>Minimum vertical clearance of 10-feet.</p> <p>Must be constructed entirely of metal or other approved noncombustible materials.</p> <p>Bare bulbs for the purpose of design and accent lighting are permitted on a marquee. Flashing shall be reduced by the requirement of the CED Director if lighting is perceived to be a distraction to traveling motorists or a nuisance to nearby property owners.</p> <p>Message must be related to a business on site.</p>
Monument	P	6-feet	32 square feet	1 per lot	<p>Supporting base must be constructed of brick, stone, masonry or scored concrete.</p> <p>Minimum 2-foot setback from the right-of-way line.</p> <p>A lot with multiple tenants may have an enlarged ground sign, with 8 additional square feet of signable area per additional business, up to 64 square feet total.</p>
Mural	A	–	–	-	<p>Murals located in the Downtown Development Authority must be reviewed and approved by the DDA.</p>
Projecting/Blade	P	–	9 square feet	1 per storefront	<p>Minimum vertical clearance of 8-feet, 6-inches.</p> <p>Signs cannot be strung by wires, a maximum of two horizontal brackets must be used.</p>
Sandwich Board	A	3-feet	6 square feet	1 per storefront	<p>Can only be placed on sidewalk in front of the business it references.</p> <p>Cannot be chained, cable locked or similarly attached to structures, poles, signs, bike racks, news racks, sidewalk café enclosures, etc.</p> <p>A 5-foot unobstructed clearance to any permanent object, sidewalk ramp, building or sidewalk café enclosure.</p> <p>If there are two violations of the sandwich board requirements within one calendar year, the sign shall be removed for a period of one-year.</p>
Wall	P	–	Cannot exceed 30% of the signable area, or 50 square feet, whichever is less	1 per storefront; a business with frontage on two streets (does not include an alley) may have a second wall sign on that street frontage	<p>Must be constructed of metal or other approved non-combustible material.</p> <p>Wall signs must be professionally painted or consist of freestanding or channel letters. Panels signs are discouraged.</p> <p>Painted wall signs must be kept in good condition, no flaking or fading allowed.</p>

Sign Type	Sign Category	Maximum Height	Maximum Size (per face)	Maximum Number	Additional Requirements
Window Covering	A	–	50% to 100%	-	<p>Cannot be attached to or painted on the outside of any window.</p> <p>Calculations are done for each window separately and cannot be combined.</p> <p>Approval of Window Covering greater than 50% is subject to CED Director review of business operations of the inside of the building directly adjacent to the window.</p>

P – Primary Sign
A – Accessory Sign

Section 8.04 Signs that do not Require a Permit

The following signs do not require a sign permit, provided they are not located in the public right-of-way and comply with the sign requirements of *Section 8.02: General Standards*.

Sign Type	Sign Category	Maximum Height	Maximum Size (per face)	Maximum Number	Additional Requirements
Employment	A	–	6 square feet	1 per business	–
Flags (Non-Residential)	A	<i>Section 3.03</i>	24 square feet	2 flags per business or dwelling unit	In addition to the height standards of <i>Section 3.03</i> , flags cannot be located above a building's height, when affixed to the building.
Garage Sale	A	4-feet	6 square feet	1 per lot	Cannot be erected more than 10 days before and removed within 1 day of the announced sale.
Governmental	A	–	–	–	This includes any signs required to be erected by law.
Holiday Sign / Decorations	A	–	–	–	Must be removed within 14 days after the passage of the holiday. This time limit excludes businesses within the Downtown District. Decorative string lights for a patio, outdoor seating area, etc. that meet the illumination standards of <i>Section 3:12: Lighting</i> are permitted.
Incidental	A	–	2 square feet	6 total	Cannot be illuminated.
Nameplate	A	First floor only	4 square feet	2 per business	Must be located near a secondary entrance or access point.
Static Illuminated Sign ("Open", "Closed", "ATM", etc.)	A	–	3 square feet	1 Open/Closed sign + 1 other	Can be illuminated, however, it cannot flash. Must be turned off at night when the business is closed, unless it also advertises that the business is "closed". If two violations occur within one calendar year, the sign must be removed for the remaining calendar year.
Street Address	A	–	–	–	–
Traffic Control	A	–	–	–	–
Window	A	–	20% of the glass surface	–	Cannot be attached to or painted on the outside of any window. Window signs that are faded, yellowed, ripped, or otherwise damaged must be removed immediately. Calculations are done for each window separately and cannot be combined.
Window Covering	A	-	Up to 50%	-	Cannot be attached to or painted on the outside of any window. Calculations are done for each window separately and cannot be combined. Material can only be frosted or blurred.

P – Primary Sign
A – Accessory Sign

Section 8.05 Temporary Signs

The following apply to temporary signs, those that are installed and maintained for less than 30-days in a calendar year; a permit is not required unless otherwise specified:

- A. **Banners Spanning any Right-Of-Way.** Cannot be greater than 300 square feet in size. Requires City Council and/or MDOT approval.
- B. **Grand Opening and other Temporary Signs and Banners.** Cannot be greater than 16 square feet. One such sign or banner is permitted.
- C. **Illumination.** Cannot be illuminated.
- D. **Maintenance and Removal.** Must be removed as soon as torn or damaged.
- E. **Other.** Businesses shall be allowed three temporary signs (banners no greater than 16 square feet) during the month of August if Dream Cruise is a City-sponsored event

Section 8.06 Prohibited Signs

Prohibited signs include, but are not limited to:

- A. Abandoned signs.
- B. Any sign attached to a tree, fence, or utility pole.
- C. Any sign which is not specifically permitted by or does not conform to this Article.
- D. Balloons or balloon signs, except when specifically approved for a special event by the City.
- E. Billboards (including any off-premises sign).
- F. Electronic message signs.
- G. Festoon signs and flashing, animated, or moving signs.
- H. Home-based business signs (other than a nameplate sign).
- I. Any sign or advertising structure containing profane, obscene, indecent, or immoral matter of the type or kind prohibited by State law.
- J. Any sign that obstructs access, preventing free and unobstructed access to using a window, door, or other opening that could be used for a fire escape.
- K. Inflatable signs, except when specifically approved for a special event by the City.
- L. Pole and roof signs.
- M. Signs that obstruct any approved traffic control device, road sign, or signal from view; interfere with site distance necessary for traffic safety; confuse traffic; or distract from visibility of existing traffic signs or devices.
- N. Signs that contain visible moving, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind current.
- O. Structurally unsafe signs.

- P. Vehicle signs, where the vehicle is parked for longer than 12 hours in one location, unless such parking location is the least visible from the ROW.
- Q. Signs that violate *Section 3.06: Clear Vision Area*.
- R. Signs that make any noise or play music.

Section 8.07 Nonconforming Signs

- A. **Definition.** Any sign lawfully existing at the time of the adoption of this Code that does not fully comply with all provisions is considered a legal nonconforming sign and remain, provided that the sign is properly maintained and is not detrimental to the health, safety, and welfare of the community, unless otherwise permitted in this Code.
- B. **Restrictions.** A nonconforming sign cannot be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of subsection C below. In this Section only, the term “altered” or “reconstructed” does not include any of the following:
 1. Normal maintenance.
 2. Changing of the surface sign space to a lesser or equal area.
 3. Ornamental molding, frames, trellises, or ornamental features.
 4. Changing backgrounds, letters, figures, characters, or other embellishments.
 5. Diminishing the size or dimension or the copy of the sign.
- C. **Requirements.** Nonconforming signs must comply with the following:
 1. Normal maintenance is allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50% of the sign’s pre-existing fair market value, exclusive of the foundation, cannot be reconstructed. Normal maintenance includes painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.
 2. A nonconforming sign cannot be replaced with another nonconforming sign.
 3. Any nonconforming sign must be removed when the current business, service, or activity it references is discontinued for a period of 60 days. A sign not removed within 60 consecutive days is considered an abandoned sign. When a nonconforming sign, or portion thereof, is removed, it may only be replaced with a sign that conforms to all current requirements. A nonconforming sign may be removed for maintenance or repair upon receipt of a permit from the Building Department conditional upon the sign being reinstalled within 60 days of removal, otherwise the nonconforming sign is deemed abandoned.

Section 8.08 Inspection and Maintenance

- A. **Sign Inspection.**
 1. **Responsibility for Compliance.** The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign and the area in the vicinity thereof.

2. **Inspection of New Signs.** All signs for which a permit has been issued must be inspected by the City. Approval is granted only if the sign is constructed in compliance with the approved plans and City Codes.
3. **Inspection Before Enclosure.** In cases where fastenings or anchorages are to be eventually bricked or otherwise enclosed, the sign erector must advise the City when such fastenings are to be installed so that an inspection may be completed before enclosure.
4. **Inspection of Existing Signs.** The City can inspect any sign, and if upon inspection a sign is found to be unsafe or in a condition that does not comply with this Code, the City will give notice of such condition to the owner and cause to be made the necessary repairs or alterations or remove the sign.

B. Sign Maintenance. All signs and support structures must:

1. Conform to this Code.
2. Be kept in compliance with the plans and specifications approved for issuance of the permit.
3. Be kept and maintained in a safe condition, consistent with City Codes.
4. Not have peeling paint or paper, sun fading, staining, rust, or other conditions which impair the legibility or intelligibility of the sign.

C. Correction of Defects. If the City finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the owner of the property must make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the City. Existing signs determined to be unsafe and an immediate hazard to health or safety must be removed or repaired within 12 hours of notification.

D. Relocation. Any sign that is moved to another location either on the same lot or to another lot is considered a new sign and must comply with current Code requirements.

E. Alteration or Reconstruction. Any legally conforming sign which is altered or substantially reconstructed (to an extent greater than 50% of the sign's pre-existing fair market value) for any reason including partial destruction by fire, wind, or accident, is also considered a new sign.

F. Removal. If the City finds that a sign is maintained in violation of the provisions of this Code and such sign is not a legally nonconforming sign, the CED Department will give written notice to the owner or occupant of the property. If such person fails to alter or remove the sign so as to comply with this Section within 10 days after such notice, the City may issue a notice of violation or a citation requiring the property owner or occupant to appear in court. If such sign is not brought into conformance or removed within 10 days of such person's conviction for violation of this Code, the City may cause such sign to be removed at the expense of the property owner.

Section 8.09 Appeals

Any party who has been denied a sign permit, or aggrieved by the decision of the CED Director, may file a request for a variance with the Board of Zoning Appeals, in accordance with [Article 17: Board of Zoning Appeals](#). In determining whether a variance is appropriate, the BZA may consider any extraordinary circumstances, such as:

- A. Whether the permitted signage could not easily be seen by passing customers due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.

- B. Whether construction of a conforming sign would require removal or severe alteration to natural features on the lot, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- C. Whether construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Article 9. Site Plans

Section 9.01 Intent

A site plan is required to ensure compliance with this Code and other applicable City codes and laws, which protect the community's health, safety, and welfare. A site plan provides for orderly development, adequate landscaping and screening, and appropriate lighting. This Article establishes the procedures and standards for reviewing a site plan.

Section 9.02 Submittal Requirements

The CED Director has final discretion over required submittals for a site plan. The site plan application details minimum submittal requirements. Submission of a site plan requires a complete application with ancillary submittals and any associated fees to be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

Section 9.03 Review Process

- A. **Process Overview.** For all site plans not concurrently reviewed with a PUD or Special Land Use, there are two types of reviews: 1) administrative review; and (2) Planning Commission review. The CED Director determines the type of site plan review process for a site plan. See flow charts at the end of this Article that illustrate the process for an Administrative or Planning Commission review. Any property owner aggrieved by the CED Director's determination of the type of site plan review process may appeal to the BZA. When a site plan is proposed with a Special Land Use, it is considered for final approval by the Planning Commission.
- B. **Pre-Application Meetings.** The CED Director may require a property owner to present their site plan at one or more pre-application meetings before submitting a formal application. A property owner's requirement to present at a pre-application meeting is not appealable to any officer, board, or commission. Failure to present at a pre-application meeting will result in an incomplete application determination if submitted.

Section 9.04 Approval Standards

The following standards must be met for site plans, as applicable:

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Use and Zoning District Compatibility.** The proposal must be compatible with the intent statements of the zoning district and surrounding uses.
- C. **Housing.** If housing is proposed, the development proposal must contribute to the City's goal of providing a variety of housing types, prices, and ownership forms to satisfy the needs of various community segments.
- D. **Utilities, Soil Erosion, Sedimentation Control, and Drainage.** Utility services, including sanitary, water, and storm runoff, must not exceed the existing or planned capacity of such services and must be developed in the best interest of the community's public health, safety, and welfare. The proposal must be designed and located so that public services, including streets and sidewalks, police and fire protection, and public schools, have sufficient capacity to serve the development properly and so that such services will not be adversely affected by the proposed development.
- E. **Transportation, Mobility, and Circulation.** The proposal must encourage an efficient and environmentally sound transportation system, with the following standards met:
 - 1. Ensure the safety and convenience of pedestrian and vehicular traffic.
 - 2. Ensure efficient traffic flow and control and the proper placement of curb cuts for ingress and egress.
 - 3. Ensure adequate turning radius for trucks and vehicles regularly servicing the site.
 - 4. Ensure easy access in fire, catastrophe, and emergency cases.
 - 5. Designed not to create undue traffic congestion on adjacent public streets.
 - 6. Ensure mobility options are provided, including pedestrian, bicycle, personal vehicle, and transit, as appropriate to the scale of the development proposal and its use.
- F. **Landscaping and Screening.** Walls, berms, and vegetative screens (or a combination) must act as buffers to provide a more compatible, safer, and visually attractive physical separation between various land use types. Landscaping and screening must create a definitive site improvement, minimizing the impact that one type of land use may have on another.
- G. **Green Infrastructure and Natural Resources.** General site landscaping must enhance nearby property's appearance, character, and value while providing an environmental benefit. The natural assets of a lot must also be preserved and enhanced to the extent practicable.
- H. **Lighting.** Site lighting must be harmonious with properties in the vicinity while adequately illuminating a site for safety and convenience. Excessively bright and harsh site illumination is not allowed as it creates an undesirable halo effect on the lot, diminishes the surrounding environment, and presents a potential hazard to vehicle and pedestrian traffic on adjacent streets and sidewalks.
- I. **Building Form and Design Standards.** Building form and design must relate to and be harmonious with the surrounding area regarding texture, scale, mass, proportion, materials, and color. Structures must comply with setbacks, height, and other dimensional standards and be located to preserve environmentally sensitive areas. Entrances must be accessible and barrier-free. If applicable, the proposed site plan and building(s) must also comply with the form-based standards.
- J. **General Development or Use Requirements.** The proposal must comply with the general site requirements of *Article 3: General Provisions*, *Article 8: Signs*, and any applicable standards of *Article 5: Specific Use Standards*.

Section 9.05 Procedures After Approval

- A. **Final Approved Plan.** The applicant must submit a final site plan with the changes required by the Approving Body and list any conditions as a note on the plan before submitting construction drawings or receiving a building permit. The CED Director reviews final plans and confirms compliance with approvals and conditions. Any property owner aggrieved by the CED Director's requirements related to a final site plan may appeal to the BZA.
- B. **Approval Expiration.** The site plan is approved for construction for 2-years from the approval date. If a building permit has not been obtained and/or construction has not commenced within the 2-year period, the site plan is null and void.
- C. **Approval Extensions.** The CED Director may grant an extension of up to 18-months for an approved site plan. An extension may only be granted provided the approved site plan continues to adequately represent current conditions on and surrounding the site, that the applicant has shown substantial progress, the project has suffered an unavoidable delay, and/or that the site plan conforms to the standards of the City regulations, at the time of the applicant's request for an extension.
- D. **By Owner's Action.** An owner of an approved site plan may petition the CED Director to rescind such approval. Upon receipt of such petition, the CED Director will terminate approval of the site plan. Only those uses permitted by right within the applicable zoning district will be allowed on the property.
- E. **Modifications to a Previously Approved Site Plan.** An approved site plan may be subsequently modified, subject to the review and approval requirements of this Article based on the scope of the proposed modifications. The CED Director may approve minor plan modifications under administrative review or determine whether a property owner must seek Planning Commission approval.
 - 1. **Major Modification to a Site Plan.** Any site plan modification that does not fall under the criteria of a Minor Modification is considered a Major Modification. A Major Modification may be approved as administrative review, or the CED Director may determine the property owner must seek Planning Commission subject to the provisions of this Article
 - 2. **Minor Modifications to a Site Plan:**
 - a) Movement of a structure, provided all setback, parking, landscaping, and other site requirements are met.
 - b) Plantings in the landscape plan may be replaced by similar types and sizes of landscaping, which provide a similar screening effect on an equal or greater basis.
 - c) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, and removing a curb cut. The addition of a new curb cut is not considered a minor modification.
 - d) Changes of building materials or design, fencing, screening, or site amenities that will result in a higher quality development.
 - e) Changes in interior floor plans which do not alter the character of the use.
 - f) Slight modification of sign placement or reduction of size/number.
 - g) Changes required or requested by a City, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, or any specified conditions of the approved site plan.
 - h) Situations the CED Director deems similar to the above, which do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan

- F. **Resubmission.** No application the City has denied may be resubmitted until the expiration of 1-year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director’s sole determination. Any property owner aggrieved by this decision may appeal to the BZA.
- G. Any change which the Code allows the CED Director to waive or reduce.

