



Zoning Ordinance

CITY OF HAZEL PARK, MICHIGAN



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Effective February 28, 2025

Amended Effective September 12, 2025

Amended Effective November 7, 2025

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Chapter 17.01

Purpose, Intent, and Validity

Section 17.01.010

Preamble

In accordance with the authority and intent of the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., as amended, the City of Hazel Park enacts this ordinance to provide for the establishment in the City districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for the establishment of a Zoning Board of Appeals; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this Ordinance.

Section 17.01.020

Purpose

The purpose of this ordinance is to provide for the orderly development of the city, consistent with the City's Master Plan, which is essential to the well-being of the City, and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to meet the needs of the City's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other use of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to ensure

that new development contributes to traditional urban design regarding building form and aesthetics; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the City into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

Section 17.01.030

Short Title

This Ordinance shall be known and may be cited as “The City of Hazel Park Zoning Ordinance”. Within the following text it may be referred to as the “Ordinance”.

Section 17.01.040

Validity and Severability

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

Section 17.01.050

Conflicting Provisions

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

In interpreting and applying the sections of this ordinance, they shall be held to be the minimum or maximum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the sections of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

Section 17.01.060

Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 17.01.070

Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare.

It is not the intent of this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, which are not in conflict with the provisions of this Ordinance.

It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or requires by such other ordinance or agreements, the provisions of this Ordinance shall control.

It is not the intent of this Ordinance to prevent the City of Hazel Park from acting in pursuance of a governmental function, including acting in the interest of public health, safety, or welfare, or to prohibit the temporary use of any property as a voting place for elections held by the City.

It is not the intention of this Ordinance to prevent accessibility accommodations for individuals with disabilities.

Section 17.01.080

Rules of Language Construction

The following rules of construction apply to the text of these Zoning Regulations.

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future.
- C. Words used in the singular numbers shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. All measurements shall be to the nearest integer, unless otherwise specified herein.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for" and "maintained for."
- G. The word "building" includes the word structure. The word "structure" includes "building." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- H. The word "person" includes an individual a corporation, a partnership, an incorporated association, or any similar entity.
- I. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or," the conjunction shall be interpreted as follows.
- K. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- L. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- M. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- N. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within these Zoning regulations, the written shall have precedence over the illustrations.
- O. The phrase "such as" shall mean "such as, but not limited to."
- P. The word "including" shall mean "including, but not limited to."

Chapter 17.02

Definitions



Section 17.02.010

Definitions

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein are defined as follows:

A

Accessible / Barrier-free. A site, building, facility, or portion thereof that complies with the Uniform Federal Accessibility Standards (UFAS) and the Americans with Disabilities Acts, and that can be approached, entered, and used by persons with disabilities.

Accessory Building or Structure. A supplementary building unit, or structure, or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building.

Accessory Use. A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Adult Bookstore. An establishment having 15 percent or more of its stock in trade, books, video tapes, magazines, and other periodicals and/or photographs, drawings, slides, films, recording tapes, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material which exceeds 15 percent of the gross floor area of the establishment.

Adult Business. An adult bookstore, adult cabaret, adult live stage performing theater, adult motion picture arcade or miniature-motion picture theater, adult motion picture theater, adult novelty business, adult personal service business, adult video store, massage parlor, or nude modeling studio as defined in this section.

Adult Cabaret. An establishment having as an activity the presentation or display of male or female impersonator, dancer, entertainer, waiter, or employee, who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.

1. **Group "A" Cabaret.** An establishment which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" (as defined herein this section) for observation by patrons therein.
2. **Group "D" Cabaret.** An establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

Adult Day Care Facility. A facility which provides daytime care for any part of a day but less than 24-hour care for elderly persons provided through a structured program of social, rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging shall comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Foster Care Facility. A government or nongovernmental establishment that provides foster care including supervision, personal care, and protection in addition to room and board, to adults over 18 years of age for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. This includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq., MSA 16.610 (61), et. seq., as amended, and rules promulgated by the State of Michigan.

The following additional definitions are provided:

1. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
3. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult Motion Picture Theater or Adult Live Stage Performing Theater. An enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media, or performance

having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activity" or "Specified Anatomical Areas", as defined herein, for observation by patrons therein. Such an establishment is customarily open to the public, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Motion Picture Arcade or Miniature-Motion Picture Theater. Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein this section).

Adult Novelty Business. An establishment which offers more than 15 percent of its stock-in-trade devoted to the distribution, display, storage or sale devices which stimulate human genitals or devices designed for sexual stimulation, or instruments, devices, or paraphernalia designed for uses related to "specified anatomical areas" or as part of, in connection with, or related to "specified sexual activities" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Personal Service Business. A business having as its principal activity a person, while nude or while displaying "specified anatomical areas" as defined herein this section, providing personal services for another person. Such businesses include but are not limited to: modeling studios; body painting studios; wrestling studios; conversation parlors; theatrical performances or entertainment; establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, or steam baths; or any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person.

The following uses shall not be included within the definition of an adult personal service establishment:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical professionals;
2. Gymnasiums, fitness centers and health clubs;
3. Electrolysis treatment by a licensed operator of electrolysis equipment;
4. Continuing instruction in martial or performing arts, or in organized athletic activities;
5. Hospitals, nursing homes, medical clinics, or medical offices;
6. Barber shops, beauty parlors, hair stylists, salons, and other establishments which offer massages by certified massage therapists; and
7. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein this section.

Adult Video Store. An establishment having 15 percent or more of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

Alley. A dedicated public way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to hereafter as "altered" or "reconstructed."

Animal Crematorium. A facility where dead animals and/or pets are cremated.

Antenna Structure. An accessory use that is a radio or television receiving antenna, satellite dish antenna or amateur ham radio antenna located outside of a building.

Architectural Features. "Architectural features" of a building shall include, but are not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Detailing. The act of cleaning by hand, claying, polishing, sealing, waxing, vacuuming, scrubbing, trimming, and/or perfuming a motor vehicle.

B

Bar or Tavern. An establishment primarily engaged in the sale or dispensing of alcoholic beverages by the drink for on-site consumption. May include related ancillary activities, such as the availability of food for on-site consumption, and live entertainment that is clearly incidental and subordinate to the bar/tavern use.

Basement. That portion of a building wholly or partly, below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

Bed & Breakfast Lodging. A dwelling that provides temporary lodging for compensation in guest rooms with no in-room cooking facilities but may include provision for a morning meal only and for overnight guests only.

Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Billiards or Pool Hall. Any establishment which has 3 or more billiard or pool tables.

Body Piercing Studio. Any establishment having as its principal activity the piercing or puncturing of body parts with the object of displaying jewelry. A jewelry store or doctor's office that pierces ear lobes as part of its business shall not be considered a body-piercing studio.

Brewery or Brewpub. A facility licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31e.

Buildable Area. The area of a lot or parcel which is defined by the minimum setback requirements within which building construction is permitted by the standards of this Ordinance.

Building. An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, carports or other accessory buildings.

Building Height. The vertical distance measured from the established grade of the building to the top of the highest roof beams of a flat roof; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be

measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Building Line, Front. The line established by the front building wall extending to each side lot line.

Building Line, Rear. The line established by the rear building wall extending to each side lot line.

Building Official. The Building Official of the City of Hazel Park, or their authorized representative.

Building Permit. The written authority issued by the Building Official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this ordinance.

Building Wall, Front. The main wall of a principal building that is in closest proximity to the front lot line.

Building Wall, Rear. That wall of a principal building in closest proximity to the rear lot line.

C

Carport. A framed structure with a roof that is intended to provide shelter for a vehicle. Carports may or may not have sidewalls and/or doors.

Certificate of Compliance. A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.

Check Cashing Establishment. Any establishment other than a bank, savings and loan, or credit union that cashes patrons' checks for a fee. Check Cashing Establishment shall also include but not be limited to deferred presentments or cash advance.

Child Care Facility. A facility receiving one or more minor children less than 18 years of age for care for a defined period as licensed by the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seq. as amended. These types of facilities include the following:

1. **Foster Family Home.** The private home of an individual who is licensed to provide 24-hour care for 1 but not more than 4 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
2. **Foster Family Group Home.** The private home of an individual who has been licensed by the department to provide 24-hour care for more than 4 but fewer than 7 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
3. **Family Child Care Home.** A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual.
4. **Group Child Care Home.** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

5. **Child Care Center.** A facility other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day as regulated by the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seq. as amended. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:
- (a) A Sunday school, a vacation bible school, or 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 the group athletic or social activities and if the school-age child can come and go at will.
 - (e) A program that primarily provides therapeutic services to a child.

Cigar Lounge. Any establishment where patrons smoke cigars and which is operating under a cigar bar exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This type of facility does not include any establishment licensed by the state for the consumption of marijuana in any form.

City, Police and Fire Facilities. A facility operated by the City of Hazel Park or a public safety agency, including such uses as city hall, fire stations and firefighting training facilities, police headquarters, emergency medical services substations, and public safety communication centers.

Co-location. The use of a wireless telecommunications facility and/or site by more than one wireless telecommunications provider, or the location by more than one wireless telecommunications provider on a common support structure, tower, building, or other structure.

Commercial School. A school that teaches industrial, vocational, clerical, managerial, commercial, artistic, or other select skills; conducts a commercial enterprise, such as a driving school; or a privately operated school that does not offer a complete educational curriculum.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 10,000 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

1. **Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. "Semitrailer" shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box- type enclosures, any of which above units exceeds 12 feet in height.

2. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semitrailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
3. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than 8 inches. This shall include any vehicle which has a commercial license plate, and which is designed to accommodate a body length in excess of 9 feet. "Commercial vehicle" does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Condominium. Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee or a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in the Condominium Act, MCL 559.101, et. seq., as amended.

Contractor's Facility. A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction completely within an enclosed building.

Contractor's Storage Yard. A site on which a building or construction contractor stores within an enclosed building, and/or in an outdoor storage yard, equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's storage yard includes any instance where the vehicles associated with the business are parked outside of a building.

Convalescent or Nursing Home. A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein 3 or more persons are provided cared. Said home shall also conform to and qualify for license under applicable state laws.

D

Drive-Through Facility. A facility that dispenses goods through an attendant window or automated machine to persons remaining in or on motor vehicles in a designated drive aisle. A drive-through may or may not be in conjunction with another principal use.

Dwelling. Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities which is occupied as the home, residence or sleeping place of one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this ordinance. The following are the types of dwelling structures:

1. **Dwelling, Accessory Unit.** A dwelling unit that is subordinate and incidental to a primary building on the same lot. An accessory dwelling unit may be detached or attached to the primary building.
2. **Dwelling, One Unit.** A primary building or structure that contains only one dwelling unit.
3. **Dwelling, Two Unit or Duplex.** A single primary building or structure that contains two dwelling units on the same lot.
4. **Dwelling, Three Unit or Triplex.** A single primary building or structure that contains three dwelling units on the same lot.

5. **Dwelling, Four Unit or Fourplex.** A single primary building or structure that contains four dwelling units on the same lot.
6. **Dwelling, Multiple Unit.** A single primary building or structure that contains five or more dwelling units on the same lot.

Dwelling, Manufactured Home. A structure, built in a factory to HUD Title 6 standards and transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure as defined and regulated in the Mobile Home Commission Act, PA 96 of 1987, MCL 125.2301 et seq., as amended. Recreational vehicles as described and regulated in this section shall not be considered Manufactured Home Dwellings for the purpose of this chapter.

Dwelling, Modular. A structure constructed in accordance with Michigan State Construction Code, as promulgated by the Michigan State Construction Code Commission under the provisions of the State Construction Code Act, MCL 125.1501, et. seq., as amended, in which individual components, none of which in and of itself is suitable for occupancy, are preconstructed and transported to the building site where they are in need of further assembly in order to constitute a complete dwelling ready for occupancy upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a manufactured home dwelling or mobile home.

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

E

Erected. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

Essential Services. Includes the erection, construction, alteration or maintenance, by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, tire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, for the public health, safety or general welfare. Buildings are not included as essential services, other than those that are primarily enclosures or shelters of the above essential service equipment.

Event Space. A facility or space where special events are permitted to occur, excluding places of worship, as defined herein, subject to a use agreement between a private group or individual and the facility owner. A special event may include but is not limited to, a celebration, ceremony, wedding, reception, corporate function, or similar activity, wherein food or drink may be provided, for the benefit of someone other than the property owners that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

Excavation of Land. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, sand, garbage, rubbish or byproducts.

Family.

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

Fence. A structure erected to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

First Floor Elevation. The portion of an exterior wall computed from the ground level to a height of 10 feet or to the ceiling height, whichever is less.