Section 9.06 General Considerations

- A. **Site Plan Approval.** Approval of a site plan requires the Approving Body to bring a property into compliance or closer into compliance with the Code.
- B. **Penalties and Remedies.**
 - 1. **Conformity.** The property owner for whom site plan approval has been granted is responsible for maintaining the property in conformity with the approval on a continuing basis unless the City approves a new or amended site plan.
 - 2. **Failure to Conform.**
 - a) A breach of any condition and the failure to correct such breach within 30 days after the City issues an order to correct is a reason for revocation of the site plan approval. Additional time for correction of the cited violation may be allowed by the City upon submission of proof of good and sufficient cause. Conditions of an approved site plan are continuing obligations to the property owner and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such site plan is in effect.
 - b) The first violation of non-conformity to an approved site plan is a municipal civil infraction. A first offense is subject to a minimum \$100.00 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine of up to \$200.00. Third and subsequent offenses are punishable by a fine of up to \$500.00 and a mandatory court appearance. Each day on which a violation shall continue shall constitute a separate offense and shall be punishable as such. These requirements are in addition to, and not in lieu of, all other City Codes, regulations, or state law.
- C. **Administrative Review and Planning Commission.** Upon Administrative approval of a proposed site plan, a property owner aggrieved by an approval with conditions, or denial may formally appeal to the Planning Commission for a final decision by submitting a letter to the CED Director within 10 business days. The CED Director will schedule the site plan for consideration by the Planning Commission at the next available meeting, and the Planning Commission may approve, approve with conditions, or deny, based on the criteria in *Section 9.04: Approval Standards.*

Section 9.07 Applicability and Types of Reviews

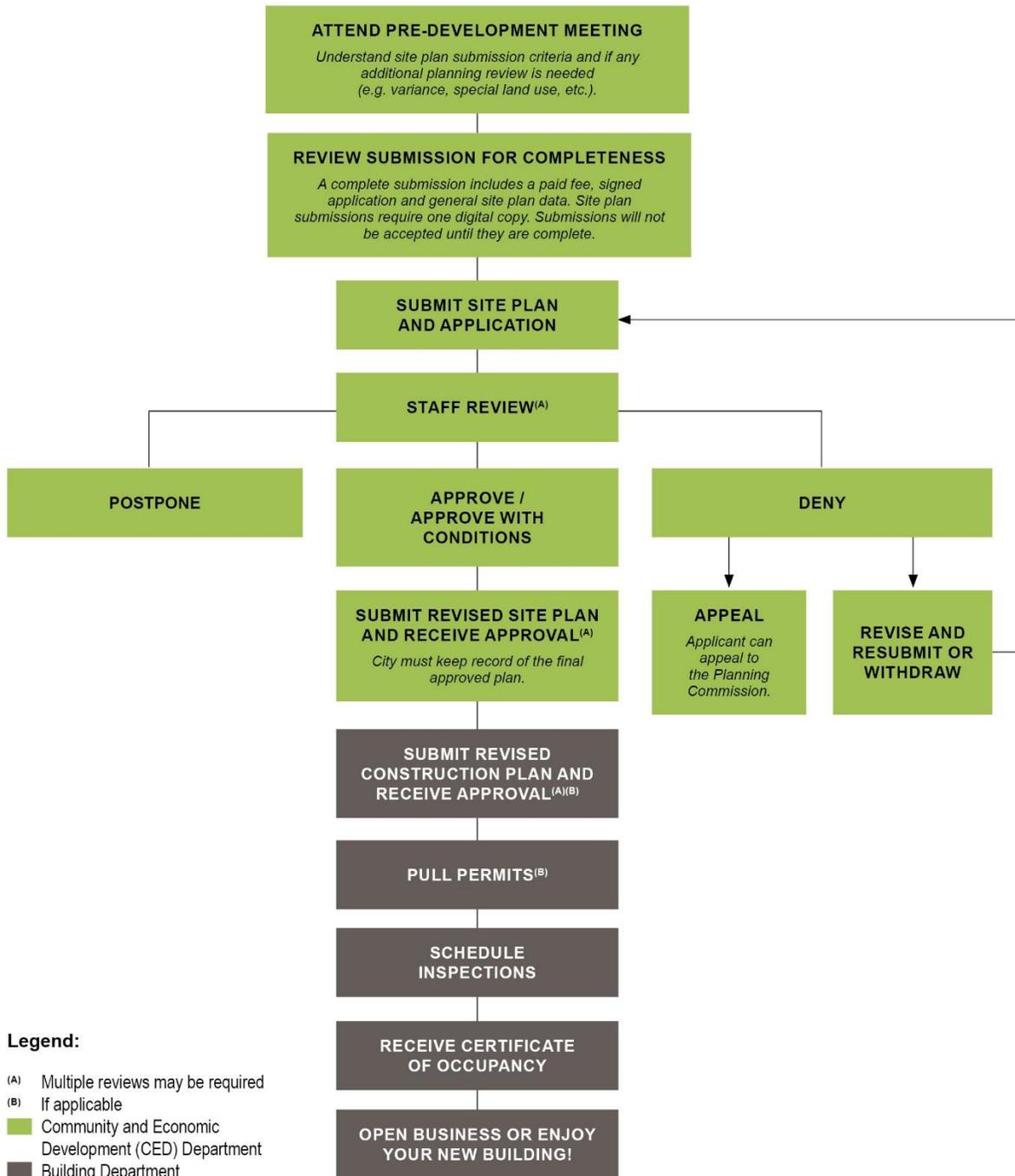
No structure may be erected, moved, relocated, or structurally altered, and there cannot be a change or addition of use, nor expansion or reduction of off-street parking. No filling, excavation, or grading may be undertaken until a required plan is submitted for review and approval, as specified in this Section.

The CED Director is the final authority on the type of review required for each application and has the authority to waive and require additional review criteria.

Reviewing Authority	Types of Projects
Building Department Review (Administrative)	<ul style="list-style-type: none"> • Fences (<i>Section 3.09</i>) • Accessory Dwelling Units (<i>Section 5.01</i>) • Detached Single-Unit Dwellings • Duplexes • Signs (<i>Article 8</i>)
CED Department Review (Administrative)	<ul style="list-style-type: none"> • Renovation / New Construction of Permitted Uses • Re-Use / Re-Occupancy • Temporary Uses (<i>Section 5.19 and Section 5.20</i>) • By right Triplexes • By right Fourplexes • Exterior Site Improvements
Planning Commission Review	<ul style="list-style-type: none"> • Renovation / New Construction of Permitted Uses, if applicable • Special Land Use (<i>Article 10</i>) • Planned Unit Development (<i>Article 11</i>) • Text / Map Amendments (Rezoning) (<i>Articles 12, 13 and 14</i>)

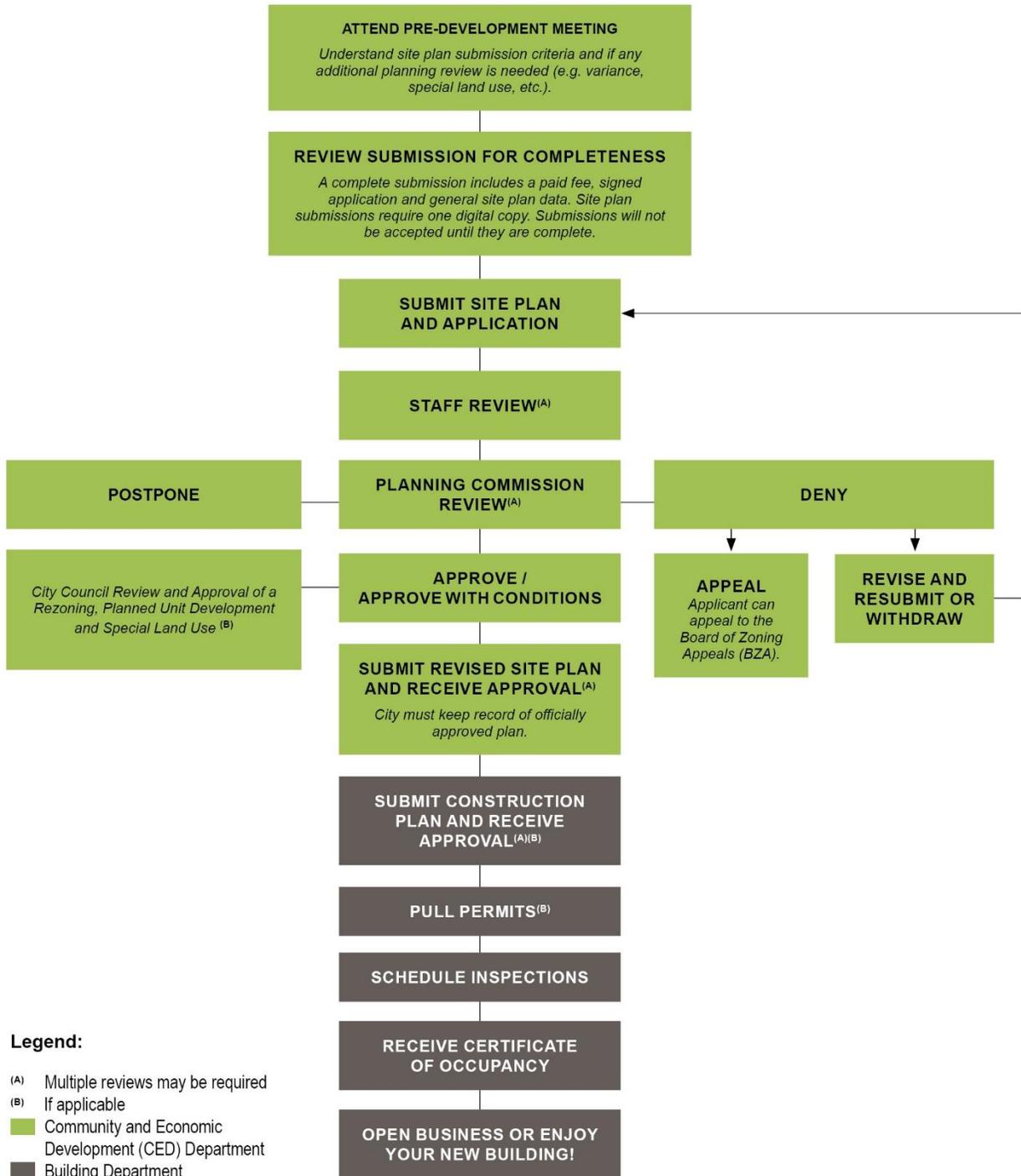
Administrative Site Plan Process

City of Ferndale, MI



Planning Commission Site Plan Process

City of Ferndale, MI



Legend:

- ^(A) Multiple reviews may be required
- ^(B) If applicable
- Community and Economic Development (CED) Department
- Building Department

Article 10.

Special Land Uses

Section 10.01 Intent

A use allowed through the special land use process is a recognition that certain uses may be necessary or desirable to allow in certain locations within a zoning district but which, due to their actual or potential impact on neighboring uses or public facilities, must be more carefully reviewed with respect to their location, design, and operation. This Article establishes the procedures and standards for reviewing a special land use and provides a mechanism for public input on decisions involving them.

Section 10.02 Submittal Requirements

The CED Director has final discretion over required submittals for a special land use. The special land use application details minimum submittal requirements. Submission of a special land use requires a complete application with ancillary submittals and any associated fees to be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

Section 10.03 Review Process

- A. **Process Overview.** All special land uses require an accompanying Site Plan, consideration by the Planning Commission and final approval by the City Council. A public hearing in compliance *Section 17.03: Public Hearings* is required. The Planning Commission holds a required public hearing and recommends approval, approval with conditions, or denial, based on *Section 10.04: Approval Standards* criteria. The City Council holds a required public hearing in compliance with *Section 17.03: Public Hearings* and approves, approves with conditions or denies based on *Section 10.04: Approval Standards* criteria and the Planning Commission recommendation.

- B. **Pre-Application Meetings.** The CED Director may require a property owner to present their special land use at one or more pre-application meetings before submitting a formal application. A property owner's requirement to present at a pre-application meeting is not appealable to any officer, board, or commission. Failure to present at a pre-application meeting will result in an incomplete application determination if submitted.

Section 10.04 Approval Standards

The following standards must be met for a special land use, as applicable:

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Consistent with Zoning Ordinance and Intent of the Zoning District.** The use must be consistent and promote the intent and purpose of the Zoning Ordinance and the zoning district. Explain how this application for Special Land Use approval meets all specific criteria and design standards for the specific use outlined in the Zoning Ordinance.
- C. **Compatible with Adjacent Uses and an Improvement to Community.** The proposed use must be compatible with the adjacent uses and an improvement to the community. In determining whether this requirement has been met, consideration shall be given to location and screening of vehicular circulation and parking; location and screening or outdoor storage; hours of operation, bulk and placement of proposed structures in relation to surrounding uses, proposed landscaping and other site amenities.
- D. **Adequately Served by Essential Public Facilities.** The proposed use must be in a place that is served by essential public facilities and services. The use must be adequately served by essential public facilities, such as highways, streets, police, water and sewage.
- E. **Impact on Pedestrian and Vehicle Traffic.** The proposed use must minimize the impact of the traffic generated by the proposed use on surroundings uses. Consider proximity and access to major thoroughfares, estimated traffic generated by proposed use, proximity and relation to intersection, adequacy of driver sight distances, location of and access to off -street parking, required vehicular turning movements and provisions for pedestrian traffic.
- F. **Protect Health, Safety and Welfare of Community from Nuisances.** The proposed use must not generate activities that are detrimental to the public health, safety, and welfare. Consider the production of traffic, noise, vibration, smoke, fumes, odor, dust, glare, and light.

Section 10.05 Procedures After Approval

- A. **Approval Expiration.** A special land use is approved to commence for 2-years from the approval date. If the use has not commenced within the two-year period, the special land use is null and void.
- B. **Approval Extensions.** The CED may grant an extension of up to 18-months for an approved special land use. An extension may only be granted provided the approved special land use continues to adequately represent current conditions on and surrounding the site, that the applicant has shown substantial progress on the project, the project has suffered an unavoidable delay, and that the special land use conforms to the standards of the City regulations, at the time of the applicant's request for an extension. Denial by the CED Director to approve an extension is not appealable to any officer, board, or commission.

- C. **By Owner's Action.** An owner of an approved special land use may petition the CED Director to rescind such approval. Upon receipt of such petition, the CED Director shall terminate approval of the special land use. Only those uses permitted by right within the applicable zoning district will be allowed on the property.
- D. **Modifications to a Previously Approved Special Land Use.** An approved special land use may be subsequently modified, subject to the review and approval requirements of this Article based on the scope of the proposed modifications. The CED Director may approve minor plan modifications or determine whether a property owner must seek Planning Commission approval.
 - 1. **Major Modifications.** Any modification which meets or exceeds one or more of the conditions for a Major Modification requires a new Special Land Use permit and must be reviewed using the procedures of this Article. Major Modifications to a Special Land Use include:
 - a) Changes increase the building's usable floor area by more than 20%.
 - b) Parking lots have been expanded by more than 20%.
 - c) The expansion will result in 20% or more increase in traffic generation based upon the latest edition of the Institute of Traffic Engineers Trip Generation Manual or will change the number or location of driveway access points.
 - d) Any change affecting any previously approved Special Land Use application approved by the City.
 - 2. **Minor Modifications to a Special Land Use:**
 - a) Movement of a structure, provided all setback, parking, landscaping, and other site requirements are met.
 - b) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, and removing a curb cut. The addition of a new curb cut is not considered a minor modification.
 - c) Slight modification of sign placement or reduction of size / number.
 - d) Changes required or requested by a City, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.
 - e) Situations the CED Director deems similar to the above, which do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.
- E. **Resubmission.** No application the City has denied may be resubmitted until the expiration of 2-years from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director's sole determination. Any property owner aggrieved by this decision may appeal to the BZA.

Section 10.06 General Considerations

- A. **Special Land Use Approval.** All special land use applications require site plan approval concurrently reviewed with the special land use. Prior Administrative or Planning Commission approval of a site plan does not negate the requirement of a site plan to be presented with a special land use.
- B. **Penalties and Remedies.**

1. **Conformity.** The property owner for whom special land use approval has been granted is responsible for maintaining the property in conformity with the special land use approval on a continuing basis unless the City approves a new or amended special land use.
2. **Failure to Conform.**
 - a) A breach of any condition and the failure to correct such breach within 30 days after the City issues an order to correct is a reason for revocation of the special use review approval. Additional time for correction of the cited violation may be allowed by the City upon submission of proof of good and sufficient cause. Conditions of approved special land use are continuing obligations to the property owner and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special land use is in effect.
 - b) The first violation of non-conformity to an approved site plan is a municipal civil infraction. A first offense is subject to a minimum \$100.00 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine up to \$200.00. Third and subsequent offenses are punishable by a fine up to \$500.00 and a mandatory court appearance. Each day on which a violation shall continue shall constitute a separate offense and shall be punishable as such. These requirements are in addition to, and not in lieu of, all other City Codes, regulations, or state laws.