Floor Area, Total. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. (See also "Basement."). Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), the attic space having headroom of 7 feet - 10 inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in the floor area.

Floor Area, Usable. That portion of the total floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the employees or the public including areas occupied by fixtures or equipment used for display or sale of goods or merchandise. The calculation shall exclude furnace and utility rooms, parking space located within a building, other mechanical equipment, unenclosed porches, public corridors and public toilets, whether located in a principal or an accessory building. In those cases where usable floor area cannot be determined by a detailed floor plan, usable floor area shall be assumed to be equal to 80 % of the total floor area of the building.

Funeral Home. A facility where deceased humans are prepared for burial or cremation and that provides burial and funeral services for their families.

Garden Center. A space, building or structure, or combination thereof, for the storage or growth of live trees, shrubs, mushrooms, fungi and plants offered for retail sale on the premises including seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment. The definition of a garden center may include "nursery." A garden center shall not include any space, building or structure used for the temporary sale of fruits, vegetables or Christmas trees.

Garage, Private. An accessory building greater than 200 square feet in area, typically used for the storage of motor vehicles for the use of the occupants of the property on which such building is located.

Garage, Public. A building or structure other than a private garage or garage for the storage or parking of more than 4 passenger motor vehicles or recreational vehicles, or more than one commercial motor vehicle.

Gas Station. See Vehicle Fueling Stations.

Ghost Kitchen. A facility where individual meals are prepared and then delivered to the customer. The facility does not have a carry-out counter, customer seating or the capability of taking customer orders in person.

Grade. The natural or finished elevation of an area as determined by the City Engineer.

Grade, Average. The arithmetic average of the lowest and highest-grade elevations in an area within 5 feet of the foundation line of a building or structure.

Grade, Finished. The lowest point of elevation between the exterior wall of the structure and a line 5 feet from the exterior wall of the structure.

Grade, Natural. The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land with a given minimum width that is planted with trees or shrubs acceptable in species and caliper to and in compliance with the requirements of this ordinance.

H

Health or Exercise Club. A building or portion of a building designed and equipped for the conduct of physical exercise, organized classes, martial arts, personal training, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit, and which can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include saunas, locker rooms, showers, or personal services. Such uses shall not include alleys, ballfields, courts, pools or rinks nor spectator seating for organized sporting events nor activities that utilize firearms such as a gun range.

Home Occupation. The use of a single-family residence by an occupant of that residence to provide any of the following services:

1. Give instruction in a craft or fine art within the residence.
2. Secretarial, phone order business, computer/internet services or sales.
3. Mail order business.
4. Accounting services, which provides for the drop off or pick up of documents.

Hospital. A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

Hotel. Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and in which one or more of the following services are offered: maid service; furnishing of linen;

telephone, secretarial, or desk service; bellboy service. A hotel may include a restaurant, tavern, pub, or brewpub; a cocktail lounge or nightclub; public banquet halls; ballrooms; or meeting rooms.

J

Junk. Any motor vehicle, machinery, appliance, product or merchandise with any part missing or scrap metal or other scrap material that is damaged, deteriorated, or in a condition which cannot be used for the purpose for which the product was manufactured.

K

Kennel. Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provisions for minor medical treatment including animal shelters.

L

Lattice Tower. A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top, used primarily for radio and television antennae and wireless telecommunication facilities.

Library/Museum/Cultural Facility. A facility open to the general public for cultural services and exhibitions. Includes such uses as museums, cultural centers, historical societies, and libraries operated by a government or nonprofit establishment. Such a facility may include related ancillary uses, such as classrooms, meeting rooms, retail, offices, or food service.

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

Lot. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by one principal building or use together with any accessory buildings, or by any other use or activity permitted thereon, and including the open spaces and yards required under this ordinance and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. (See the illustrations "Lot Terms" and "Corner, Interior and Double Frontage Lots.")

Lot, Corner. A lot having at least 2 adjacent sides abutting for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees.

Lot, Double Frontage. A lot having a frontage on 2 more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.

Lot, Interior. A lot other than a corner lot with one lot line fronting on a street.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot Coverage. The part or percent of the lot occupied by buildings or structures including accessory buildings and permanent swimming pools.

Lot Depth. The mean horizontal distance from the front lot line to the rear lot line.

Lot Line. Any line dividing one lot from another or from a street right-of-way or any public place.

Lot Line, Front. In the case of an interior lot, the line separating the lot from the street right-of-way. In the case of a corner or double frontage lot, the line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building permit.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side. Any lot lines other than a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

Lot Width. The horizontal distance between the side lot lines, measured at the 2 points where the required front setback line, intersects the side lot lines.

Lot of Record. A lot, which is not necessarily a buildable lot, for which the dimension and configuration is shown on a map recorded in the office of the Register of Deeds for Oakland County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the Oakland County Register of Deeds.

M

Maintenance. Act of preserving from decline. Property and all structures on the property shall be kept in good working order, structurally sound, weather proofed, clean, sanitary, and not a detriment to the surrounding neighborhood. Repairs, replacement, alterations, and additions that require a permit shall not be considered maintenance.

Major Thoroughfare. A main traffic artery or a street defined in the Master Plan as "major traffic routes" and/or as an arterial or major street by the Michigan Department of Transportation. The following streets are designated as major thoroughfares: Eight Mile Road, Nine Mile Road, Ten Mile Road, Dequindre Road, John R Road, Woodward Heights Avenue, and the Chrysler Service Drives.

Manufacturing. The use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing for sale of any goods, substance, article, or service.

1. **Manufacturing, Artisan.** A manufacturing facility involving small-scale production, assembly, and/or repair with no noxious by-products. Includes such uses as bakeries, confectioners, metalworking, woodworking, and maker spaces. Includes related ancillary uses and facilities, such as a retail, restaurant, showroom, offices, storage, sales, and distribution of products.
2. **Manufacturing, Light.** A manufacturing facility where all the activities associated with production and the warehousing of finished products are all completely conducted within an enclosed building. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building, and little or no external impacts are detectable beyond the lot lines of the property.

3. **Manufacturing, Heavy.** A facility for the processing, manufacturing, compounding, or storage of materials, products, or energy, where the scale and method of operation may produce significant external impacts detectable beyond the lot lines of the property. External impacts include noise, heat, glare, dust, smoke, fumes, odor, vibration, and/or other noxious by-products. May regularly employ hazardous material or produce hazardous by-products, may include outdoor storage areas, and may have activities that take place outside of structures. Includes such uses as outdoor storage yards, junkyards, and salvage yards.

Marijuana Facility. Any type of marijuana-related business licensed by the State of Michigan Department of Licensing and Regulatory Affairs as authorized by the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., or the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as amended.

Massage. The manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.

Massage Parlor. An establishment wherein private massage is practiced, used or made available as a principal use of the premises.

Massage Therapist, Licensed. An individual specifically trained and licensed pursuant to Public Act 471 of 2008, as amended.

Master Plan. The comprehensive plan including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the City of Hazel Park, as well as the general location for streets, parks, schools, public buildings, and all physical development of the City of Hazel Park, and includes any unit or part of such plan, and any amendment to such plan or part thereof. Such plan shall be adopted by the Planning Commission and may or may not be adopted by City Council.

Manufactured Home Park. A parcel or tract of land under the control of a person upon which 3 or more manufactured dwellings or mobile homes are located on a continual nonrecreational basis and which is offered to the public for the purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park subject to conditions set forth in the Mobile Home Commission Act, PA 96 of 1987, MCL 125.2301 et seq.

Medical Office/Clinic. A facility for physicians, dentists, chiropractors, physical therapists, mental health practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation, primarily used for wireless telecommunication facilities.

Motel. A building or a group of buildings with the majority of the rooms having direct access to the outside of the building or buildings and occupied or used as a more or less temporary abiding place for individuals and in which no provision is made for cooking in individual rooms.

N

Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nonconforming Building or Structure. A building or portion thereof, lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of this ordinance in the zoning district in which it is located.

Nude Modeling Studio. A building, structure, premises or a part thereof, used primarily as a place that offers as its principal activity the providing of models to display "specified anatomical areas" (as defined herein this section) for artists and photographers for a fee. This definition shall not apply to any accredited art school or similar educational institution.

O

Off-street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than 2 automobiles.

Outdoor Display Sales. A business whose principal activity is the consistent storage, display or sale of goods that are not located within a fully enclosed building, as defined by the building code.

P

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Party Store. A retail establishment that sells convenience store items and has more than 10 percent of its gross floor area in packaged beer, wine or liquor, or an establishment holding or required to hold an SDM (specially designated merchant) license from the Michigan Liquor Control Commission (MLCC) for the sale of beer, wine or liquor for consumption off the licensed premises.

Place of Worship. A building, the primary use of which is regular assembly of persons for religious worship or services, including churches, temples, synagogues, mosques, convents, monasteries, and others, together with accessory uses, such as reception halls, schools, cafeterias, and gymnasiums.

Pond. Any structure or container intended to be a decorative water feature holding a depth of less than 24 inches of water.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure, and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure, and which has a separate roof, awning, or canopy, or an integral roof with the principal building or structure to which it is attached.

Private Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs. Also known as a fraternal organization.

Professional Office. A facility for executive, administrative, and professional occupations such as bankers, lawyers, accountants, architects, planners, engineers, financial advisors, media production, advertising, sales, and similar or allied professions where the processing, manipulation, or application of information or professional expertise is conducted, including by businesses, nonprofit organizations, and the government.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public: transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal.

R

Recreation/Entertainment Facility. An establishment which provides courts, fields, tracks, lanes, alleys, pools or other specialized sport facilities, and which may include spectator seating in conjunction with the sports facilities.

Recreation/Entertainment Facility, Indoor. Any Recreation/Entertainment Facility where all sports facilities are completely enclosed within a building or structure.

Recreation/Entertainment Facility, Outdoor. Any Recreation/Entertainment Facility where all or a portion of the sports facilities are not located completely within an enclosed building or structure.

Recreation Facility, Private. Any Recreation Facility owned and/or operated by a non-government entity affiliated private individual, business, club or organization as a for-profit or non-profit facility.

Recreation Facility, Public. Any Recreation Facility owned and/or operated by a government entity.

Recreational Vehicle. The following vehicles shall be considered "recreational vehicles": travel trailers; pick-up campers; motor homes; folding tent trailers; boats and personal watercraft with associated trailers; snowmobiles; and all-terrain or special terrain vehicles. It shall not include motorcycles, motor bikes, and bicycles.

Rental Hall. See Event Space.

Research/Laboratory Facility. A facility where testing, research, and development is conducted in industries such as biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, vehicle components, and electronics and instrumentation. Other than prototype development, excludes the manufacturing, fabrication, processing, or sale of products.

Restaurant. A business where food and beverages are prepared for and served to patrons for consumption either on-premises or off-premises. Includes such uses as cafes, coffee shops, diners, fast-food establishments, lunch counters, and cafeterias.

Retail Sales. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods in a defined sales floor or shopfront area for proprietor and customer interaction.

Retail Sales, Heavy. A retail and service business with permanent outdoor display, service, and storage areas. Includes such uses as the sale of lumber and building supplies, garden and landscaping supplies and equipment, industrial equipment, and outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment. Excludes Vehicle Sales or Rental.

Retail Sales, Secondhand. A retail sales use dealing in used or damaged goods, wares or merchandise including, but limited to, used books, clothing, furniture, household goods and appliances.

S

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes "satellite earth stations", "television reception only satellite antennas (TVRO)", and "satellite microwave antennas".

Scrap Metal Dealer. Means any person, corporation, partnership, limited liability company, or association, which in whole or in part engages in transactions of buying or receiving scrap metal from the public.

Senior Housing. Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55 years. Senior housing may include one or more of the following types of units: senior apartments for independent living; senior housing complexes (one or more buildings where the occupancy is restricted by age); and congregate housing (a type of semi-independent housing facility containing congregate kitchen, dining and living areas, and some special support services, but with separate sleeping rooms). (See also "Nursing Home.")

Service Establishment. A business that performs services on the premises to an individual or for the property of an individual including but not limited to body piercing studio, bicycle repair, shoe repair, tailoring, beauty parlors, tattoo parlors, nail salons, or barbershops.

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines.

Shopping Center. A group of commercial establishments, planned and developed as a unit, with off-street parking provided on the property.