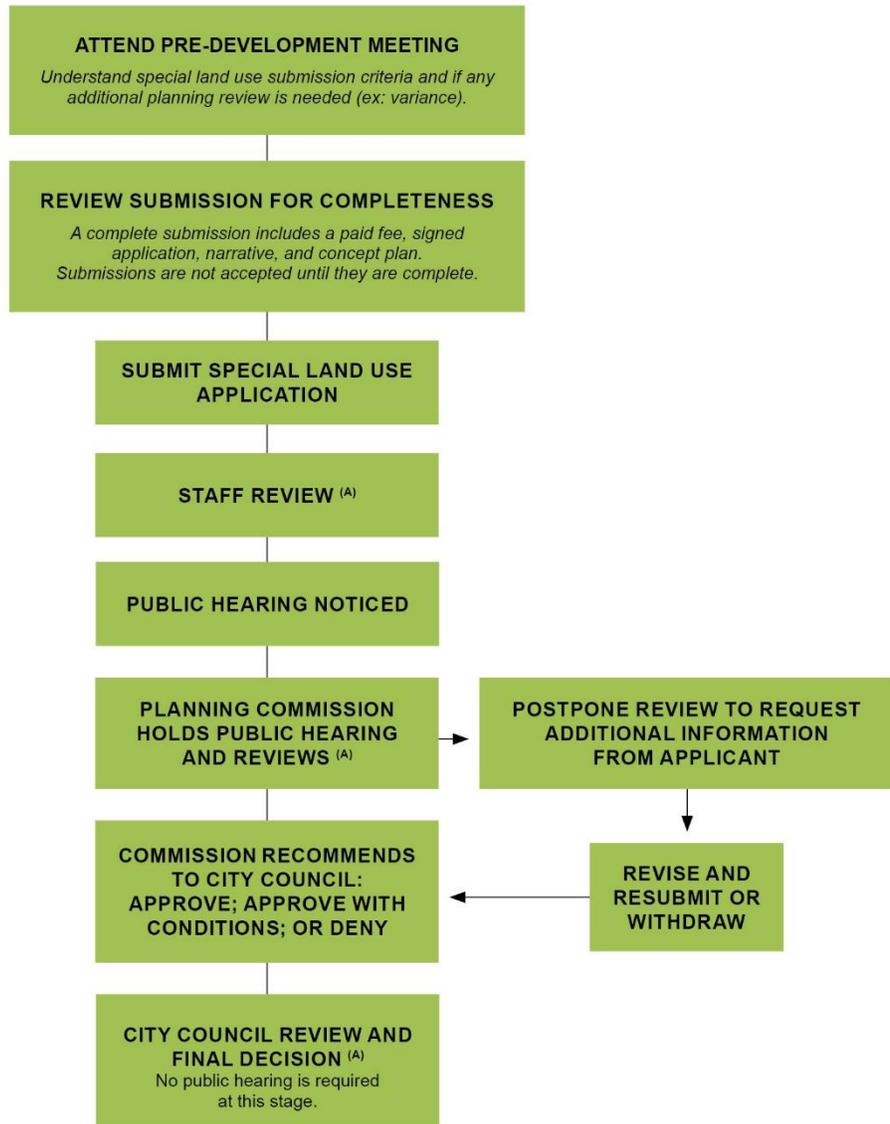
Section 10.07 Applicability and Types of Review

No use on any property in the City shall commence unless it complies with the Code. Special land use review is required for:

- A. Any new use that is designated as a “S – Special Land Use” in *Section: 2.05: Schedule of Permitted Uses*.
- B. Any Building Type that is designated as a “S – Special Land Use” in *Section 4.05: Building Type Standards*.
- C. When any of the above special land use processes are triggered, even if that use exists today, there is no official record of an approved special land use on file with the City.
- D. Any enlargement or intensification of an existing Special Land Use, as determined by the CED Director.

Special Land Use Process

City of Ferndale, MI



Legend:

- (A) Multiple reviews may be required
- Community and Economic Development (CED) Department

Article 11. Planned Unit Developments (PUD)

Section 11.01 Intent

A Planned Unit Development (PUD) provides flexibility in zoning requirements, allowing a more creative approach to development, one that better takes advantage of a site's special characteristics than would be possible through the strict enforcement of this Code. The specific objectives of a PUD are to:

- A. Achieve efficiency in the use of land, natural resources, energy, public services, and utilities.
- B. Encourage innovation in land use and variety in design, layout, and type of structures. Implement the Master Plan goals and vision
- C. Encourage the reuse and improvement of land where site conditions make development under conventional zoning difficult and less desirable.
- D. Encourage the reuse and improvement of land where site conditions make development under conventional zoning difficult and less desirable.
- E. Permit flexibility in the zoning regulations while assuring the application of sound site planning standards.
- F. Promote the development of compact, mixed-use developments that will support public transportation and result in sustainable and healthy neighborhoods.
- G. Provide opportunities for improvements to public infrastructure and facilities.

Section 11.02 Submittal Requirements

The CED Director has final discretion over required submittals for a PUD. The PUD application details minimum submittal requirements. Submission of a PUD requires a complete application with ancillary submittals and any associated fees to be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

Section 11.03 Review Process

- A. **Process Overview.** All PUDs require consideration by City staff and Planning Commission, and final approval by the City Council.
- B. **Pre-Application Meeting.** The CED Director may require a property owner to present their PUD at 1 or more pre-application meetings before submitting a formal application. A property owner's requirement to present at a pre-application meeting is not appealable to any officer, board, or commission. Failure to present at a pre-application meeting will result in an incomplete application determination if submitted.
- C. **PUD Conceptual Plan.** The Conceptual Plan process requires review by the Planning Commission and approval by the City Council. The process is as follows:
- D. **Review Process and Public Hearing.**
 - 1. The CED Department reviews the application for completeness and schedules the project for a public hearing at a future Planning Commission meeting in compliance with *Section 17.03: Public Hearings*. The CED Department recommends approval, approval with conditions, or denial.
 - 2. The Planning Commission holds the required public hearing and recommends to the City Council approval, approval with conditions, or denial based on the criteria in *Section 11.04: Approval Standards*.
 - 3. The City Council holds the required public hearing in compliance with *Section 17.03: Public Hearings* and approves, approves with conditions, or denies the PUD based on the criteria in *Section 11.04: Approval Standards*.
- E. **PUD Site Plan.** A PUD requires an approved site plan by the Planning Commission. The site plan shall be presented concurrently to the Planning Commission with the PUD. If the Planning Commission denies the site plan, the PUD does not move forward to the City Council. If the City Council changes the PUD, which affects a Planning Commission-approved site plan, the CED Director shall follow *Section 11.05: Procedures After Approval*, to determine if City Council's approval or approval with conditions of the PUD conflicts with Planning Commissions approval of approval with conditions of the site plan, and in such cases, may process minor modifications administratively, or present an updated site plan to Planning Commission for their review and approval.

Section 11.04 Approval Standards

The following standards must be met for a PUD, as applicable:

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Use and Zoning District Compatibility.** The proposal must be compatible with the intent statements of the zoning district and surrounding uses.
- C. **Affordable Housing.** If housing is proposed, the development proposal must include a provision of affordable housing units.
- D. **Utilities, Soil Erosion, Sedimentation Control, and Drainage.** Utility services, including sanitary, water, and storm runoff, must not exceed the existing or planned capacity of such services and must be developed in the best interest of the community's public health, safety, and welfare. The proposal must be designed and located so that public services, including streets and sidewalks, police and fire protection, and public schools, have sufficient capacity to serve the development properly and so that such services will not be adversely affected by the proposed development.

- E. **Transportation, Mobility, and Circulation.** The proposal must encourage an efficient and environmentally sound transportation system, with the following standards met:
 1. Ensure the safety and convenience of pedestrian and vehicular traffic.
 2. Ensure efficient traffic flow and control and the proper placement of curb cuts for ingress and egress.
 3. Ensure adequate turning radius for trucks and vehicles regularly servicing the site.
 4. Ensure easy access in fire, catastrophe, and emergency cases.
 5. Designed not to create undue traffic congestion on adjacent public streets.
 6. Ensure mobility options are provided, including pedestrian, bicycle, personal vehicle, and transit, as appropriate to the scale of the development proposal and its use.

- F. **Landscaping and Screening.** Walls, berms, and vegetative screens (or a combination) must act as buffers to provide a more compatible, safer, and visually attractive physical separation between various land use types. Landscaping and screening must create a definitive site improvement, minimizing the impact that one type of land use may have on another.

- G. **Green Infrastructure and Natural Resources.** General site landscaping must enhance nearby property's appearance, character, and value while providing an environmental benefit. The natural assets of a lot must also be preserved and enhanced to the extent practicable.

- H. **Lighting.** Site lighting must be harmonious with properties in the vicinity while adequately illuminating a site for safety and convenience. Excessively bright and harsh site illumination is not allowed as it creates an undesirable halo effect on the lot, diminishes the surrounding environment, and presents a potential hazard to vehicle and pedestrian traffic on adjacent streets and sidewalks.

- I. **Building Form and Design Standards.** Building form and design must relate to and be harmonious with the surrounding area regarding texture, scale, mass, proportion, materials, and color. Structures must comply with setbacks, height, and other dimensional standards and be located to preserve environmentally sensitive areas. Entrances must be accessible and barrier-free. If applicable, the proposed site plan and building(s) must also comply with the form-based standards.

- J. **General Development or Use Requirements.** The proposal must comply with the general site requirements of *Article 3: General Provisions*, *Article 8: Signs*, and any applicable standards of *Article 5: Specific Use Standards*.

- K. **Conformance with the Intent of a PUD.** The overall design and uses must be consistent with and promote the intent of a PUD. It must result in a recognizable and substantial benefit to the ultimate users of the project and to the community and result in a higher quality of development than could be achieved under conventional zoning. A PUD must have two or more separate and distinct uses, for example: multiple-unit dwellings and commercial uses.

- L. **Compatibility with Adjacent Uses.** The PUD, with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features, is compatible to the development of surrounding properties and their uses. In determining whether this requirement is met, consideration must be given to:
 1. The design, bulk, placement, and façade materials of proposed structures.
 2. The location and screening of vehicular circulation and parking areas. The resulting vehicular circulation must encourage cross-connectivity within the site and to adjacent sites.
 3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment.

4. The hours of operation of the use(s) and/or user(s).
 5. Landscaping and other amenities.
 6. Anticipated levels of noise, vibration, smoke, odor, or other environmental discharge.
- M. **Public Service.** The PUD cannot exceed the capacity of existing and available public services, including but not necessarily limited to: utilities, public roads, police and fire protection services, and educational services.
- N. **Traffic and Mobility.** The PUD must minimize the impact of traffic the proposed project generates on surrounding uses. In determining whether this requirement is met, consideration will be given to:
1. Estimated traffic to be generated by the proposed development.
 2. Proximity and relation to intersections and major thoroughfares.
 3. Location of and access to off-street parking.
 4. Required vehicular turning movements.
 5. Extent and nature of road improvements.
 6. Provisions for pedestrians, cyclists, and transit options.
- O. **Connectivity.** Pedestrians and vehicles:
1. If applicable, the site must be divided into blocks (with a maximum length of 500 feet to support walkability).
 2. Cul-de-sacs are not permitted, and sub-streets must be extended to complete the grid street network.
 3. Travel lanes for new development must be 10 feet wide. For existing sites, curb cuts must be reduced in width or eliminated to comply with MDOT standards (based on the speed of the road).
 4. Traffic calming techniques, such as horizontal deflections, road narrowing, ripples, pavers, central island, entry or gateway treatments, raised medians, on-street parking, roundabouts, and textured pavements, must be provided.
 5. Sidewalks and non-motorized infrastructure to adjacent sites must be provided.
- P. **Streetscape Design.** At least three of the following streetscape design elements must be incorporated:
1. Pedestrian scale, decorative lighting.
 2. Planters or landscaping features beyond Code requirements.
 3. Trash/recycling receptacles.
 4. Street furniture (benches, etc.).
 5. Transit shelter (including enhancements).
 6. Widening of sidewalks.
 7. Bicycle lanes or additional bicycle parking beyond Code requirements.

- Q. **Usable Open Space.** Exhibits significant natural features or open space encompassing at least 10% or greater of the land area of the PUD. In addition to providing the required landscaping, a PUD must create at least two places of interest:
1. Art installations.
 2. Community Gardens.
 3. Plazas.
 4. Outdoor Dining.
 5. Other places that are inviting and accessible to the public, as determined by the City.
- R. **Design Features.** Must incorporate sustainable design features, including, but not limited to at least three of the following:
1. Public or alternative transportation access.
 2. Additional EV charging stations (beyond Code requirements).
 3. Low-impact design (LID) features, such as bioswales or a rain garden.
 4. Certification of LEED (Leadership in Energy and Environmental Design) or Living Building Challenge (LBC).
 5. Adaptive reuse or redevelopment of a building or site.
- S. **Preservation of Natural, Cultural, or Historic Features.** If existing, the PUD must preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to: woodlands, wetlands (including hydric soils), cultural or historic buildings or features, etc.
- T. **Positive Economic Impact.** The PUD cannot result in an unreasonable negative economic impact on surrounding properties. In determining whether this requirement is met, consideration will be given to projects that meet at least one of the following:
1. Creates an economically impactful number of jobs for City residents or gives job priority to City residents.
 2. Develops valuable social infrastructure such as schools, childcare facilities, restaurants/cafes, public spaces, owner-occupied housing, or uses similar to those listed.
 3. Provides at least 20% affordable housing units.
 4. Provides skill-trades job training for City residents.
- U. **Unified Control.** A PUD must be under single ownership or control (a single person or entity responsible for assuring the project's completion in conformity with this Code). If there is more than one owner or entity, each must provide a written commitment to work in unison to complete the project. The applicant(s) must provide legal documents of single ownership or joint unified control in the form of agreements and deed restrictions that demonstrate that the PUD can be completed as approved and that all portions of the PUD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. This provision does not prohibit a transfer of ownership or control, provided notice of such transfer is given to the City.
- V. **Compatible with Adjacent Uses and an Improvement to Community.** The proposed use must be compatible with the adjacent uses and an improvement to the community. In determining whether this requirement has been met, consideration shall be given to location and screening of vehicular circulation

and parking; location and screening or outdoor storage; hours of operation, bulk and placement of proposed structures in relation to surrounding uses, proposed landscaping and other site amenities.

Section 11.05 Procedures After Approval

- A. **Approval Expiration.** The PUD is approved for construction for 2-years from the approval date. If a building permit has not been obtained and/or construction has not commenced within the two-year period, the site plan is null and void, and the City shall amend the zoning map to reflect the zoning of the property immediately before the PUD approval.
- B. **Approval Extensions.** The CED may grant an extension of up to 18-months for an approved PUD. An extension may only be granted provided the approved PUD continues to adequately represent current conditions on and surrounding the site, that the applicant has shown substantial progress on the project, the project has suffered an unavoidable delay, and that the PUD conforms to the standards of the City regulations, at the time of the applicant's request for an extension. Denial by the CED Director to approve an extension is not appealable to any officer, board, or commission.
- C. **By Owner's Action.** An owner of an approved PUD may petition the CED Director to rescind such approval. Upon receipt of such petition, the CED Director shall terminate approval of the PUD. Only those uses permitted by right within the applicable zoning district will be allowed on the property.
- D. **Modifications to a Previously Approved PUD.** An approved PUD may be subsequently modified, subject to the review and approval requirements of this Article based on the scope of the proposed modifications. The CED Director may approve minor PUD modifications. The CED Director determines if a modified PUD must seek administrative or City Council approval. All modified PUDs require updated plans.
 - 1. **Minor Modifications to a PUD:**
 - a) Slight movement of a structure, provided all setback, parking, landscaping, and other site requirements are met.
 - b) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, and removing a curb cut. The addition of a new curb cut is not considered a minor modification.
 - c) Slight modification of sign placement or reduction of size/number.
 - d) Changes required or requested by a City, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.
 - e) Situations the CED Director deems similar to the above, which do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.
- E. **Council Review.** If determined to be necessary, the City Council may refer any PUD back to the Planning Commission for further consideration.
- F. **Resubmission.** No application the City has denied may be resubmitted until the expiration of 1-year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director's sole determination. Any property owner aggrieved by this decision may appeal to the BZA.

- G. **Discontinuance of a PUD.** The discontinuance of a PUD for 12-months or more terminates its approval and makes it null and void. In the event of a disagreement between the CED Director and the property owner on whether a discontinuance has occurred, the property owner shall submit evidence for the CED Director to determine if, in fact, a discontinuance has occurred. This evidence could be statements from the property owner, tenant, or nearby property owners, utility bills, leases, etc. Any property owner aggrieved by a decision of discontinuance may appeal to the BZA.

Section 11.06 General Conditions

- A. **PUD Agreement.** In addition to the items in *Section 9.02: Submittal Requirements*, the applicant shall submit a PUD agreement between the City and the applicant, which the City shall review and approve. The agreement must include any specific terms and conditions relating to the administration of the PUD.
- B. **Penalties and Remedies.**
1. **Conformity.** The property owner for whom PUD approval has been granted is responsible for maintaining the property in conformity with the approval on a continuing basis unless the City approves a new or amended PUD.
 2. **Failure to Conform.**
 - a) A breach of any condition and the failure to correct such breach within 30 days after an order to correct is issued by the City is a reason for revocation of the PUD approval. Additional time for correction of the cited violation may be allowed by the City upon submission of proof of good and sufficient cause. Conditions of an approved PUD are continuing obligations to the property owner and are binding upon their heirs and assigns and any persons taking title to the affected property while such PUD is in effect.
 - b) The first violation of non-conformity to an approved PUD is a municipal civil infraction. A first offense is subject to a minimum \$100.00 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine up to \$200.00. Third and subsequent offenses are punishable by a fine up to \$500.00 and a mandatory court appearance. Each day on which a violation shall continue shall constitute a separate offense and shall be punishable as such. These requirements are in addition to, and not in lieu of, all other City Codes, regulations, or state law.

Article 12.

Map Amendments (Rezoning)

Section 12.01 Intent

Map amendments (rezonings) are necessary due to community changes and property owners' desire to develop their properties. This Code is also the primary tool for implementing the master plan; rezoning is a tool to best align properties with the Master Plan's vision.

Section 12.02 Submittal Requirements

The CED Director has final discretion over required submittals for a rezoning. The City's rezoning application details minimum submittal requirements. Submission of a rezoning requires a complete application with ancillary submittals and any associated fees be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

Section 12.03 Review Process

- A. **Process Overview.** All rezonings require consideration by City staff and the Planning Commission and final approval of the City Council.
- B. **Pre-Application Meetings.** The CED Director may require a property owner to present their rezoning at 1 or more pre-application meetings before submitting a formal application. A property owner's requirement to present at a pre-application meeting is not appealable to any officer, board, or commission. Failure to present at a pre-application meeting will result in an incomplete application determination if submitted.
- C. **Rezoning with 10 or Less Parcels.** If an individual parcel or 10 or fewer adjacent properties is proposed for a rezoning, the following occurs:

1. The Planning Commission holds a required public hearing in compliance with *Section 17.03: Public Hearings* and recommends the City Council approve, approve with conditions, or deny based on the criteria in *Section 12.04: Approval Standards*.
 2. The City Council holds a required public hearing in compliance with *Section 17.03: Public Hearings* and approves, approves with conditions, or denies based on the criteria in *Section 12.04: Approval Standards*.
- D. **Rezoning with 11 or More Parcels or a Text Amendment.** If 11 or more adjacent properties are proposed for rezoning, the following occurs:
1. The Planning Commission holds a required public hearing in compliance with *Section 17.03(1): Public Hearings* and recommends the City Council approve, approve with conditions, or deny based on the criteria in *Section 12.04: Approval Standards*.
 2. The City Council holds a required public hearing in compliance with *Section 17.03(1): Public Hearings* and approves, approves with conditions, or denies based on the criteria in *Section 12.04: Approval Standards*.
- E. **Council review.** If determined to be necessary, the City Council may refer any rezoning back to the Planning Commission for further consideration.

Section 12.04 Approval Standards

The following standards must be met for a rezoning as applicable:

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Use and Zoning District Compatibility.** The proposal must be compatible with the intent statements of the zoning district and surrounding uses.
- C. **Compatibility with Uses.** Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, density, nature of use, traffic impacts, aesthetics, and infrastructure.
- D. **Compatibility with the Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- E. **Sufficient Public Utilities and Services.** The capacity of the City's utilities and services to sufficiently accommodate the uses permitted in the requested district without compromising the health, safety, and welfare.
- F. **Compatibility with the Requested Zoning District.** Ensure that future development on the site can comply with the dimensional regulations and design standards for the requested zoning district.
- G. **Spot Zoning.** Will not create an isolated or incompatible zone.

Section 12.05 Procedures After Approval

- A. **Approval Expiration.** Rezoning is approved for 2-years from the date of approval. If construction has not commenced within the 2-year period, the rezoning is null and void. Within 1-year after expiration, the City may amend the zoning map to reflect the zoning of the property immediately before the rezoning approval. If the City does not act on amending the zoning map within 1-year, the zoning remains. The decision to amend the zoning map to the previous use is solely the City's and the applicant does not have standing to require its amendment. This decision is not appealable to any officer, board, or commission.
- B. **Resubmission.** No application the City has denied may be resubmitted until the expiration of 1-year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director's sole determination. Any property owner aggrieved by this decision may appeal to the BZA.

Section 12.06 General Considerations

- A. **Conformity.** The property owner for whom rezoning approval has been granted is responsible for maintaining the property in conformity with the approval on a continuing basis unless the City approves a new or amended rezoning.
- B. **Failure to Conform.**
1. A breach of any condition and the failure to correct such breach within 30 days after an order to correct is issued by the City is reason for revocation of the rezoning approval. Additional time for correction of the cited violation may be allowed by the City upon submission of proof of good and sufficient cause. Conditions of an approved rezoning are continuing obligations to the property owner and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such site plan is in effect.
 2. The first violation of nonconformity to an approved rezoning is a municipal civil infraction. A first offense is subject to a minimum \$100.00 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine up to \$200.00. Third and subsequent offenses are punishable by a fine up to \$500.00 and a mandatory court appearance. Each day on which a violation shall continue shall constitute a separate offense and shall be punishable as such. These requirements are in addition to, and not in lieu of, all other City Codes, regulations, or state law.

Article 13. Conditional Rezoning

Section 13.01 Intent

Conditional rezoning is needed due to community changes and property owners' desire to develop their property. This Code is also the primary tool for implementing the master plan; conditional rezonings are a tool to best align properties with the vision of the Master Plan. Additionally, in certain instances, it could be advantageous to the City and a property owner seeking a conditional rezoning if the property owner voluntarily offers certain conditions and limitations as part of their application. Therefore, the City provides a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to permit property owners to offer conditions with their rezoning request voluntarily. A conditional rezoning is intended to accomplish, among other things, the objectives of this Code and the Master Plan.

Section 13.02 Submittal Requirements

The CED Director has final discretion over required submittals for a conditional rezoning. The City's conditional rezoning application details minimum submittal requirements. Submission of a conditional rezoning requires a complete application with ancillary submittals and any associated fees be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

In addition to *Section 13.02: Submittal Requirements*, the following are required:

- a) An acknowledgement that the CRA was proposed voluntarily by the applicant.
- b) A statement that the property cannot be developed or used in any manner that is not consistent with the CRA.
- c) A statement that the approval of the rezoning and the CRA is binding upon and inure to the benefit of the property owner and the City and their respective heirs, successors, assigns, receivers, or transferees.
- d) A statement that, if a rezoning with a CRA becomes void in accordance with this Section, no further development may take place and no permits may be issued.

- e) A statement that no part of the CRA permits any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
- f) Any other provisions as are agreed upon by the City and applicant.

Section 13.03 Review Process

- A. **Process Overview.** All conditional rezonings require consideration by the Planning Commission and final approval of the City Council.
- B. **Pre-Application Meetings.** The CED Director may require a property owner to present their conditional rezoning at one or more pre-application meetings before submitting a formal application. A property owner's requirement to present at a pre-application meeting is not appealable to any officer, board, or commission. Failure to present at a pre-application meeting will result in an incomplete application determination if submitted.
- C. **Conditional Rezoning with 10 or Less Parcels.** If an individual parcel or 10 or fewer adjacent properties is proposed for a conditional rezoning, the following occurs:
 - 1. The Planning Commission holds a required public hearing in compliance *Section 17.03: Public Hearings* and recommends the City Council approve, approve with conditions, or deny based on the criteria in *Section 13.04: Approval Standards*.
 - 2. The City Council holds a required public hearing in compliance with *Section 17.03: Public Hearings* and approves, approves with conditions, or denies based on the criteria in *Section 13.04: Approval Standards*.
- D. **Conditional Rezoning with 11 or More Parcels or a Text Amendment.** If 11 or more adjacent properties are proposed for rezoning, the following occurs:
 - 1. The Planning Commission holds a required public hearing in compliance with *Section 17.03(1): Public Hearings* and recommends the City Council approve, approve with conditions, or deny based on the criteria in *Section 13.04: Approval Standards*.
 - 2. The City Council holds a required public hearing in compliance with *Section 17.03(1): Public Hearings* and approves, approves with conditions, or denies based on the criteria in *Section 13.04: Approval Standards*.
- E. **Council review.** If determined to be necessary, the City Council may refer any conditional rezoning back to the Planning Commission for further consideration.
- F. **Process.**
 - 1. The CRA must be reviewed concurrently with the petition for rezoning following the process outlined earlier in this Article.
 - 2. The CRA may be submitted prior to the Planning Commission making its recommendation to the City Council. The CRA must be reviewed by the City Attorney, at the expense of the applicant, to determine that the CRA conforms to the requirements of this Section and confirm that the CRA is in a form acceptable for recording with the Oakland County Register of Deeds.
 - 3. Following the public hearing, the Planning Commission must make a recommendation to the City Council. In addition, the Planning Commission must consider whether the proposed CRA:
 - a) Is consistent with the intent of this Code.

- b) Bears a reasonable and rational connection or benefit to the property being proposed for rezoning.
 - c) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
 - d) Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed CRA.
 - e) Is in the public interest and is consistent with the recommendations of the Master Plan.
4. If a CRA has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve the CRA as a condition to the rezoning if it meets all requirements above. The CRA must be incorporated by attachment or otherwise as an inseparable part of the Code adopted by the City Council to accomplish the requested rezoning.
 5. If the CR is approved, the zoning classification of the rezoned property must consist of the district to which the property has been rezoned and a reference to the CRA. The Zoning Map must specify the new district plus an asterisk to indicate that the property is subject to a CRA (i.e., "R-1*").
 6. The approved CRA must be recorded with the Oakland County Register of Deeds.

Section 13.04 Approval Standards

The following standards must be met for a conditional rezoning, as applicable:

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Use and Zoning District Compatibility.** The proposal must be compatible with the intent statements of the zoning district and surrounding uses.
- C. **Compatibility with Uses.** Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, density, nature of use, traffic impacts, aesthetics, and infrastructure.
- D. **Compatibility with the Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- E. **Sufficient Public Utilities and Services.** The capacity of the City's utilities and services to sufficiently accommodate the uses permitted in the requested district without compromising the health, safety, and welfare.
- F. **Compatibility with the Requested Zoning District.** Ensure that future development on the site can comply with the dimensional regulations and design standards for the requested zoning district.
- G. **Spot Zoning.** Will not create an isolated or incompatible zone.
- H. **Conforms with Zoning District Requirements.** The use of the subject property is in conformity with all regulations governing development and use within the proposed zoning district, including permitted uses, lot area and width, setbacks, height limits, buffers, open space, and density; provided, however, that the following apply:
 1. The development and use of the property are subject to the more restrictive requirements specified in the CRA, which supersedes all inconsistent regulations otherwise applicable under this Code.
 2. City Council is authorized to grant modifications to the strict terms of the Code governing dimensional requirements on the property; provided, such authorization to grant modifications is conditioned upon

the City Council finding that each Code provision sought to be modified will result in an enhancement of the development that is in the public interest, and that approving the modification is consistent with the Master Plan and with the surrounding area.

- I. **Serves Public Interest.** As compared to the existing zoning and considering site-specific conditions and/or the proposed land uses, it is in the public interest to grant conditional rezoning. In determining whether a proposed application is in the public interest, the benefits which would reasonably be expected to accrue from the proposal must be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration best practices in planning, engineering, environmental and other principles.
- J. **Enforceable Conditions.** The offered condition(s) are likely to be enforceable.
- K. **Use Variance Prohibited.** Does not have the same effect as a use variance.
- L. **Site Plan and Special Land Use Approvals Required.** Does not relieve the applicant of the responsibility of securing any applicable site plan, plat, or condominium approvals. Special land use approvals, if permitted as part of the CRA do not have to be separately considered, noticed, and approved.

Section 13.05 Procedures After Approval

- A. **Approval Expiration.** Conditional rezonings are approved for 2 years from the date of approval. If construction has not commenced within the 2-year period, the CRA is null and void, and the City shall amend the zoning map to reflect the zoning of the property immediately before the conditional rezoning approval.
- B. **Approval Extensions.** The CED Director may grant an extension of up to 18 months for a conditional rezoning if the Conditional Rezoning Agreement allows. An extension may only be granted provided the conditional rezoning continues to adequately represent current conditions on and surrounding the site, that the applicant has shown substantial progress on the project, the project has suffered an unavoidable delay, and that the rezoning and conditional rezoning conforms to the standards of the City regulations at the time of the applicant's request for an extension.
- C. **Modifications to a Previously Approved Conditional Rezoning.** An approved conditional rezoning may be subsequently modified, subject to the review and approval requirements of this Article based on the scope of the proposed modifications. The CED Director may approve minor conditional rezoning modifications. The CED Director determines if a modified conditional rezoning must seek administrative or City Council approval. All modified conditional rezonings require updated plans.
 - 1. **Minor Modifications to a Conditional Rezoning:**
 - a) Slight movement of a structure, provided all setback, parking, landscaping, and other site requirements are met.
 - b) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, and removing a curb cut. The addition of a new curb cut is not considered a minor modification.
 - c) Slight modification of sign placement or reduction of size/number.
 - d) Changes required or requested by a City, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.

- e) Situations the CED Director deems similar to the above, which do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved special land use.

D. **Resubmission.** No application the City has denied may be resubmitted until the expiration of 1 year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director’s sole determination. Any property owner aggrieved by this decision may appeal to the BZA. In the event of a disagreement between the CED Director and the property owner on whether a discontinuance has occurred, the property owner must submit evidence for the CED Director to determine if, in fact, a discontinuance has occurred. This evidence could be statements from the property owner, tenant, or nearby property owners, utility bills, leases, etc. Any property owner aggrieved by a decision of discontinuance may appeal to the BZA.

Section 13.06 General Considerations

A. **Penalties and Remedies.**

- 1. **Conformity.** The property owner for whom a conditional rezoning approval has been granted is responsible for maintaining the property in conformity with the approval on a continuing basis unless the City approves a new or amended conditional rezoning.
- 2. **Failure to Conform.** A breach of any condition and the failure to correct such breach within 30 days after an order to correct is issued by the City is reason for revocation of the rezoning approval. Additional time for correction of the cited violation may be allowed by the City upon submission of proof of good and sufficient cause. Conditions of an approved rezoning are continuing obligations to the property owner and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such site plan is in effect.

The first violation of non-conformity to an approved rezoning is a municipal civil infraction. A first offense is subject to a minimum \$100.000 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine up to \$200.00. Third and subsequent offenses are punishable by a fine up to \$500.00 and a mandatory court appearance. Each day on which a violation shall continue shall constitute a separate offense and shall be punishable as such. These requirements are in addition to, and not in lieu of, all other City Codes, regulations, or state law

- B. **Conditional Rezoning Agreement.** A Conditional Rezoning Agreement (CRA) must be in writing, executed by the property owner and the City, and recorded with the Oakland County Register of Deeds. The applicant is responsible for all costs associated with the review and approval.
- C. **Limitations.** A CRA may include limitations on the uses permitted on the property in question, the density or intensity of use, and the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features.
- C. **Intensity.** A CRA does not authorize uses or developments of greater intensity or density than those permitted in the proposed zoning district, nor may it permit variations from height, area, setback, or similar dimensional requirements that are less restrictive than the proposed zoning district.
- D. **Conditions.** A CRA may include conditions related to the use and development of the site that are necessary to:
- E. **Infrastructure.** Serve the property with improvements, including but not limited to, the extension, widening or realignment of streets; construction or extension of utilities or other infrastructure improvements serving the site; or the construction of recreational facilities.
 - 1. Minimize the impact of the development on surrounding properties and the City overall.

2. Preserve natural features and open space beyond what is required by Code
- F. **Subsequent Rezoning of Land.** Nothing in the CRA, nor any statement or other provision, prohibits the City from later rezoning all or any portion of the property of the CRA to another zoning classification.
- G. **Failure to Offer Conditions.** The City does not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions does not impact the owner's rights under this Code.
- H. **City Not Obligated.** The City is not required or obligated to accept any or all conditions offered on a CR application. In no way is an offer of a CRA the basis for requiring the City to approve an application.
- I. **Continuation.** Provided that all development and/or use of the property in question is in compliance with the CRA, a use or development authorized there under may continue indefinitely, provided that all terms of the CRA continue to be met.

Article 14.

Text Amendments

Section 14.01 Intent

Text amendments to the Code are needed due to changes within the community and to address changes outside of the community, such as planning law policy. Amending the text of this Code means the community is modernizing its policy to reflect the changing needs and desires of the community. This Code is also the primary tool for implementing the master plan; the Code must be amended to best align with the vision of the Master Plan.

Section 14.02 Submittal Requirements

The CED Director, or their designee, is charged with submitting any text amendment for consideration. Text amendments may be initiated by City Council or Planning Commission.

Section 14.03 Review Process

- A. **Process Overview.** All text amendments require consideration by City staff and Planning Commission and final approval by the City Council.
- B. **Text Amendment.** If a text amendment to the Code is proposed, a notice must be published in a newspaper that circulates in the City not less than 15 days before the date of each public hearing.
- C. **Planning Commission Review.** After a public hearing in compliance with *Section 17.03(1): Public Hearings*, the Planning Commission reviews the proposed text amendment and any reports and recommendations from staff/consultants. The Commission must identify and evaluate all factors relevant to the application, including the appropriate criteria listed in this Code, and report its findings and recommendations to the City Council.
- D. **City Council Action.** For any text amendment, upon receipt of the report and recommendation from the Planning Commission, the City Council holds a public hearing in compliance with *Section 17.03(1): Public Hearings* and may approve or deny the proposed text amendment.

- E. If determined to be necessary, the City Council may refer any text amendment back to the Planning Commission for further consideration.

Section 14.04 Approval Standards

- A. **Compliance with the Master Plan.** The proposal furthers the goals and objectives of the Master Plan.
- B. **Use and Zoning District Compatibility.** The proposal must be compatible with the intent statements of the zoning district and surrounding uses.

Section 14.05 Procedures After Approval

- A. **Approval Expiration.** Once approved, text amendments update the text of the Code permanently.
- B. **Adoption.** Following the adoption of text amendments, the City Clerk shall publish in a newspaper of general circulation within 15 days after adoption, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended. The notice must include the following:
1. In the case of a newly adopted Code, the following statement must be included: "The City of Ferndale has adopted a Zoning Code regulating the development and use of land."
 2. In the case of an amendment to the existing Code, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the exact text of the amendment must be provided.

Article 15.

Land Divisions

Section 15.01 Intent

To regulate the division of land to benefit the health, safety, and welfare of the City and property owners.

Section 15.02 Division of Land

- A. **Applicability.** It is unlawful to divide, subdivide, or split any land, or transfer a portion thereof, whether in a recorded plat or an unplatted parcel or tract of land, except in accordance with this Article and the provisions of the Land Division Act, as amended.
- B. **Procedures.**
1. Resulting lots must meet the provisions of this Code. A split, division or subdivision that results in a lot that does not comply with this Code is only permitted if the non-complying lot is immediately combined with an adjoining lot and together, they meet the provisions of this Code. The applicant must submit a fully executed affidavit (in a form sufficient for recording with the Oakland County Register of Deeds), signed by all persons who have a legal interest. The affidavit must be recorded as a covenant running with the land.
 2. Approval of a proposed split, division, or subdivision by the City does not constitute any assurance that a Building Permit will be issued.
 3. Public sewer and water must be available to the resulting lot(s).
 4. Past or currently due taxes or special assessments upon the property must be paid within 60 days of the split, division, or subdivision of the property.