Smoke Shop. A retail establishment where 30% or more of the retail floor area, defined as wall to wall, is used for the display, promotion, or sale of inhalants and inhalant-related products listed below; or a retail establishment where the sale of inhalants and inhalant-related products listed below constitutes greater than 30% of the establishment's merchandise:

1. Cigarettes, cigars and packaged tobacco or shisha.
2. Tobacco or shisha for smoking paraphernalia products including, but not limited to, pipes for smoking tobacco, cigarette holders and cigarette rolling papers.
3. Tobacco promotional merchandise. including, but not limited to, posters, shirts, jackets, and hats advertising tobacco or shisha products.
4. Vapor containing nicotine and/or flavoring and vape-related products, including, but not limited to, electronic cigarettes, vape pens and vape cartridges.
5. Shisha that may or may not contain tobacco and/or flavoring and shisha-related products, including, but not limited to, hookahs, water pipes, or any instrument for heating or vaporizing and then smoking shisha

Smoking Lounge. Any establishment where patrons smoke cigarettes, inhale from vaping devices or share shisha, tobacco or another legal inhalant from a hookah, water pipe or similar device, which is either shared communally or from one placed at each table or bar, and which is operating under a tobacco specialty retail store exemption from the state's smoking prohibition enacted by Public Act No. 188 of 2009, as amended. This establishment shall not include any establishment licensed by the state for the consumption of marihuana in any form.

Specified Anatomical Areas.

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, actual or simulated, of human masturbation, oral copulation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.
4. Human excretory functions as part of, or as related to, any of the activities described herein.
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described herein.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under supervision or care. These types of facilities include the following:

1. Adult Foster Care Family Home
2. Foster Family Home
3. Foster Family Group Home
4. A private residence with the capacity to receive at least 1 but not more than 4 adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Storage Facility. A facility where individual spaces, rooms, or units, inside or outside of a structure, are leased for the storage of personal property. The facility may include related ancillary uses such as the retail sales of packing, moving, and storage supplies. The types of storage facilities include the following:

1. **Indoor Self-Storage Facility.** A building or group of buildings, each of which contains several individual storage units that can be leased on an individual basis and are accessed via a separate lockable door located along an interior corridor system.
2. **Outdoor Storage Facility.** An outdoor storage yard which contains a delineated location on the ground which can be leased on an individual basis for the storage of operable vehicles including, automobiles, boats, and recreational vehicles.

3. **Self-Storage Mini-Warehouse Facility.** A building or group of buildings, each of which contains several individual storage units that can be leased on an individual basis and are accessed via a separate lockable door located on the exterior wall of a building.

Story. That portion of a building, other than a mezzanine or basement, included between the surface of a floor and upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

1. **Basement.** A "basement" shall be considered as a story if over 50 percent of its height is above the level from which the height of the building is measured.
2. **Half Story.** A "half story" is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half of the floor area of said full story.
3. **Mezzanine.** A "mezzanine" floor shall be considered as a story when it covers more than 50 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Street. A thoroughfare or way, other than an alley, dedicated to the use of the public, and which affords traffic circulation and principal means of access to abutting property. Avenue, place, way, drive, lane, boulevard, thoroughfare, highway and road are synonymous terms for street.

Structure. Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. This includes buildings, decks, ponds, and swimming pools.

Swimming Pool. Any structure or container intended for swimming or bathing, located either above or below grade, and designed to hold water to a depth of greater than 24 inches. A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. A hot tub or Jacuzzi shall be considered a swimming pool.

T

Tattoo Parlor. An establishment having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles, or any other instrument designed to touch or puncture the skin.

Temporary Building, Structure or Use. A structure or use permitted during periods of construction of the main use or for special events, for a specified period, but not to exceed one year, upon approval of the Building Official.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and does not include those types of tents used solely for children's recreational purposes.

Travel Trailer. A portable nonmotorized vehicular unit primarily designed for travel or recreational usage, which may contain facilities for overnight lodging, and which does not exceed 8 feet in width or 32 feet in length. This term shall also include folding campers and truck-mounted campers, but not mobile homes.

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

Use, Principal. The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the "principal use," except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Variance. A modification of the literal provisions of this ordinance as approved by the Zoning Board of Appeals.

Vehicle. A machine designed for self-propulsion, usually to transport people or cargo, or both. Vehicles include wagons, bicycles, motor vehicles, railed vehicles, watercraft, amphibious vehicles, aircraft, automobiles, cars, trucks and electronic vehicles.

Vehicle Fueling Station. A place used for the retail sale and dispensing of fuel or energy, either full or self-service, together with the fixed equipment from which the fuel or energy is dispensed directly into motor vehicles. Vehicle fueling stations may also incorporate a convenience store, a restaurant, an automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use. Also known as a gas station.

Vehicle Service. Major or minor repair or service of vehicles shall be defined as follows.

1. **Vehicle Service, Major.** A facility that performs vehicle repair services requiring the storage of vehicles overnight including, but not limited to, engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally require significant disassembly.
2. **Vehicle Service, Minor.** A facility that performs vehicle repair services that does not require the storage of vehicles overnight including, but not limited to, engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; sound system installation, window tinting or similar servicing or repairs that do not normally require any significant disassembly.

Vehicle Sales or Rental. A business that sells, leases, or rents automobiles, vans, recreational vehicles, commercial vehicles, trucks, trailers, motorcycles, scooters, watercraft, or other powered personal transportation or conveyance. The facility may include related ancillary uses, such as on-site facilities for the repair and service of vehicles sold, leased, or rented provided such ancillary uses are clearly incidental and subordinate to the sales or rental of the vehicles. Such facilities shall include all classes of vehicle dealer licenses as defined by the Michigan Secretary of State, including but not limited to Class A through G, R and W.

Vehicle Wash Establishment. A building or portion thereof, where automobiles or other vehicles are washed commercially. Also known as a car wash.

Video Game Arcade. Any establishment having three (3) or more video games, pinball machines, or other similar mechanical or electronic amusement devices.

Warehouse/Distribution Facility. A facility whose principal use is for the storage, transfer, wholesaling, and distribution of goods.

Wall, Screen. A permanent solid barrier of opaque material meeting the requirements of this ordinance, intended to screen a use, storage, or dumpster.

Window. One or more panes of glass where both sides of the glass are readily made transparent. A door shall not be considered a window.

Wireless Telecommunication Antenna. The physical apparatus affixed to support structures, towers, buildings, or other structures through which telecommunications authorized by the Federal Communications Commission are transmitted or received. Antenna types include but are not limited to: omni-directional whip antennae; directional panel antennae; ancillary antennae; and microwave dishes. A wireless telecommunication support structure proposed to be newly established shall not be included within this definition.

Wireless Telecommunications Equipment Shelter. The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for processing wireless telecommunications is housed together with necessary related equipment.