C. **Application.** An application must include:

1. A document in a form sufficient for recording with the Oakland County Register of Deeds that contains a legal description of all of the lots, outlots, or parts thereof that will result from the proposed split, division, subdivision or transfer.
2. A plan or drawing drawn to scale by a registered engineer or surveyor showing the subject property including its dimensions. The plan or drawing must indicate existing structures and their dimensions and setbacks from proposed and existing property lines, sewer, and water access, and above and below ground utilities and easements.
3. The application must be accompanied by a fee, as approved by City Council.

Article 16.

Nonconformities

Section 16.01 Intent

- A. Existing lots, structures, buildings, and uses that lawfully existed before this Code was adopted but are now nonconforming under the terms of this Code and its amendments, are declared legal nonconformities and not in violation of this Code. Legal nonconformities may remain until they are discontinued or removed or, where discontinuance or removal is not feasible, the intent is to gradually upgrade them to conforming status. Legal nonconformities cannot be enlarged, expanded, altered, or extended except as otherwise permitted by this Code, and cannot be used as grounds for adding other structures and uses.
- B. Nonconformities which cannot be proved conclusively to have legally existed prior to the effective date of this Code are illegal nonconformities and subject to enforcement under the provisions of this Code. The City is not responsible for providing this information, the property owner is responsible for providing the City with the necessary information to determine legal nonconforming status.
- C. Nonconformities are declared to be incompatible with the district in which they are located. Except as may be permitted by this Code, a nonconforming use or structure is not permitted to increase its nonconformity.
- D. Projects under Construction. To avoid undue hardship, nothing in this Article requires a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Code, and upon which actual building construction has been diligently carried on (requires that the property owner has begun substantial construction under a lawfully issued building permit).

Section 16.02 Nonconforming Lots

- A. Any nonconforming lot is permitted to be used for a use permitted in the district in which it is located if all buildings and structures meet the schedule of regulations for the district.
- B. In any district in which single-unit dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-unit dwelling along with customary accessory building(s) may be erected on any single lot of record in existence at the effective date of adoption of this Code. The lot may be developed without the need for a variance from the BZA to lot area or width requirements, provided all setbacks and other requirements are met.

Section 16.03 Nonconforming Uses

The use of any land or structure existing and lawful on the effective date of this Code may be continued, even though the use does not conform to the use provisions of this Code, subject to the following conditions:

- A. **Expansions.** Except as otherwise permitted by law, nonconforming uses shall not be enlarged, increased, altered, moved in whole or in part or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. **Restoration of Damage.** If a structure that is occupied by a nonconforming use is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds 100 percent the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this chapter.
- C. **Repairs to Nonconforming Use.** On any structure devoted in whole or in part to any nonconforming use, other than a single-family dwelling, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 25% of the current replacement value of the structure, provided that the structure is not enlarged, extended, moved or structurally altered.
- D. **Safety Repairs.** Nothing in this chapter prevents the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any department charged with protecting the public safety, upon order of such department.
- E. **Prohibition on Reestablishment if Replaced by Conforming Use.** If a nonconforming use is terminated and replaced by a permitted use, such nonconforming use cannot be later reestablished.
- F. **Discontinuance or Termination.** When a nonconforming use ceases operation for six consecutive months, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. A nonconforming use shall be determined to have ceased operation if one or more of the following conditions, which shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use, exist:
 - 1. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - 2. The property, buildings or grounds are uninhabitable, structurally deficient or inaccessible.
 - 3. Signs or other indications of the existence of the nonconforming use have been removed.
 - 4. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
 - 5. Other actions, which in the opinion of the community development department constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- G. **Change of tenancy or ownership.** There may be a change of tenancy, ownership or management of a nonconforming use, provided there is no change in character to the non-conformity and that all building and fire codes are met.

Section 16.04 Nonconforming Structures or Buildings

Structures and buildings that are existing and lawful on the effective date of the ordinance from which this chapter derives may be continued even though the structure or building does not conform with the dimensional or other provisions of this chapter, subject to the following provisions of this section.

A. Expansions.

1. Except as otherwise permitted by law, a nonconforming structure, building or section thereof shall not be enlarged, extended, constructed, reconstructed or altered in any way that increases the nonconformity.
2. Should a nonconforming building or structure be moved, it shall conform to the requirements of the district to which it is relocated.
3. A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and building code requirements.

B. Restoration of Damage. Should a nonconforming building or structure or section thereof be destroyed by any means to an extent equal to or more than 100% of state equalized value of the building or structure at the time of destruction, it shall not be reconstructed except in conformance with the provisions of this article.

1. If the damage, exclusive of the foundation, is less than 100% of state equalized value, then the building, structure or section thereof may be restored, subject to approval of the planning commission, but in no event shall there be an increase in the nonconforming condition that existed before the damage. Restoration must be started within 1-year of the date of the destruction and diligently pursued until completion.
2. Foundations, or any part thereof, cannot be reused unless they comply with the schedule of regulations of that district.
3. Where nonconforming status applies to a building or structure and a use of land, in combination, the removal or destruction of the structure must eliminate the nonconforming status of the land. In that event, the nonconforming use cannot be resumed.

C. Repairs, Improvements, or Modernization. Repairs, improvements or modernization of non-conforming structures and buildings shall be permitted provided the repairs or improvements do not exceed 50 percent of the value of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet building code requirements. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the community development department, it shall not thereafter be restored, repaired or rebuilt except in full conformity with the regulations in the district in which it is located.

D. Permitted Building Improvements. A building that is nonconforming may be altered or rehabilitated if such activity will make the building conform to the regulations of this chapter and the building code.

E. Reconstruction of a Damaged Residential Structure. In the event a nonconforming residential structure or building is damaged by fire or other natural cause, a residential structure may be reconstructed on the same foundation provided the first-floor footprint and the total floor area does not exceed the size of the previous residence.

F. Change of Tenancy or Ownership. There may be a change of tenancy, ownership or management of a nonconforming structure or building, provided there is no change in character to the nonconformity and that all building and fire codes are met.

Section 16.05 Removal Of Nonconforming Uses, Buildings or Structures

The Planning Commission may, from time to time, recommend to City Council the acquisition of nonconforming private property and the discontinuance of the nonconforming use or the removal or upgrade of the building or structure to make it conforming. Any action under this section must comply with all applicable federal and state laws.

Section 16.06 Nuisance Abatement of Nonconforming Uses, Buildings or Structures

Buildings or structures erected, altered or converted to uses in violation of this Chapter are declared to be a nuisance. The owner or agent in charge of the use, building or structure is responsible for maintaining a nuisance and the nuisance must be abated.

Article 17.

Administration and Enforcement

Section 17.01 Enforcement

The Community and Economic Development (CED) Director has the duty to administer and enforce the provisions of this Code. In exercising those duties, the Director has the authority provided by law for the enforcement of codes, including but not limited to: the authority to issue and serve municipal civil infraction citations and violation notices, and the right to enter private premises as provided by law.

Section 17.02 Duties of the CED Director

Duties of the CED Director include:

1. Receive and review for completeness all applicable development proposal applications and refer such applications to the Planning Commission or Board of Zoning Appeals (BZA), when necessary.
2. Receive and review information and recommendations regarding applications and requests from other municipal departments and relevant sources and refer such information and recommendations to the Planning Commission or BZA for consideration.
3. Implement any court orders and the decisions of the Planning Commission, BZA, and City Council.
4. Conduct inspections of properties and structures as necessary to enforce the provisions of this Code.

Section 17.03 Public Hearings

The body charged with conducting a public hearing required by this Code must, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings are subject to the procedures set forth in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and the provisions of this Code.

1. **Publication in a Newspaper of General Circulation.** Notice of the request must be published in a newspaper of general circulation not less than 15 days before the date of the public hearing.
2. **Personal and Mailed Notice.** All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice is deemed given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
 - a) Notice must be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - b) Notice must be sent to all persons to whom real property is assessed within 300-feet of the property, regardless of municipal jurisdiction.
 - c) Notice must be given to the occupants of all structures within 300-feet of the property regardless of municipal jurisdiction. Notification does not need to be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area must be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who must be required to post the notice at the primary entrance(s) to the structure.
3. **Content.** Notice published in a newspaper and/or delivered personally or by mail for a public hearing must:
 - a) Describe the nature of the request.
 - b) Indicate the property that is the subject of the request.
 - c) Include a listing of all existing street addresses within the property. If no such address exists, other means of identifying the property may be used.
 - d) State when and where the public hearing will occur.
 - e) State when and where written comments may be submitted concerning the request.

Section 17.04 Fee Schedule

- i. The City Council adopts a schedule of fees, charges, and expenses and a collection procedure for all applications, permits, inspections, appeals, and other matters pertaining to this Code.
- ii. All applications, permits, certificates, or variances will not be processed or issued until all associated costs, charges, fees, or expenses are paid in full.
- iii. All applicants shall pay the costs incurred by the City for third-party review of an application, study, or analysis and which fees are detailed in the fee schedule adopted by City Council.

Section 17.05 Penalties and Remedies

- A. Uses of land and structures, erected, altered, razed, or converted in violation of this Code, in violation of any approved site plan, special land use, PUD, rezoning, conditional rezoning, or in violation of any permit, license, or similar issued by the City are a nuisance per se. The owner, on-site manager, agent-in-charge, registered agent, and/or occupant are deemed responsible for correcting a nuisance, which must be abated in a timely manner, as determined in the sole discretion of the CED Director.
- B. A first violation of (above section A) is a municipal civil infraction. A first offense is subject to a minimum \$100.00 fine and any other penalties authorized by law. Second offenses within a 12-month period are punishable by a fine up to \$200.00. Third and subsequent offenses are punishable by a fine up to \$500.00 and a mandatory court appearance. These requirements are in addition to, and not in lieu of, all other City codes, regulations, or state law. A violation under a municipal civil infraction may be served to the owner, on-site manager, agent-in-charge, registered agent, and/or occupant in the sole discretion of the CED Director.

Article 18.

Planning Commission

Section 18.01 Establishment

The City Planning Commission (the “Commission”) is created and has all the powers and duties provided for zoning commissions pursuant to the Michigan Planning Enabling Act (PA 33 of 2008), as amended, and the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.

Section 18.02 Membership Composition

City Council must, by a majority of all its members, appoint a Commission of nine, chosen due to their interest in and knowledge of city planning:

- A. **Membership.** Each must have been a City resident for at least 1-year before their appointment. One Commissioner is a member of the City Council, selected by the City Council to serve as an ex-officio member. The terms of office are determined by the City Council and stated in the resolution selecting the ex-officio member; however, the term cannot exceed the Commissioner’s term of office as a member of the City Council.
- B. **Appointment.** The remaining eight Commissioners are appointed by the mayor, subject to confirmation by City Council. The term of each appointed member is 3-years or until their successors are appointed and take office. A vacancy on the Commission must be filled within 30 days; this member will then serve for the remainder of the unexpired term. If the remaining unexpired term is less than 90 days, the position may remain vacant until the term expires.
- C. **Officers.** At the first meeting of the calendar year, the Commission chooses one of its members as chairperson, vice-chairperson, and Secretary, each to serve a term of 1-year, with eligibility for reelection.
- D. **Other Local Office.** Appointed Commissioners cannot hold any other municipal office except one Commissioner may be a Board of Zoning Appeals (BZA) member and except as allowed by *Section 18.02: Membership Composition*.

- E. **Removal.** Any Commissioner, except the ex-officio member selected by the City Council, may after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the City Council. City Council may, for like cause, remove the ex-officio member it has selected.
- F. **Compensation.** All Commissioners serve without compensation.
- G. **Conflict of Interest.** A member must disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any City Council member on the Commission may vote on an issue that they have previously voted upon as a member of the Planning Commission or the City Council.

Section 18.03 Organization

- A. **Bylaws.** The Commission must establish its own rules of procedure with bylaws. The Commission may adopt, amend, modify, and revoke its rules from time to time.
- B. **Meetings.** At a minimum, the Commission must hold four meetings a year. All provisions of the Michigan Open Meetings Act (PA 267 of 1976), as amended, apply to the proceedings of the Commission.
- C. **Requesting Expertise.** The Commission has the power and authority to call upon any branch or department of the City, at any time, for information and advice needed by the Commission in the prosecution of its work.
- D. **Quorum.** A majority of the Commission (five members) constitutes a quorum and may conduct business.
- E. **Motions.** A majority of the Commission (five members) is necessary for the passing of a proposed motion. A tie vote is a failure of the proposed motion.
 - 1. In the case of a tie vote for an application in which the Commission is the Approving Body, the Commissioners voting against said motion may make an opposite countermotion. If this motion ties, the decision is a denial of the application.
 - 2. In the case of a tie vote for an application in which the Council is the Approving Body, the Commissioners voting against said motion may make an opposite countermotion. If this motion ties, the case moves forward to City Council with information stating the motions proposed by the Commission and the vote of said motions.
- F. **Decisions.** Any decision must state, in the record of its proceedings, the grounds for the actions taken concerning each development proposal and list any conditions imposed.
- G. **Conditions.** Conditions imposed in a decision must comply with the following:
 - 1. Conditions must be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Conditions must be necessary to meet the intent of this Code, related to the standards established in this Code for the land use or activity under consideration, and necessary to ensure compliance with those standards.
- H. **Meeting Minutes.** Minutes of all meetings must be recorded and contain the grounds of every determination made by the Commission including all documents and material submitted by any person or entity with respect to the application, findings of fact and conclusions drawn by the Commission for every case, together with the votes of the members and final disposition of each case. Such minutes must be filed with the City Clerk and must be available to the public.

- I. **Public Hearing.** The following applications are required to have a public hearing: special land use, PUD, rezoning and conditional rezoning, and text amendments.

Section 18.04 Powers and Duties

- A. **Zoning Code (Ordinance).** The Commission is responsible for formulation of this Code; the formulation, review, and recommendation of amendments; and the reporting of its findings and recommendations to the City Council.
- B. **Public Hearings.** The Commission is charged with holding public hearings on Development Proposals and other matters before it, in accordance with *Section 17.03: Public Hearings*.
- C. **Publicity and Education.** The Commission has the power to promote public interest in and understanding of the master plan and, to that end, may publish and distribute copies of the plan or any report and may employ such other means of publicity and education. It is the duty of the Commission to consult and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, as well as citizens, in relation to the development and implementation of this Code and the master plan.
- D. **Development Proposals.** The Commission is responsible for reviewing applications, including, but not limited to, site plans, special land uses, planned unit developments (PUD), rezonings and conditional rezonings, text amendments, vacations, and nonconformities.
- E. **Master Plan Review and Revisions.** The Commission is charged with maintaining a relevant master plan and reviewing it at least every 5-years to determine whether revisions are necessary.
- F. **Other Duties and Responsibilities.** The Commission is responsible for reviewing plats, removing, locating, widening, narrowing, vacating, abandoning, or changing the use or extension of streets, alleys, public grounds, open spaces, and buildings, preparing an Annual Report of Activities for City Council, and addressing any other matters relating to land development referred to the Commission by City Council. The Commission must recommend appropriate regulations and action on such matters.

Article 19.

Board of Zoning Appeals

(BZA)

Section 19.01 Establishment

A Board of Zoning Appeals (BZA) is hereby established and will perform the duties and exercise the powers provided by the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, in such a way that the intent of this Code is observed, and the public health and safety is secured.

Section 19.02 Membership Composition

City Council must, by a majority of all its members, appoint a Board of seven chosen due to their interest in and knowledge of land use law and city planning:

- A. **Membership.** Each must have been a City resident for at least 1-year before their appointment. One Board Member is a member of the City Council, selected by the City Council to serve as an ex-officio member. The terms of office are determined by the City Council and stated in the resolution selecting the ex-officio member; however, the term cannot exceed the Commissioner's term of office as a member of the City Council.
- B. **Appointment.** The remaining six members are appointed by the mayor, subject to confirmation by City Council. The term of each appointed member is 3-years or until their successors are appointed and take office. A vacancy on the BZA must be filled within 30 days; this member will then serve for the remainder of the unexpired term. If the remaining unexpired term is less than 90 days, the position may remain vacant until the term expires.
- C. **Officers.** At the first meeting of the calendar year, the Board chooses one of its members as chairperson, vice-chairperson, and secretary, each to serve a term of 1-year, with eligibility for reelection.
- D. **Other Local Office:** Appointed Board members cannot hold any other municipal office except that one member may be a Planning Commission member except as allowed by *Section 19.02(A): Membership Composition*.

- E. **Removal.** Any Board member, except the ex-officio member selected by the City Council, may after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the City Council. City Council may, for like cause, remove the ex-officio member it has selected.
- F. **Compensation.** All Board members serve without compensation.
- G. **Conflict of Interest.** A member must disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any Planning Commissioner or City Council member on the BZA must abstain from any vote on an issue which they have previously voted upon as a member of the Planning Commission or the City Council.

Section 19.03 Organization

- A. **Bylaws.** The BZA must establish its own rules of procedure with bylaws. The BZA may adopt, amend, modify, and revoke its rules from time to time.
- B. **Meetings.** Regular meetings are called by the BZA Chairperson or the CED Director in response to applications. All provisions of the Michigan Open Meetings Act, as amended, apply to the proceedings of the BZA.
- C. **Requesting Expertise.** The BZA has the power and authority to call upon any branch or department of the City, at any time, for information and advice needed by the Board in the prosecution of its work.
- D. **Quorum.** The BZA cannot conduct business unless a minimum of four members are present. The concurring vote of a majority of the full membership of the BZA is necessary to reverse an order, requirement, decision or determination of an administrative official or body or to decide in favor of the applicant on a matter upon which the BZA is required to pass under a code or to affect a variation in a code.
- E. **Motions.** A majority of those present and voting are necessary for the passing of a proposed motion. A tie vote is a failure of the proposed motion.
 - 1. In the case of a tie vote the Board members voting against said motion may make an opposite countermotion. If this motion ties, the decision is a denial of the application.
 - 2. Motions for use variances require the concurring vote of two-thirds of the members of the BZA.
- F. **Decisions.** Any decision must state, in the record of its proceedings, the grounds for the actions taken concerning each item and list any conditions imposed.
- G. **Conditions.** Conditions imposed in a decision must comply with the following:
 - 1. Conditions must be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Conditions must be necessary to meet the intent of this Code, related to the standards established in this Code for the land use or activity under consideration, and necessary to ensure compliance with those standards.