Wireless Telecommunications Facility. All structures and accessory facilities, including wireless telecommunications support structures or towers, wireless telecommunications equipment shelters, wireless telecommunications antennae, and related equipment involved in the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham and amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. A wireless telecommunication facility shall be considered neither an essential service nor a public utility.

Wireless Telecommunications Support Structure or Tower. Any structure designed and constructed or modified to support one or more telecommunication antennae. Support structure and tower types include, but are not limited to, monopoles, guyed towers, lattice towers, utility poles and towers, light poles, and wooden poles.

Yard. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, Side. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the main building.

Chapter 17.03

Districts and Uses



Section 17.03.010

Creation of Zoning Districts

For the purposes of this title, the City of Hazel Park is divided into the districts listed in Table 17.03.A.

Table 17.03.A - Zoning Districts

Zoning District Abbreviation	Zoning District
R	Residential District
AR	Attached Residential District
FC	Flex Corridor District
RC	Regional Corridor District
TC	Town Center District
LM	Light Manufacturing District
NSO	Neighborhood Services Overlay District

Section 17.03.020

Zoning Map

The boundaries of the City of Hazel Park zoning districts are shown on a map adopted by the City Council. The map shall be entitled “Zoning Map, City of Hazel Park, Michigan” and shall bear the date adopted or amended. It shall be the duty of the City Clerk to authenticate such records by placing their official signatures thereon. Such

map with all accompanying explanatory matter is hereby made a part of this Ordinance and shall be, as such, a part of this Ordinance as if the matters and information set forth thereon were all fully described herein.

Section 17.03.030

Interpretation of District Boundaries

- A. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, and the limits of the City of Hazel Park.
- B. Where a district boundary line, as established in this Section or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within twenty five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
- C. Where due to the scale, lack of detail or illegibility of the Zoning Map of this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted upon written request, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the Planning Commission.
- D. Where a district boundary line follows a shoreline, such boundary shall be construed to be the shoreline. In the event of a change in the shoreline, the boundary line shall be construed to move with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be structured to follow such center lines.

Section 17.03.040

Zoning of Vacated Areas

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

Section 17.03.050

Zoning of Annexed Areas

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

Section 17.03.060

Application of This Ordinance

Except as otherwise provided in this Ordinance, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved. No land shall be redeveloped or use commenced, expanded or continued within the City except as specifically, or by necessary implication, authorized by this Ordinance. Lawful nonconforming structures and uses existing at the time of passage of this Ordinance are specifically governed by Section 17.08, Nonconformities, and generally governed by this Ordinance.

Section 17.03.070

Permissive Zoning

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted as outlined in Sec. 17.03.100. No land contained within any zoning district within the City of Hazel Park shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Section 17.08, Nonconformities or as interpreted by the Zoning Administrator and outlined in Sec. 17.030.100.

Section 17.03.080

Principal Permitted Uses in District

Within each zoning district there are uses which when developed in accordance with sound planning and site plan principles are consistent with the purpose and objectives of the district. For the purpose of this Ordinance these uses shall be known as “principal permitted uses,” or “uses permitted by right”, set forth in the individual district as identified in Table 17.03.B with a “P” in the corresponding row and column and shall be allowed within that particular district subject to the development requirements for the district.

Section 17.03.090

Special Uses in District

Within each zoning district there are uses which may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions and when developed in accordance with sound planning and site plan principals. For the purpose of this Ordinance these uses shall be known as "Special Uses" as set forth in the individual district as identified in Table 17.03.B with an “S” in the corresponding row and column and shall be allowed within that particular district subject to the development requirements for the district and conditions deemed necessary and appropriate by the Planning Commission and City Council, provided the Planning Commission and City Council find the proposed use meets the criteria set forth in Section 17.09.030.

Section 17.03.100

Determination of Land Uses Not Listed in This Ordinance

It is recognized that this Ordinance may require interpretation to assign certain uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein. In case of disagreement with the determination of the Zoning Administrator in assigning a use to an appropriate district, any aggrieved party may file an appeal with the Zoning Board of Appeals pursuant to the provisions of Section 17.09.060 of this Ordinance. If it is: (i) determined by the Zoning Administrator that a particular use is not permitted in any district provided for in this Ordinance and no appeal of the Zoning Administrator's decision is filed with the Zoning Board of Appeals pursuant to the provisions of this Ordinance; or, (ii) determined upon appeal that a particular use is not permitted in any district provided for in this Ordinance, then such use shall be deemed to require a variance.

Section 17.03.110

Purpose of Districts

- A. **R, Residential District.** The intent of the Residential District (R) is to allow for new construction, renovation and continued use of residential dwelling units in existing neighborhoods. The principal use of the district is residential structures with one to four dwelling units as well as those uses that can supplement the neighborhood character. These additional uses include municipal facilities, parks, public recreation, places of worship and schools.
- B. **AR, Attached Residential District.** The intent of the Attached Residential District (AR) is to provide locations that have the lot area and proximity to mobility corridors for higher density residential dwellings. These locations are located in proximity to other mixed use districts which are compatible with the higher intensity characteristics of high density residences. The increased traffic generation, additional noise levels and taller building heights are not necessarily conducive to lower density residential neighborhoods with one to four dwellings. The principal use of the AR district is residential structures with five or more dwelling units.
- C. **FC, Flex Corridor District.** The intent of the Flex Corridor District (FC) is to create a mixed use corridor along the principal arterial roads. The district will allow properties adjacent to Nine Mile Road, Ten Mile Road, John R Road and Dequindre Road opportunities to provide adjacent residents and City visitors a variety of goods and services. These corridors are also intended to provide opportunities for a variety of residential housing styles. While these are regional principal arterial roads, their cross section creates a scale that can accommodate a dense urban character.