Section 19.04 Powers and Duties

- A. **Zoning Code (Ordinance).** The Board is responsible for interpreting the Code text and the Zoning Map whenever a question arises in the administration of this Code as to its meaning or intent. Any interpretations must carry out the intent and purpose of this Code, the Zoning Map, and the Master Plan and must be made in accordance with commonly accepted rules of construction for codes and laws in general.
- B. **Public Hearings.** The Board is charged with holding public hearings in accordance with *Section 17.03: Public Hearings*.
- C. **Publicity and Education.** The Board has the power to promote public interest in and understanding of the master plan and, to that end, may publish and distribute copies of the plan or any report and may employ such other means of publicity and education. It is the duty of the Board to consult and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, as well as citizens, in relation to the development and implementation of this Code and the master plan.
- D. **Charge.** Except as otherwise provided in this Code, to hear and decide appeals and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Code, including the CED Director, the Building Department, and the Planning Commission, other than Special Land Use or Planned Unit Development applications. The BZA may reverse or affirm, in whole or in part, or may modify the decision and decide as, in the BZA's opinion, what should have been made, and to that end, has all the powers of the officer or body from whom the appeal is taken. The BZA must decide the appeal within a reasonable time.
- E. **Variations.** Grant or deny variance requests made under *Section 19.05: Variations*.

Section 19.05 Variations

- A. **Variance Requests.** If there are practical difficulties associated with carrying out this Code, the BZA may, in deciding appeals, grant or deny a variance, so that the spirit of this Code is observed, public safety secured, and substantial justice done. Variations include Non-Use or Dimensional Variations, and Use Variations.
- B. **Approval.** The BZA's granting of a variance does not constitute an assurance that a building permit will be issued. Any variance granted by the BZA expires and is of no effect one year following the date of approval unless construction has begun on the property. Approval remains valid only as long as the information provided to the BZA is found to be correct and the conditions upon which the decision was based are maintained.

Section 19.06 Submittal Requirements

The CED Director has final discretion over required submittals for a site plan. The site plan application details minimum submittal requirements. Submission of a site plan requires a complete application with ancillary submittals and any associated fees to be paid. Applications will not be processed unless they are determined to be complete. Any property owner aggrieved by a submittal requirement decision by the CED Director may appeal to the BZA.

Section 19.07 Findings and Grounds for Decision

- A. A variance will not be granted by the BZA unless the following are demonstrated:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. Granting the variance requested will not confer on the applicant any special privilege that this Code denies to other lands, structures, or buildings in the same district.
 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts are considered grounds for the issuance of a variance.
- B. In granting a variance, the BZA must state the grounds upon which it bases its decision; the BZA must determine that:
1. The requirements of the Code for a variance have been met.
 2. The reasons set forth in the application justify the granting of the variance.
 3. The variance is the minimum variance that will make possible a reasonable use of the land, building, or structure.
 4. Granting of the variance is in harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Section 19.08 General Conditions

- A. **Conditions.** In granting any variance, the BZA may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions, when made a part of the terms under which the variance is granted, is a violation of this Code.
- B. **Limitations on Authority.** The BZA does not have the power or authority to alter or change this Code or the Zoning Map, such power and authority is reserved to the City Council.
- C. **Violations.** Any violation of this Code, including any improvement not in conformance with any variance granted, is a violation of this Code as provided in *Article 17: Administration and Enforcement*.

Section 19.09 Review Process

- A. The CED Department reviews the information for completeness and schedules a public meeting for the BZA in compliance with *Section 17.03: Public Hearings* if applicable.
- B. An appeal must be filed within 30 days of the date of the order, determination or decision appealed from, or, if the appeal is from a decision of a public body, within 30 days of the date of the approval of the minutes of the public meeting at which the decision was made.

- C. All decisions of the BZA must be in the form of an approved motion or resolution reciting the facts and findings. The applicant and the officer or Approving Body appealed from must be advised of the BZA's decision through a written communication within 14 days of the appeal hearing.
- D. An appeal must stay all proceedings of the action appealed unless the officer or body from which the appeal is taken certifies to the BZA, in writing, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property. If such a certification is filed, the proceedings must only be stayed by a restraining order. A restraining order may be granted by the BZA or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
- E. No decision the BZA has denied may be resubmitted until the expiration of 1-year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration, in the CED Director's sole determination. Any property owner aggrieved by this decision may appeal to the BZA. Applications for a rehearing are subject to the same rules and requirements as an original appeal. If the CED Director grants a request for reconsideration, the time period to appeal the BZA's decision to the circuit court must commence 30 days after the date of the BZA's written decision on reconsideration.
- F. Decisions of the BZA are final. A person, officer, or department of the City having an interest aggrieved by this Code or by a decision of the BZA has the right to appeal to the Circuit Court. Such an appeal must be made within 30 days of the date of the BZA's written decision.

Article 20.

Glossary

Definitions A-B.

Abandonment. To cease or discontinue a use or activity without intent to resume (excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility).

Accessory Dwelling Unit (ADU). A small, independent residential dwelling unit located on the same lot as a principal dwelling unit. An ADU can be connected to a single-unit dwelling by a shared roof, but not by walls.

Accessory Structure. A structure that is incidental and customarily found in connection with, or subordinate to, the principal structure or use, and is located on the same lot.

Accessory Use. A use which meets all the following criteria:

- 1) Is clearly incidental and subordinate to the principal use.
- 2) Is customarily found in connection with the principal use.
- 3) Is located on the same lot as the principal use.

Addition. The extension or increase in floor area or height of a structure.

Adjacent. Having any distance of a lot line in common with another lot or being separated from another lot by a right-of-way, alley, or easement.

Adult Business. A private or public commercial establishment, which at all times excludes minors by virtue of age, including, but not limited to: bookstores, retail, motion film and photography production facilities, event and entertainment spaces, and drive-in theaters featuring nudity and/or sexually oriented entertainment. A nude modeling studio, for purposes of art, is not considered an adult business. Adult businesses are considered a principal use.

Alley. A public right-of-way which affords a secondary means of access to adjacent lots and is not intended for general traffic circulation.

Alteration. Any construction, retrofit, or renovation to an existing structure (other than a repair or addition) that requires a Building Permit.

Animals, Domestic. An animal that has traditionally lived in a state of dependence upon humans and kept as a tame pet, no longer possessing a disposition or inclination to escape, to bite without provocation or to cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Examples include, but are not limited to: dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals which do not present an unusual risk to persons or property. Chickens are not considered domestic animals.

Animals, Exotic. An animal not indigenous to the City that is incapable of being completely domesticated, requiring the exercise of art, force, or skill to keep it in subjection; this includes any animal which a person is prohibited from possessing by law. Examples include, but are not limited to: alligators, big cats, venomous snakes and spiders, birds of prey, primates, deer, racoons, and opossums.

Agent. The property owner, or a person or entity acting with the written and signed authorization of the property owner, to make an application to the City.

Approving Body. The body charged with approving a permit or application.

Architectural Terms:

- 1) **Architectural Features.** Features include, but are not limited to: cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- 2) **Awning.** An architectural projection that provides weather protection, identity, or decoration that is wholly supported by the structure to which it is attached and is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
- 3) **Chimney.** A primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel-burning applicant to the outside atmosphere.
- 4) **Exempt Frontage.** A lot line that is not a Principal or Secondary Frontage.
- 5) **Façade.** Scaled, flat representation of one side of a structure, showing height and vertical dimensions, and architectural details. The façade includes the wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures.
- 6) **Fenestration.** The arrangement of windows and doors on the building façade, including skylights, roof windows, vertical windows, opaque and glazed doors, and glass block.
- 7) **Principal Frontage.** The lot line in common with the right-of-way line along a public street that customarily represents the street address for that lot.
- 8) **Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, chimneys, or other minor projections.
- 9) **Secondary Frontage.** Any lot line in common with the right-of-way line along any public street (but not alley) that does not customarily represent the street of address for that lot.
- 10) **Soldier Course.** A course of bricks with the bricks stood up veridically (showing its narrowest face to the wall).
- 11) **Storefront.** The ground-floor portion of a commercial / mixed-use building façade where the opaque exterior wall is absent and the interior is enclosed instead by fixed, plate-glass display windows. A storefront attracts visual attention to a business and its merchandise and must abut a sidewalk or be connected to a sidewalk with a paved surface affronting the entire extent of its window frontages.

- 12) **Trim.** Picture molds, chair rails, baseboards, handrails, door and window frames, and similar decorative or protective materials used in fixed applications.
- 13) **Visible Light Transmission, VLT.** The amount of visible light that passes through a glazing system (ex: a window film) and is expressed as a percentage.

Artisan / Maker Space. A work or studio space for artisans, craftsmen, and small- scale manufacturers to work in an individual or communal setting, where the activities produce little to no vibration, noise, fumes, or other nuisances typical in industrial or manufacturing uses. Artisan / maker spaces may offer a retail component.

Bar. An establishment operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment is a bar if more than 50% of the usable floor area of the entire establishment is used for the bar’s operation and seating.

Basement. Any story that is below the story above grade. A basement may have part, but no more than one-half of its height above finished grade.

Battery(ies). A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

Battery Energy Storage System (BESS). An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

- 1) **Tier 1 BESS** have an aggregate energy capacity less than or equal to 600kWh that are an accessory use or structure to the principal use; and, if in a room or enclosed area, consist of only a single energy storage system technology.
- 2) **Tier 2 BESS** have an aggregate energy capacity greater than 600kWh and equal to or less than 10 MWh that are an accessory use or structure to the principal use and are primarily storing electricity to be used on-site. These systems may be either in a room or an enclosed area.
- 3) **Tier 3 BESS** are systems with an aggregate energy capacity greater than 10 MWh that are tied into the larger electrical grid with the primary purpose of providing energy services to the grid.
- 4) **Commissioning Plan.** A systemic process that provides documented confirmation that a BESS functions according to the intended design criteria and complies with applicable code requirements.

Bed and Breakfast. A use that is subordinate to the principal use of a structure as a single-unit, detached dwelling, in which transient guests are provided with sleeping rooms and limited breakfast meals on a short-term basis in return for payments. An “inn” is one type of “bed and breakfast”.

Block. The property adjacent to one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, or the City boundary line.

Board of Zoning Appeals (BZA). The Board to consider variances, appeals, and interpretations as outlined in this Code.

Body Art / Tattoo Shop. A business licensed by the State involving body tattoos, piercings, and similar activities.

Brewery. An establishment for brewing beer or other malt liquors.

Building. A combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy. A building is a structure.

- 1) **Building, Existing.** A legally approved building, erected prior to the adoption of this Code.
- 2) **Building, Principal.** The building which contains the primary use(s) of the lot on which it is located.

Building Code. Any code regulating building construction in the City.

Building Official. The person appointed and employed by the City, who is charged with the administration and enforcement of the adopted building codes.

Building Permit. An official document issued by the City which grants permission to a contractor, individual or entity to erect, add to or alter a structure.

Definitions C-D

Carport. A partially open structure intended to shelter at least one vehicle.

Cemetery. Land intended for the burial of multiple deceased humans (or of pets, within pet cemeteries). Cemeteries may include a columbarium and/or mausoleum.

Child Care. The provision of care and supervision of children for periods of less than 24 hours a day, unattended by a parent or legal guardian. All child care facilities must be licensed with the Michigan Department of Licensing and Regulatory Affairs (LARA).

- 1) **Child Care Center.** A facility that allows an individual, agency, or corporation to provide care in a commercial space or building for 1 or more children under the age of 13. The children are in care less than 24 hours a day, parents or guardians are not immediately available, and the center operates for more than two consecutive weeks. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-school or after-school program, or drop-in center. "Child care center" does not include the following:
 - a) A religious instructional class that is conducted by a religious organization where children are attending for not more than 3-hours per day for an indefinite period or for not more than 8-hours per day for a period, not to exceed 4-weeks during a 12-month period.
 - b) A facility operated by a religious organization where children are in the religious organization's care for not more than 3-hours while persons responsible for the children are attending religious services.
 - c) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to: dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age child-focused training.
 - d) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to: youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in group athletic or social activities.
 - e) A child care program which operates in conjunction with a public school district.
- 2) **Child Care Home, Family.** A private home where care or supervision is provided for up to 7 unrelated children (where the licensee permanently resides as a member of the household).
- 3) **Child Care Home, Group.** A private home where care or supervision is provided for 8 to 14 unrelated children (where the licensee permanently resides as a member of the household).

City. The City of Ferndale.

City Council. The City Council of the City of Ferndale.

Commercial Vehicle. A vehicle which is used for the transportation of passengers for hire, or constructed / used for the transportation of goods, materials, or merchandise, or which is designed and used for towing other trailers or vehicles.

Community Incubator Kitchen. A shared space designed to support and nurture food-related businesses and entrepreneurs. It provides a fully equipped commercial kitchen facility that can be rented by individuals or small businesses for access to professional-grade equipment and space to prepare and produce food products.

Compatibility. The characteristics of different uses or activities which permit them to be located near each other in harmony and without conflict.

Condominium:

- 1) **Condominium Act.** State of Michigan, PA 59 of 1978, as amended.
- 2) **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- 3) **Condominium Lot.** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common elements, if there is such a limited common element.
- 4) **Condominium Subdivision Plan.** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- 5) **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- 6) **General Common Element.** Portions of the condominium project other than the condominium units that are designated for use by all owners within the development.
- 7) **Limited Common Element.** An area which is accessory to a site condominium unit and is reserved in the master deed for the exclusive use of the owner of that unit. For the purposes of this Code, a site condominium unit's limited common element, when combined with the condominium building site, is the equivalent of a lot.
- 8) **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- 9) **Site Condominium.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure(s) may be constructed, herein defined as a condominium unit, as described in the master deed.

Construction. The erection, alteration, repair, renovation, demolition, or removal of any structure and the excavation, filling, and grading in connection thereto.

Contractor's Yard / Office. The parking, stockpiling, storage of vehicles, equipment and/or supplies for use by a contractor for the construction and/or renovation trades.

Curb Cut. A paved opening for vehicles, from a public street to a lot.

Deed Restriction. A restriction of land, use, or development that is set forth in a document and recorded with the County Register of Deeds; it is binding on subsequent owners and is also known as a restrictive covenant.

Deck. Any patio, terrace, gallery, veranda, piazza, or similar, uncovered projection from an outer wall of a building that is affixed to the ground.

Density. The number of dwelling units on or to be developed per gross acre of land.

Dental Clinic. A facility where dentists and dental staff provide oral health treatments and dental procedures.

Development. The construction of a new building or structure (or portion thereof), the relocation of an existing building, or a new use of land.

Development Proposal. Application to the CED Department, including but not limited to: site plans, special land uses, Planned Unit Developments (PUD), map amendments (rezonings), and Class A nonconformities.

Distributed Energy Resource (DER). Technologies and equipment for generating, managing, and storing energy or electrical capacity at the place of consumption.

Distribution Center. A use which typically involves both warehouse and office/administration functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

Distillery. An establishment for the manufacturing of liquor.

Drive-Thru. A facility designed to serve customers in their vehicle from a window in the building. A drive-thru may serve any type of permitted business but are generally associated with food service and banking.

Dwelling. A building that contains a dwelling unit that is built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

Dwelling Unit. A dwelling unit is a single unit, providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Dwelling units include:

- 1) **Dwelling, Duplex.** A building designed for or occupied exclusively by two households living independently of each other that shares a common wall. This definition does not include a single-unit dwelling with a detached ADU.
- 2) **Dwelling, Fourplex.** A building designed for or occupied exclusively by four families living independently of each other that shares a common wall. This does not include a triplex dwelling with a detached ADU.
- 3) **Dwelling, Multiple-Unit.** A building, or portion there-of, used and designed as a residence for five or more households living independently of each other and having their own cooking facilities therein, including rowhouses, apartment buildings, and lofts.
- 4) **Dwelling, Single-Unit Detached.** A detached building with exclusively one occupied residence.
- 5) **Dwelling, Rowhouse.** Two or more multi-story units with shared side walls on both sides; they typically have entries facing a street and a rear yard or small court with detached parking garage or parking area accessed from an alley.
- 6) **Dwelling, Triplex.** A building designed for or occupied exclusively by three households living independently of each other that shares a common wall. This definition does not include a duplex dwelling with a detached ADU.

- 7) ***Dwelling, Upper-Level Residential.*** A dwelling unit that is located on any floor above ground floor level, within a mixed-use building.

Definitions E-F

Easement. Interest in land owned by another that entitles its holder to a specific limited use or access.

Electric Vehicle Charging Management System. A system to control electric vehicle supply equipment loads through the process of connecting, disconnecting, increasing, or reducing electric power to the loads and consisting of any of the following: a monitor(s), communications equipment, a controller(s), a timer(s), and other applicable device(s). In EV spaces where the majority of vehicles are expected to be parked for more than 6-hours at a time, Energy Management Systems should consider vehicle-to-grid (V2G) capable equipment.

Electric Vehicle Supply Equipment (EVSE). Known as a “charger”, the EVSE includes the conductors, including the ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to an electric vehicle.

EVSE Space. A parking space in a parking lot or facility with access to Level 2 or Level 3 EVSE.

Level 1 EVSE. A common residential outlet with 120-volts on a 20-amp (or higher) circuit.

Level 2 EVSE. Equipment that is serviced by electrical equipment capable of providing 208/240-volt 40-amp (or higher) AC electric service.

Level 3 EVSE. Equipment that is serviced by electrical equipment capable of providing 50kW Direct Current (DC) electric service or greater, known as a Direct Current Fast Charger (DCFC).