- D. **RC, Regional Corridor District.** The intent of the Regional Corridor District (RC) is to provide a location in the City for the higher intensity commercial land uses. Businesses that are vehicle oriented, generate a high volume of vehicle traffic along with increased noise levels and longer hours of operation are located along Eight Mile Road and the Chrysler Freeway (Interstate 75) intersection. These properties are typically larger in land area and can accommodate the size and scale of vehicle-oriented uses. Being located along high volume regional corridors, these roads can accommodate the generated traffic volumes.
- E. **TC, Town Center District.** The intent of the Town Center District (TC) is to maintain, promote and grow downtown Hazel Park. Located at the intersection of John R and W Nine Mile Roads, the downtown extends northwards along John R Road. The intent is to continue the development of a high density mixed use downtown core providing commercial retail and service uses for a wide variety of residents and visitors along with destination commercial uses as well as high density residential housing alternatives. The principal permitted uses of the district will contribute to an urban character that endeavors to be unique in the metropolitan area.
- F. **LM, Light Manufacturing District.** The intent of the Light Manufacturing District (LM) is to provide locations for production, warehousing, and industrial uses. The various locations along Dequindre Road and the eastern portion of E Nine Mile Road provide for a variety of lot sizes. The intent is to create a wide variety of production and maker operations that differ in size and scale. These uses are intended to be located within fully enclosed buildings to minimize any negative impacts on adjacent neighborhoods.
- G. **NSO, Neighborhood Services Overlay District.** The intent of the Neighborhood Services Overlay District (NSO) is to allow for opportunities within neighborhoods to permit uses that provide retail and service alternatives for adjacent residents. The intent is to permit those non-residential uses that were traditionally found in the interior of residential neighborhoods. These uses are intended to be located within structures that are sized and scaled to complement the adjacent one to four dwelling unit structures. Uses permitted as principal uses or special land uses include retail stores, offices, party stores, grocers and service uses.

Table 17.03.B - Uses by Zoning District

Use	Zoning District							Use Standards
	R	AR	FC	RC	TC	LM	NSO	
Civic & Institutional								
City, Police and Fire Facilities	P	P	P	P	P	P	P	
Library/Museum/Cultural Facility	S	S	P	P	P	S	P	
Municipal Parks, Public Recreation and Open Space Facilities	P	P	P	P	P	P	P	
Place of Worship	S		S	S			S	
School (Pre-K/Elementary/Secondary)	S	S	S	S	S	S	S	
Commercial								
Adult Business						S		Sec. 17.07.010
Adult Day Care Center			P	P	S	S	S	
Animal Crematorium						S		
Bar/Tavern/Brewpub			P	P	P	S	S	
Bed & Breakfast Lodging	S	S	S	S	S		S	Sec. 17.07.020
Cigar Lounge or Hookah Lounge			S	S				Sec. 17.07.040
Commercial School			P	P	S	S	S	
Entertainment/Recreation Facility, Indoor			P	P	S	S	S	
Entertainment/Recreation Facility, Outdoor			S	S		S		
Event Space/Rental Hall			S	S				Sec. 17.07.070
Funeral Home			P	P		S		
Garden Center			S	S		S		
Hotel			S	S	S			Sec. 17.07.080
Kennel (Daycare and Overnight)			S	S		S		Sec. 17.07.090
Marijuana Facilities			S	S	S	S		Sec. 17.07.100
Medical Office and Facility			P	P	P		S	
Party Store			S	S			S	
Private Club/Fraternal Organization			S	S			S	
Professional Office			P	P	P	P	S	
Restaurant			P	P	P	P	S	
Restaurant with Drive Through Facility			S	S				Sec. 17.07.060
Retail Sales			P	P	P	P	P	
Retail Sales with Drive Through Facility			S	S				Sec. 17.07.060
Retail Sales, Heavy				S		S		Sec. 17.07.110
Retail Sales, Secondhand			S	S				Sec. 17.07.120
Storage Facility, Indoor				S		S		
Storage Facility, Mini-Warehouse						S		
Storage Facility, Outdoor						S		
Service Use			P	P	P	P	S	
Service Use with Drive Through Facility			S	S				Sec. 17.07.060
Smoke Shop			S	S				Sec. 17.07.040

Table 17.03.B - Uses by Zoning District

Use	Zoning District							Use Standards
	R	AR	FC	RC	TC	LM	NSO	
Commercial (cont.)								
Vehicle Fueling Station				S				Sec. 17.07.130
Vehicle Sales or Rental				S		S		
Vehicle Service, Major				S		S		Sec. 17.07.140
Vehicle Service, Minor				S		S		Sec. 17.07.150
Vehicle Wash Establishment (Car Wash)				S		S		Sec. 17.07.160
Industrial								
Contractor's Facility				P		P		
Contractor's Storage Yard				S		S		Sec. 17.07.050
Manufacturing, Artisan			P	P	S	P	S	
Manufacturing, Light				P		P		
Manufacturing, Heavy				S		S		
Research/Laboratory Facility				S		P		
Warehouse/Distribution Facility				S		S		
Residential								
Adult Foster Care Facilities:								
Family Home	P	P						
Small Group Home		S	S					
Large Group Home			S					
Congregate Care Facility			S					
Child Care Facilities:								
Foster Family Home	P	P						Sec. 17.07.030
Foster Family Group Home	P	P						
Family Child Care Home	P	P						
Group Child Care Home		S	S					
Child Care Center			P	P	S	S	S	
Dwelling, Accessory Unit	P	P	P		P*		P	
Dwelling, Cottage Court	P	P	P					
Dwelling, One Unit	P	P	P	S	P*	S	P	
Dwelling, Two Units	P	P	P	S	P*	S	P	
Dwelling, Three and Four Units	S	P	P	S	P*	S		
Dwelling, Multiple Unit (Five or more)	S	P	P	S	P*	S		
Manufactured Home Park	S							
State Licensed Residential Facility	P							

"P" indicates the row's use is permitted in the corresponding zoning district listed at the top of the column.

"S" indicates the row's use requires special use approval in the corresponding zoning district listed at the top of the column.

"P*" indicates Dwelling Units located on the ground floor in the TC Town Center District shall require Special Land Use approval. Dwelling Units on the second floor and above are permitted by right.

Chapter 17.04

Building Standards

Section 17.04.010

General Architectural Standards for All Building Types

The following standards will be applicable to all newly constructed buildings. Newly constructed buildings shall also comply with the standards for the specific type of building outlined in Sec. 17.04.020.

A. General.

1. Maximum floor to floor height = 10'-6" (except that the distance from average grade to 2nd floor may be as much as 14'-0").
2. The exterior finish materials on all facades shall convey permanence and be compatible with the surrounding areas and buildings. The use of painted wood siding, brick, or limestone and formed concrete, along with brick as part of masonry assembly, is encouraged.
3. Balconies and porches shall be made of painted wood, wrought iron, or of walls to match siding.
4. Non-living parking lot and open lot area screens shall be constructed of a material matching the adjacent building façade.
5. The principal elevation and main entry of any building shall face a thoroughfare, run parallel with (or tangent to) that thoroughfare, and not front a parking lot or alley.
6. Pedestrian connections to front entrances shall be provided via sidewalks, textured pavement or some other formal mechanism.
7. Building elevations shall be subdivided and proportioned using features such as pilasters, windows, entrances, arcades, arbors, and awnings.