Essential Services. The erection, construction, or alteration, by public utilities or municipal entities, of underground, surface or overhead gas, electric, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals or signs, fire hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service by public utilities or municipal entities, or for the public health, safety, or welfare.

Event Venue (Small or Large). A commercial establishment designed for temporary gatherings for entertainment, collaboration, celebration, or other reasons (small event venue = maximum capacity of 50 people; large event venue = maximum capacity 51 people or greater).

Experiential Retail. An establishment that offers retail experiences in the form of a class. Experiences may include art, pop-ups, live music, virtual reality, cafes and lounges, and large video display walls. An example consists of a group setting painting studio.

Façade. The exterior wall(s) of a building exposed to public view. The façade includes the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies and visible roof structures.

Fence. A structural barrier composed of posts carrying boards, rails, pickets, or wire or iron structures consisting of vertical or horizontal bars to restrict access to or from a lot or parcel of land, enclosing all or a portion of the lot or parcel.

Financial Institution. An establishment in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange. Also known as a “bank”.

Fire Code. The most recently adopted edition of the International Fire Code and its Appendix chapters (including “reference standards”) as published by the International Code Council.

Floor Area, Total. The sum of the areas of all floors of all buildings on a lot, measured from the outside face of a structure’s foundation. Basements, attic and other storage areas, balconies, porches, and uncovered decks are excluded.

Floor Area, Usable (UFA). The area used for the sale of merchandise or service, or to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, or for hallways, utilities, or sanitary facilities, is not considered UFA. The measurement of UFA is the sum of the horizontal areas of all floors of the building, measured from the interior faces of the exterior walls.

Food Truck. A vehicle equipped with facilities for cooking and selling food. A food truck falls under the Mobile Vendor definition.

Foster Care. The supervision, personal care, and protection of individuals (who require care on an ongoing basis, but who do not require continuous nursing care) in addition to room and board, for 24 hours a day for compensation. All foster care facilities must be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA).

- 1) **Foster Care, Adult Family Home.** A private residence with 6 or fewer adults; the licensee must be a member of the household and an occupant of the residence.
- 2) **Foster Care, Adult Large Group Home.** A facility with at least 13, but not more than 20 adults, to be provided with foster care; the licensee is not required to be an occupant.
- 3) **Foster Care, Adult Small Group Home.** A facility with 12 or fewer adults to be provided with foster care; the licensee is not required to be an occupant of the residence.
- 4) **Foster Care, Family Group Home.** A private home that provides foster care to 7 or more children.
- 5) **Foster Care, Family Home.** A private home that provides foster care to 6 or fewer children.

Frontage. A lot fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, end of a dead-end street or City boundary measured along the street line.

Funeral Home / Mortuary. An establishment where the dead are prepared for burial or cremation.

Definitions G-H

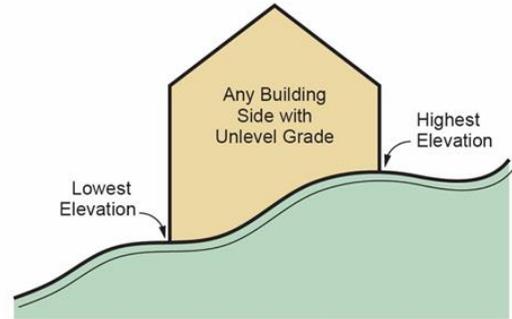
Garage. An accessory building or portion of a principal building designed or used primarily for the storage of any vehicle owned or used by the occupants of the building to which it is accessory.

Gas Station. An establishment offering the retail sale and dispensing of fuel, energy, or lubricants from fixed equipment directly into vehicles (the retail sales of items such as pop, groceries, and similar products may also be offered).

Geothermal Energy. A closed loop system that uses buried high-density polyethylene (HDPE) plastic piping installed in drilled and grouted boreholes that conductively exchanges thermal (heat) energy with the ground via circulating water or a water/antifreeze mixture through the piping system.

Grade. The degree of rise or descent of a sloping surface:

- 1) **Grade, Average.** Where a building is located on sloping terrain, the height is measured from the average ground level of the grade at the building wall.
- 2) **Grade, Finished.** The finished ground level adjoining the building at all exterior walls. The final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.
- 3) **Grade, Natural.** The elevation of the ground surface in its natural state, before human-made alterations.



$$\text{Average Grade} = \frac{\text{Highest} + \text{Lowest}}{2}$$

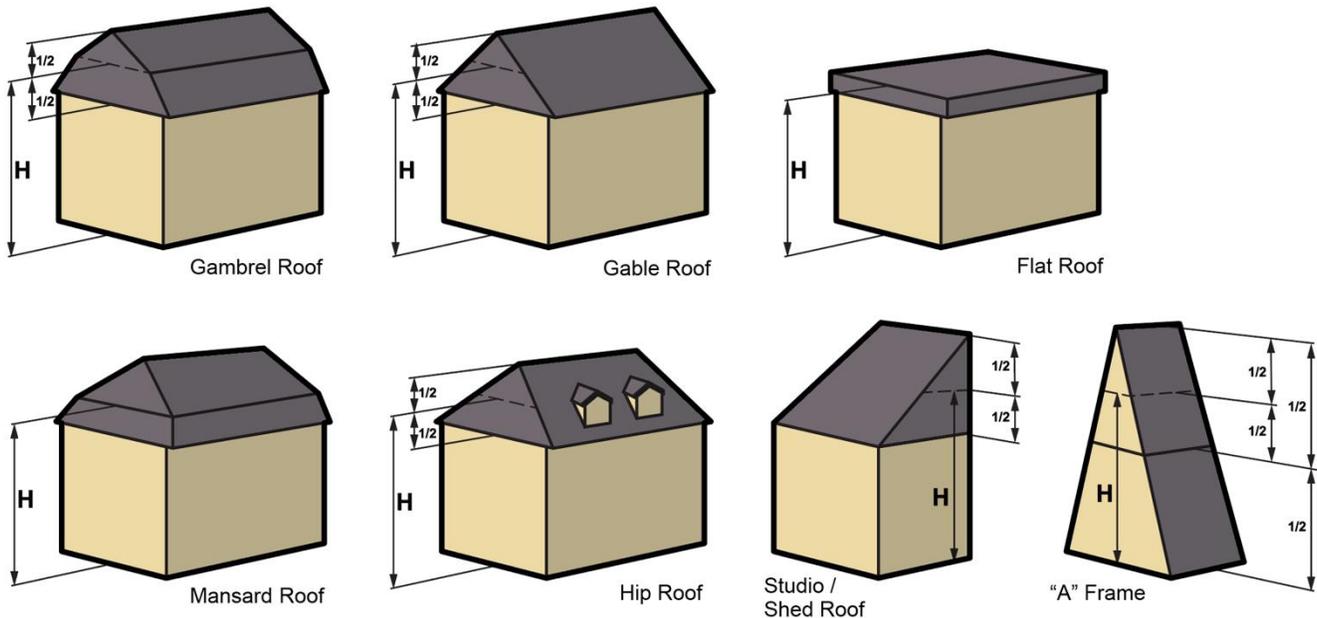
Employ Average Grade for any building side with unlevel grade, computed individually

Greenspace. An area of a parcel to be maintained as permeable, natural vegetation such as trees, grass and plants.

Grocery Store. A retail establishment for the sale of food, food products, or beverages for consumption off premises.

Health or Fitness Club / Gym. A facility for the provision of exercise equipment, facilities, or classes for use by members for compensation.

Height, Building. The vertical distance from the average grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.



Holistic Treatment Center. Establishment that focuses on holistic medicine, which is a form of healing that considers the whole person – body, mind, spirit, and emotions – in the quest for optimal health and wellness. A center may include a massage establishment.

Home-Based Business. An accessory use of a dwelling unit for gainful employment involving the provision of professional or personal services and carried on by a person residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes. Outdoor sales lasting no more than 4 consecutive days and occurring no more than 3 times per calendar year are not a home-based business.

Hospital. A facility licensed by the State, including hospices, which provides in-patient and out-patient medical and surgical services, and which may include related facilities such as laboratories, medical testing, central service facilities, and staff offices.

Hotel. A building containing rooms intended and designed to be occupied, or which are occupied, rented, or hired out, for sleeping purposes by guests with staff on site. A Short-Term Rental is not a hotel.

Hotel, Boutique. Smaller-capacity hotels (100 rooms or less), which provide more personalized service than typical hotels. A Short-Term Rental is not a hotel.

Household. All persons who occupy a dwelling unit.

Definitions I-J

Impervious Surface. Human-made material that covers the surface of land and substantially reduces the infiltration of stormwater to a rate of 5% or less. Impervious surfaces include pavement and all structures.

Institution of Higher Education. An institution that provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree or awards a degree that is acceptable for admission to a graduate or professional degree program.

Definitions K-L

Landscape Nursery / Greenhouse. A place where plants are propagated and grown to a desired size (mostly for gardening, forestry, or conservation biology, rather than agriculture). They include retail, municipal, wholesale, and private nurseries.

Landscaping Terms:

- 1) **Berm.** A mound of earth graded, shaped, and improved with landscaping to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity or to raise a structure above the natural grade.
- 2) **Buffer.** Either a vegetated greenbelt or a screen wall / fence that provides visual screening, noise reduction, or transition between lots or uses.
- 3) **Caliper.** The diameter of a tree trunk measured 4.5-feet above the average grade.
- 4) **Deciduous.** A tree or shrub that provides foliage (leaves, petals, etc.) that is shed at the end of its growing season. Its purpose is to provide shade to adjacent ground areas.
- 5) **Evergreen.** A tree or shrub that retains its green leaves and foliage throughout the year.
- 6) **Greenbelt.** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement. A buffer screen wall may also customarily be located within a greenbelt.

- 7) **Groundcover.** Low-growing plants or sod that in time form a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.
- 8) **Hedge Row.** A 3-foot-tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid visual barrier.
- 9) **Landscaping.** The treatment of the ground surface with live plant materials such as, but not limited to: grass, groundcover, trees, shrubs, vines, and other live plant material, and may include other decorative natural or processed materials (i.e., wood chips, crushed stone, boulders, or mulch). Structural features such as water features, statues, art, and seating areas may also be considered part of landscaping (if provided in combination with live plant material).
- 10) **Opacity.** The state of being at least 80% impervious to sight.
- 11) **Ornamental.** A deciduous tree or shrub that is typically grown because of its shape, flowering characteristics, or other attractive features.
- 12) **Retention / Detention Pond.** An artificially created pond or basin that holds collected stormwater. A detention pond has an outlet that releases water at a controlled rate, in order to reduce how quickly runoff enters natural waterways (protecting downstream areas from flooding and erosion). Retention ponds hold water until it infiltrates the soil or evaporates without an outlet to a drainage way, except for emergency overflows.
- 13) **Screen.** A method of visually shielding or obscuring an adjacent or nearby structure, property or use from another by using fencing, walls, berms, gates, building features, or plantings of sufficient height, length, and opacity to form a visual barrier.
- 14) **Shrub.** A self-supporting, deciduous or evergreen plant, normally branched near the base, and bushy.
- 15) **Tree.** A woody plant with an erect perennial trunk and a definite crown of foliage.

Library. An establishment contains literary, musical, artistic, or reference materials (including, but not limited to: books, manuscripts, recordings, or films) are kept for use, or borrowing, but not for sale.

Live-Work. A building that contains both a dwelling unit and a commercial, office, or light industrial use within the same single, leasable, or for-sale unit.

Loading Space. An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Loft. A loft apartment is a type of multiple-unit residential use, characterized by a large, open space in a former industrial building or a newly constructed building designed to look industrial

Lot. A tract of land occupied, or intended to be occupied, or utilized by a use, principal and accessory buildings, yards, and/or open space. For a lot to be buildable, it must meet the minimum requirements of [Article 2: Zoning Districts and Map](#) for use, lot area and width, setbacks, open space, etc., in the zoning district it is located in.

- 1) **Lot, Corner.** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot adjacent to a curved street or streets is considered a corner lot if the arc is of less radius than 150-feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
- 2) **Lot, Double Frontage.** A lot (other than a corner lot) with frontage on 2 or more parallel streets.
- 3) **Lot, Interior.** A lot with only 1 lot line fronting on a street.
- 4) **Lot Area.** The total area of a lot, excluding any portion located in a street or other right-of-way.

- 5) **Lot Coverage.** The percentage of the lot occupied by buildings, including accessory structures.
- 6) **Lot Line.** A line dividing one lot from another, or from a street or any public place.
 - a. **Front Lot Line.** The line between the lot and the public street or private street.
 - b. **Rear Lot Line.** The lot line opposite and most distant from the front lot line.
 - c. **Side Lot Line.** All lot lines other than a front or rear lot line.
- 7) **Lot Width.** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Definitions M-N

Manufactured Housing. A dwelling unit substantially built, constructed, assembled, and finished at an off-site location from the premises where it is to be located.

Manufacturing Facility. A facility whose principal use is the physical, mechanical, or chemical transformation of materials or substances into new products including assembling, making, preparing, inspecting, finishing, treating, altering or repairing, or the blending of materials such as oils, plastics or resins.

- 1) **Manufacturing, Heavy Intensity.** An industrial use typically having the potential of creating substantial noise, smoke, dust, vibration, and other environmental impacts or pollution, and including, but not limited to: the extraction or mining of raw materials, such as quarrying of sand or gravel; processing or refining of raw materials (such as but not limited to minerals, petroleum, rubber, wood or wood pulp, into other products); the milling of grain or refining of sugar, except when accessory to a use defined as food processing for human consumption or as a retail sales or service use; refining, extruding, rolling or drawing of ferrous or nonferrous metals, or the use of a non-induction foundry for ferrous metal; production of large durable goods such as motorcycles, vehicles, manufactured homes, airplanes, or heavy farm, industrial or construction machinery; manufacturing of electrical components (such as semiconductors and circuit boards), using chemical processes such as etching or metal coating; production of industrial organic and inorganic chemicals, and soaps and detergents; and the conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition.
- 2) **Manufacturing, Light Intensity.** An industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building. Light manufacturing is conducted on a smaller scale than heavy manufacturing and often uses less energy and resources.

Map Amendment (Rezoning or Conditional Rezoning). An amendment to this Code to change the Zoning Map classification on a lot from its existing district to a new district classification. A map amendment could be a conditional rezoning:

- 1) **Conditional Rezoning Agreement (CRA).** A written agreement approved and executed by the City and property owner setting forth the conditions attached to the rezoning pursuant to Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and any other terms mutually agreed upon by the parties relative to land for which the City has approved a conditional rezoning.
- 2) **Conditional Rezoning Plan (CRP).** A plan of the property, which is the subject of a conditional rezoning, with conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture, or other feature for and/or of buildings, structures, improvements, and features on, and in some cases adjacent to, the property.

- 3) **Rezoning Conditions.** The conditions regarding the development and use of property, voluntarily proposed by the applicant and approved by the City.

Marihuana Provisioning Center. A licensee that is a commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

Marihuana Recreation Facility. Any facility, establishment and/or center at a specific location which is licensed under the Michigan Regulation and Taxation of Marihuana Act, including a provisioning center, grower, excess grower, processor, safety compliance facility, secure transporter, marihuana event organizer, temporary marihuana event, and designed consumption establishment.

Master Land Use Plan (MLUP). The comprehensive long-range plan, adopted by the Planning Commission and City Council, intended to guide growth and development within the City and that includes analysis, recommendation and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Massage Establishment. An establishment where a message is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating, or stimulating with hands or any instrument, or by the application of air, liquid, or vapor baths of any kind whatever.

Medical Clinic. A health care facility focused on outpatient services.

Medical Marihuana Facility. A facility where primary caregivers and/or qualified patients, who are legally registered by the Michigan Department of Community Health (MDCH), may lawfully assist qualified patients, also legally registered by the MDCH, concerning the evaluation, counseling, and acquisition of medical marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A use purporting to be engaged in the medical use of marihuana prior to enactment of the Michigan Medical Marihuana Act or prior to being legally registered by the MDCH, is deemed to not be a legally established use and not entitled to legal nonconforming status under this Code. The facility cannot include a club, café or other design that permits consumption of medical marihuana at the facility.

Medical Marihuana Grower Operation. A use, in accordance with the Michigan Medical Marihuana Act, as amended, for the growing, cultivation, planting and manufacturing of medical marihuana.

Mobile Vendor. A person or entity that makes sales from a vehicle, stand, or installation (including a food truck) that is temporary or is capable of being moved from one location to another. Mobile vending includes the outdoor sales of merchandise but does not include sidewalk sales of items from a business.

Motel. A group of attached, semi-detached or detached rooming units of which not more than 10% contain cooking or eating facilities, each unit having an entrance leading directly from the outside of the building. Such units, with the exception of the unit occupied by the management staff, must be used and intended primarily for the overnight accommodation of transients.

Must. The term, where used in this Code, is construed as mandatory.

Night Club. A building whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment for listening or dancing by the patrons, or any combination of the above functions. Night clubs have an open floor plan. Accessory uses may include the sale and consumption of food and/or alcoholic beverages on the premises.

Nonconformity. A building, structure, lot, or use that lawfully existed at the effective date of this Code, or a subsequent amendment, but which does not presently conform to this Code’s standards.

Non-Profit Social Club. A social or recreational club organization that meets the Internal Revenue Code criteria for tax-exempt status under IRS Code 501(c)(7).

Novelty Store. A retail establishment which includes drug paraphernalia, including pipes, bongs, clips, scales, sifter, rolling papers, spoon, and other items that may be classified and defined as drug paraphernalia in the Public Health Code, as amended, as part of its merchandise for sale to the public.

Nuisance. 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 lot line which can be perceived by or affects a human, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, radiation, objectionable effluent, noise of congregation of people (particularly at night), traffic, or a burned-out or condemned structure.

Definitions O-P

Office. An establishment, where clerical work, professional duties, or the like are performed.

Outdoor Dining. An area where food and other refreshments are served or consumed, often, but not necessarily, within the public right-of-way (the sidewalks immediately adjacent to a restaurant or café). Outdoor Dining does not include service areas for a Food Truck or Mobile Vendor.

Owner. Any person, agent, firm, or corporation having a legal or equitable interest in a lot.

Parcel. See “Lot”.

Parking Lot, Off-Street. Land (other than a driveway, street, or other right-of-way) designed and used for the parking or storage of a vehicle by the occupants, employees, and patrons of the building or premises to which it is accessory.

Parking Space. An accessible area of definite length and width for parking a vehicle or bicycle.

Parking Structure. A wholly or partly enclosed structure, comprised of one or more levels, for the temporary parking and protection of vehicles.

Paved. An impervious surface constructed out of asphalt, concrete, or similar material.

Pawnshop. An establishment where a pawnbroker conducts business. A pawnbroker is a person or entity that loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price.

Permit. An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specific activity.

Personal Service Establishment. An establishment providing services, as opposed to products, to the public, including financial services, pharmacies, insurance, real estate, dry cleaning, tailors, salons, spas, wellness, and similar uses. Personal services do not include auto-related uses.

Pervious Surface. An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground. Synonymous with porous or permeable.

Pet. See “Animals, Domestic”.

Pet Grooming and Boarding Facility. A establishment for the temporary boarding and care of domestic animals. Facilities may provide related services, (e.g., grooming or training), but animals cannot be bred or sold.

Pharmacy. An establishment where primarily medicinal drugs are dispensed and sold.

Planned Unit Development (PUD). An area in which a mix of residential, commercial and/or industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as setbacks, than those restrictions that would normally apply under this Code.

Planning Commission. The Commission authorized to draft, administer, and enforce the City’s Master Plan and Zoning Code.

Property Line. The boundary lines that define and identify the extent of a lot(s) by ownership.

Public Utility. An entity authorized to provide utilities or infrastructure for the purpose of transportation, water, sewer, stormwater, gas, electric, communications, and other similar services.

Definitions Q-R

Recreation, Indoor. A public or private establishment that provides indoor recreational activities, services, amusements, and/or instruction. Uses include, but are not limited to: bowling alleys, ice- or roller-skating rinks, billiard halls, swim clubs, and arcades.

Recreation, Outdoor. An outdoor facility providing public or private recreation. Uses include, but are not limited to: athletic fields, miniature golf courses, skateboard parks, swimming, bathing, wading, and other therapeutic facilities, basketball courts, and batting cages.

Religious Institution. An institution that people regularly attend to participate in or hold religious services, meetings, or other activities.

Repair. The reconstruction or renewal of any part of an existing structure or sign for the purpose of its maintenance or to correct damage.

Research and Development. An establishment for the studying and testing of innovative activities undertaken in developing new services or products and improving existing ones.

Restaurant. An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

- 1) **Restaurant, Café / Takeaway.** Establishments whose patrons generally order or select items and pay before eating. Food and drink may be consumed on the premises, taken out, or delivered to customers’ locations.
- 2) **Restaurant, Full-Service.** Establishments where food, confections, and beverages are served and consumed primarily on the premises in seating areas.

Retail. A commercial establishment that sells goods or merchandise to the public on-site. Examples include, but are not limited to: convenience/beverage stores, clothing/shoe/accessory stores, book/music/video/electronics stores, hardware stores, and art galleries with art for sale.

Right-of-Way. A legal right of passage on, below, or above a street, alley, railroad, or easement.

Roastery. An establishment where coffee beans are roasted and prepared for consumption.

Definitions S-T

Scale. The size and shape of a structure or other element of the built environment, relative to its surroundings and to the people who interact with it.

Self-Storage Facility, Indoor. An enclosed space for rent to the public to store non-perishable goods.

Senior Living Facility. A range of housing and lifestyle options for seniors, adapted to the challenges of ageing, such as limited mobility and mental health. A senior living facility may include accessory uses, such as on-site services, cafes, entertainment, laundry, and personal services.

- 1) **Assisted Living.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual (where the individual's condition necessitates that supervision or assistance).
- 2) **Independent Living.** A facility that affords seniors the ability to live on their own while taking advantage of various amenities and community offerings.

Setback. The minimum and maximum horizontal distance that a building, structure, or parking lot must be from any lot line.

Short-Term Rental. A dwelling unit for rent in part or in its entirety for less than 30 consecutive days per occupant.

Sidewalk. Pedestrian or non-motorized vehicular circulation routes built according to the standards of the City with right-of-way jurisdiction, as applicable.

Sidewalk Vending. Peddling, vending, selling, displaying, or offering for sale any goods, wares, merchandise, or other thing of value upon a public sidewalk either traveling or from a fixed location in the City.

Signs. Any visible device which displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

- 1) **Abandoned Sign.** A sign that no longer advertises a valid business, product, service, activity, owner, or lessor or is vacated for 60 days or a sign support structure with no signage for more than 6-months.
- 2) **Alter.** The addition or change to, refacing of, or removal of any part of any sign or the whole sign.
- 3) **Awning Sign.** A permanent sign painted, or screen printed on the exterior surface of an awning.
- 4) **Banner Sign.** A sign on paper, cloth, fabric, plastic, or other flexible material that is attached flat against a permanent sign face or strung between two poles or structures.
- 5) **Billboard Sign.** A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at higher speeds. This sign usually contains a message or advertises an establishment, product, service, space, or activity not available on the lot where the sign is located.

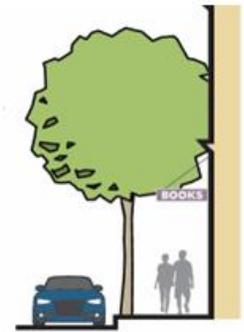


Awning Face Sign

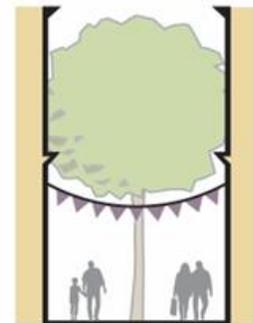
- 6) **Canopy Sign.** A permanent projecting sign affixed to the side or bottom surface of an attached canopy.
- 7) **Changeable Message Sign.** A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of copy and symbols on a panel mounted in or on a track system.
- 8) **Construction Sign.** A temporary sign identifying the name(s) of project owners, contractors, developers, realtors, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved. It does not include advertising of any product or announcement of availability of leasing space.
- 9) **Directional Sign.** A sign designed and erected for the purpose of providing direction and/or orientation for vehicular or pedestrian traffic.
- 10) **Employment Sign.** A “help wanted” sign soliciting employees for the place of business where posted.
- 11) **Festoon Sign.** A sign consisting of a string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead, in loops, and/or around windows or doors. Festoon signs do not contain letters, numbers, logos, etc.
- 12) **Flag.** An emblem usually consisting of a piece of cloth with the insignia of any nation, state, city, community organization, educational institution, noncommercial enterprise, or institution of higher education. Commercial flags (which include a brand name, product name, trademark, trade name, logo, or abbreviation related to a product, company, profession, business, or any other commercial message) are not permitted.
- 13) **Government Sign.** A temporary or permanent sign erected by the City, Oakland County, or the state or federal government including signs as necessary in conjunction with the improvement of public infrastructure or vehicular or pedestrian traffic direction or information.
- 14) **Grand Opening Sign.** A sign used to communicate that a new business is either opening soon or is now open.
- 15) **Incidental Sign.** A sign measuring 2 square feet or less that is designed and located to be viewed by persons on a property and is generally not visible or legible from the right-of-way or adjacent properties. Examples include, but are not limited to: credit card signs, hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, and other signs providing information to be read at close proximity.
- 16) **Inflatable Sign.** A sign composed of an inflatable, flexible material tethered to a building or the ground.



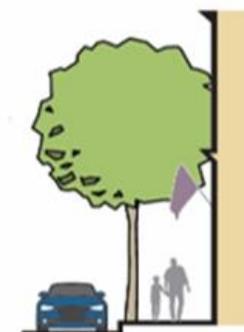
Banner Sign



Canopy Fascia Sign



Festoons

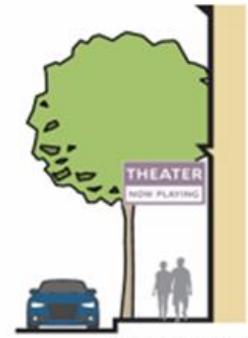


Flag

17) **Integral Sign.** A memorial sign or commemorative tablet which contains the names of buildings, dates of erection, and monumental citations installed as a permanent part of a structure.

18) **Interior Sign.** A sign placed within a building that is not visible from any public street, sidewalk, alley, park, or public property. If the sign is visible from outside the building and is within 5-feet of a window, it is not an interior sign, it is a window sign.

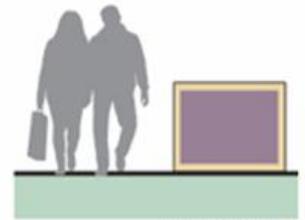
19) **Marquee Sign.** A projecting sign typically mounted perpendicular to the building façade in a vertical manner. Marquee signs often include a changeable copy component in addition to the display of a permanent message, but they are not required to have changeable copy.



Marquee Sign

20) **Monument Sign.** A base-mounted, freestanding sign placed in the ground (which does not allow visual clearance underneath) and is not attached to any structure.

21) **Mural.** A graphic displayed on the exterior of a building for the purposes of decoration or artistic expression that does not contain any brand name, product name, trademark, trade name, logo, or abbreviation related to a product, company, profession, business, or any other commercial message.



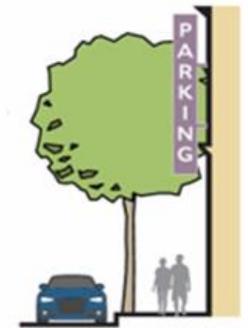
Ground Sign

22) **Nameplate Sign.** A non-electric sign stating the name and/or address of a person, business entity, or firm located on the site.

23) **Nonconforming Sign.** A sign that was lawfully permitted at the time it was erected but is not permitted under this Code.

24) **Pole Sign.** A three-dimensional, self-supported, permanent, base-mounted sign which allows visual clearance underneath.

25) **Portable Sign.** A temporary sign whose supporting structure is intended, by design or construction, to be moved easily and may be propelled by its own power or by another vehicle to which it may be attached. These signs are not permanently affixed to the ground or structure, and may or may not have wheels, changeable letters, and/or hitches for towing.



Grand Projecting Sign

26) **Projecting/Blade Sign.** A sign which projects perpendicularly or at an angle from a building, this does not include canopy, awning, roof, or marquee signs.

27) **Roof Sign.** A sign which is erected, constructed, or maintained on or above the roof or parapet of a building.

28) **Sandwich Board Sign.** A portable temporary sign or sign board that is freestanding and not permanently anchored or secured to either a Building, structure, or the ground. Often used simultaneously with “sidewalk signs,” sandwich board signs include, but are not limited to, so called “A” frame, “T” shaped, or inverted “T” shaped stands.



Sandwich Board Sign

- 29) **Static Illumination Sign.** An illuminated sign that displays store conditions, such as “Open” or “Closed.”
- 30) **Temporary Sign.** A sign constructed and intended to be displayed for a limited time. Any sign, regardless of construction and intention, that is in place for more than 60-days is a permanent sign.
- 31) **Traffic Control Sign.** A private traffic control or parking sign that conforms to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- 32) **Vehicle Sign.** A sign painted on or attached to a vehicle, including trailers, which is parked in such a manner as to attract attention or advertise a business, product, service, or activity. Commercially licensed vehicles which are generally used daily off-site are not included.
- 33) **Wall Sign.** A sign attached to, painted, or placed on the exterior façade of any structure.
- 34) **Window Sign.** A temporary or permanent sign oriented to the right-of-way and placed on a window, or inside a building in such a manner as to be oriented toward the right-of-way.
- 35) **Window Covering.** A temporary or permanent covering or film placed on a window. Window coverings may be frosted or opaque.



Site Plan. A scaled drawing illustrating existing conditions, detailing the proposed use and development of a lot, and all required elements applicable, to ensure compliance with this Code.

Sketch Plan. A drawing containing less information than a site plan, drawn in compliance with this Code, of a development intended to ensure compliance with zoning provisions. A sketch plan does not need to be prepared by a licensed professional.

Solar Energy Systems (SES). A device, array of devices, or structural design feature, the purpose of which is to provide for generation and/or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. SES unit types include:

- 1) **Building-Integrated SES:** A SES that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include but are not limited to photovoltaic (BIPV) or hot water solar energy systems that are contained within roof materials, windows, skylights, awnings, fences, and walls.
- 2) **Ground-Mounted SES (Accessory Use):** A SES mounted on a rack or pole that is ballasted on, or is attached to the ground, and the system is accessory to the primary use.
- 3) **Ground-Mounted SES (Principal Use):** A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to the ground, and is the primary land use on the lot which it is located.
- 4) **Roof-Mounted SES:** A SES mounted on racking that is attached to or ballasted on the roof of a building or structure.

- 5) **Solar Access:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight.
- 6) **Solar Photovoltaic (PV):** A type of SES that uses semiconductor materials to convert solar energy directly into electricity. The primary components of this type of SES are solar panels, mounting devices, inverters, and wiring. Components may also include cleaning mechanisms and sun-tracking sensors and mechanisms, etc.
- 7) **Solar Rights:** Easement(s) of direct sunlight (Solar Access) may be acquired over the land of another by legally obtaining an easement or covenant.

Special Land Use. A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district.

Story. The portion of a structure between the upper surface of a floor and the upper surface of the floor (or roof if a single-story) above it but excluding mezzanines and basements.

Street. A public or private thoroughfare, other than an alley, which affords the principal means of access to adjacent property.

Streetscape. The distinguishing character of a particular street as created by its width, paving materials, type, design, and placement of street furniture, and forms of surrounding buildings.

Studio. An establishment for the arts or creative arts, which includes a wide range of human practices of creative expression, storytelling, and cultural participation. This includes painting (including nude painting), dance, photography, ceramics, etc.

Structure. A combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above or below grade. All buildings are structures, however, not all structures are buildings. Structures include, but are not limited to: towers, sheds, gazebos, and decks.

Subdivision Plat. The process of laying out land into lots, blocks, streets, and public areas for their sale and development.

Sustainable. The ability to maintain an ecological balance and conserve natural resources to support the wellbeing of current and future generations.

Temporary Use or Building. A use or building permitted to exist during periods of construction of the principal building or use, or for special events.

Theater / Entertainment Venue. An establishment for the presentation of the performing arts, including indoor motion pictures, live performances, comedy clubs, and concert halls. Entertainment venues may include restaurants as an accessory use.

Trade / Vocational School. An establishment for the teaching of automotive, construction (carpentry, electrical, HVAC, masonry, plumbing, etc.), manufacturing or welding skills, or other specialized skill sets.

Traffic Impact Study (TIS). An analysis of the potential traffic impacts at site access points and intersections in the vicinity of a proposed development proposal.

Transitional Housing / Shelter. Transitional Housing provides temporary housing with supportive services to individuals and families experiencing homelessness with short term goals of stability and support and long term goals of successfully moving to and maintaining permanent housing.

Definitions U-V

Upper-Floor. The portion of a structure that is above the ground floor (the first story) and is occupiable.

Use. The principal purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance. A relaxation or modification of the requirements of this Code as authorized by the BZA.

Vehicle. A motorized machine used for the transporting of people or goods, including, but not limited to: cars, trucks, vans, and motorcycles. Vehicle uses include:

- 1) **Vehicle Sales and/or Rental.** An establishment for the sale and/or rental of vehicles, and may include a showroom, office, service center, etc.
- 2) **Vehicle Repair Shop.** An establishment where one or all of the following services may be carried out: general repair, engine rebuilding, or rebuilding or reconditioning of vehicles; collision service, such as body, frame or fender straightening and repair; the painting and rustproofing of vehicles; oil changes and customarily related services; and the customizing of vehicles (ex: stereo, tires, etc.).
- 3) **Vehicle Wash Facility.** A mechanical or self-service establishment that contains facilities for washing vehicles. This definition does not include temporary car washes for the purposes of raising funds for charitable, non-profit, sports organizations, etc.

Veterinary Clinic. An establishment that provides for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. It may include customary cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

Definitions W-Z

Wall. An artificially constructed upright barrier of any material or combination of materials designed to enclose, buffer, divide, screen, or protect.

Warehouse. A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, transportation and logistics, and retailing.

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Wholesale. A facility in which goods or merchandise are not sold at retail, not including membership-based warehouse facilities.

Wind Energy Conversion System (WECS). A device used to convert wind energy into useful form, such as electricity, using wind turbines. WECS include a surface area, typically a blade or rotor; a shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device; and a tower and other support structure.

1. **Tower Mounted Wind Energy System.** A wind energy conversion system that is mounted on a freestanding or guyed tower attached to the ground, and not attached to any other permanent or temporary structure.
2. **Vertical Axis Wind Turbine.** A wind turbine utilizing a vertical rotor shaft, these are often mounted the ground or a building and do not need to point into the wind to be effective.

Winery. An establishment where wine is made.

Wireless Communication Facility. A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services that consists of antennae, equipment and storage, and other accessory structures.

Yard. An open space, unoccupied and unobstructed from the ground upward, and being on the same lot with a building. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure. Yards are defined as:

- 1) **Yard, Front.** The open space between the wall or element of the building and the front lot line.
- 2) **Yard, Rear.** The open space between the wall or element of the building and the rear lot line.
- 3) **Yard, Required.** That portion of any lot on which the erection of a principal building is prohibited.
- 4) **Yard, Side.** The open space between the wall or element of the building and a side lot line.

Zoning District. A portion of the City within which certain uses, buildings and structures are permitted and within which certain regulations and requirements apply under the provisions of this Code.