B. Doors and Windows.

1. All building windows shall be operable (shopfront glass and transoms excluded).
2. Windows proportioned 2:1 or greater must be single-hung or double-hung. (Shopfronts excepted).
3. The first floor frontage on any public road shall maintain a minimum of 30% transparency between two (2) feet and eight (8) feet from grade. Transparency is defined as any window or glass door with completely transparent glazing allowing full transmission of light.

C. Shopfronts.

1. Shopfront doorways shall be recessed minimum 3'-0". Façade openings for recessed doorways 3'-8" to 7'-2" in width and up to 12'-0" deep.
2. Internally illuminated and/or curved awnings shall be prohibited except in the case of full-arch windows, where non-illuminated, semispherical awnings shall be permitted.
3. Rear building entrances shall be informal and subordinate to front entrances, except in conjunction with rear shopfronts along (and adjacent) to thoroughfares or pedestrian passages.
4. Shopfronts shall be directly accessible from a sidewalk, walkway, or non-motorized pathway.
5. Where multiple shopfronts or structural bays are employed on a single elevation, they shall be spaced at regular intervals. In such instances, columns, pilasters, shopfronts, and/or entryways shall repeat at regular intervals as identical or similar design elements.

D. Roofs.

1. Pitched roofs, if provided, shall be sloped no less than 5:12 (a five-inch vertical rise to a 12 inch horizontal run), except that roofs for porches and attached sheds may be no less than 2:12 (a two inch vertical rise to a 12 inch horizontal run).
2. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.
3. Sloped-roof materials may include corrugated metal, cedar shingles, or dimensional (or solid dark green or dark red) asphalt shingles.
4. For residential structures, single-plane roofs are prohibited. No individual plane of a roof may occupy more than 67% of the total roof area.

E. Site Design.

1. When possible, curb cuts shall be consolidated and separated by a minimum of 120 feet and hedges or screens installed and maintained between them.
2. Parking shall be accessed from an alley when feasible.
3. Buildings shall be sited on a single contiguous lot. No building shall be located that crosses over a lot line regardless of the ownership of the lots. Any project proposing to use more than one (1) lot for a building shall be required to combine all lots used for the proposed building.

F. Pedestrian and Vehicle Access.

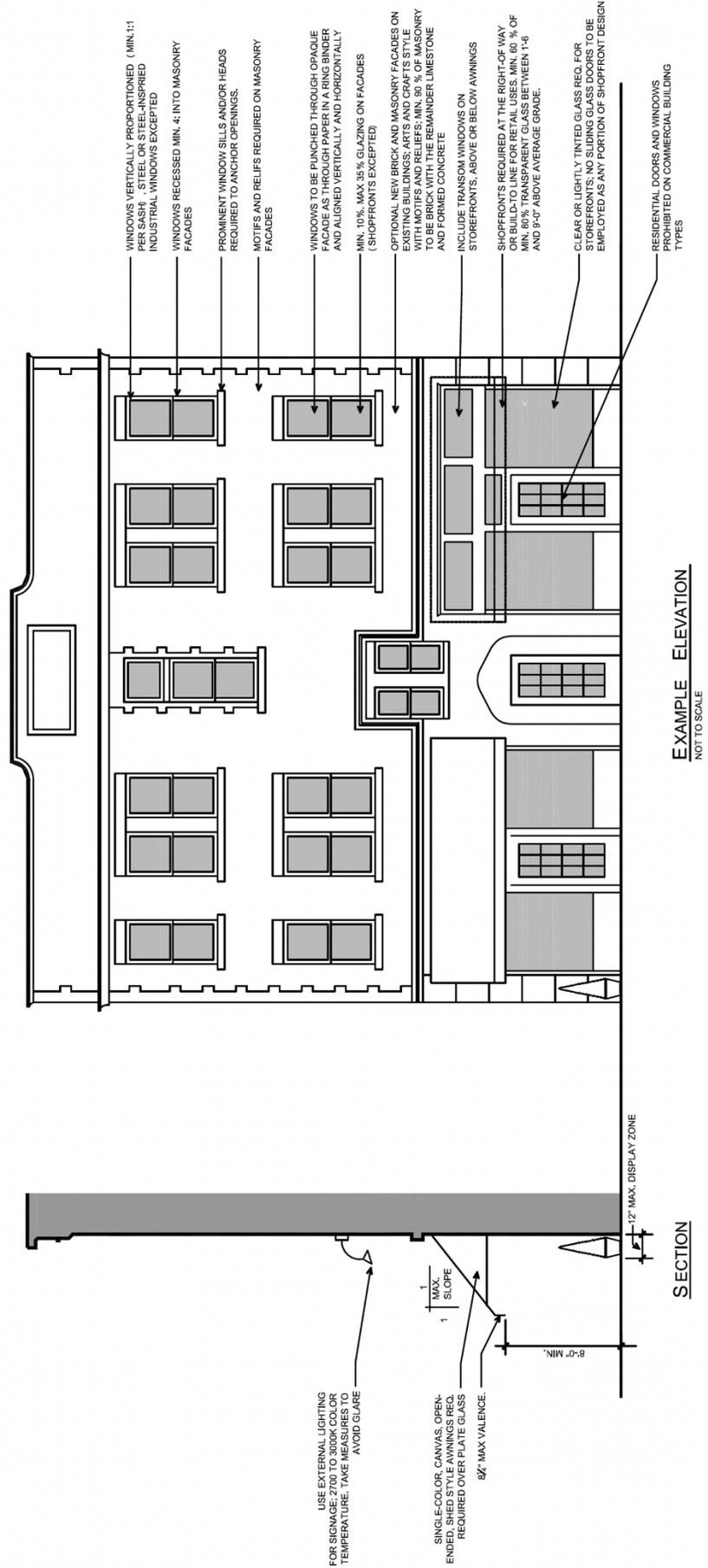
1. All principal structures shall provide a paved pathway or sidewalk for pedestrian access leading from a public sidewalk to at least one building entrance.

2. All accessory structures greater than 200 square feet in floor area shall provide a paved pathway or sidewalk for pedestrian access from the accessory structure's entrance to the principal structure and/or from the accessory structure's entrance to a public sidewalk.
3. All structures designed, intended and/or used to park or store vehicles shall provide a paved access driveway from the structure's vehicle entrance to a public street.

G. Residential Design Standards.

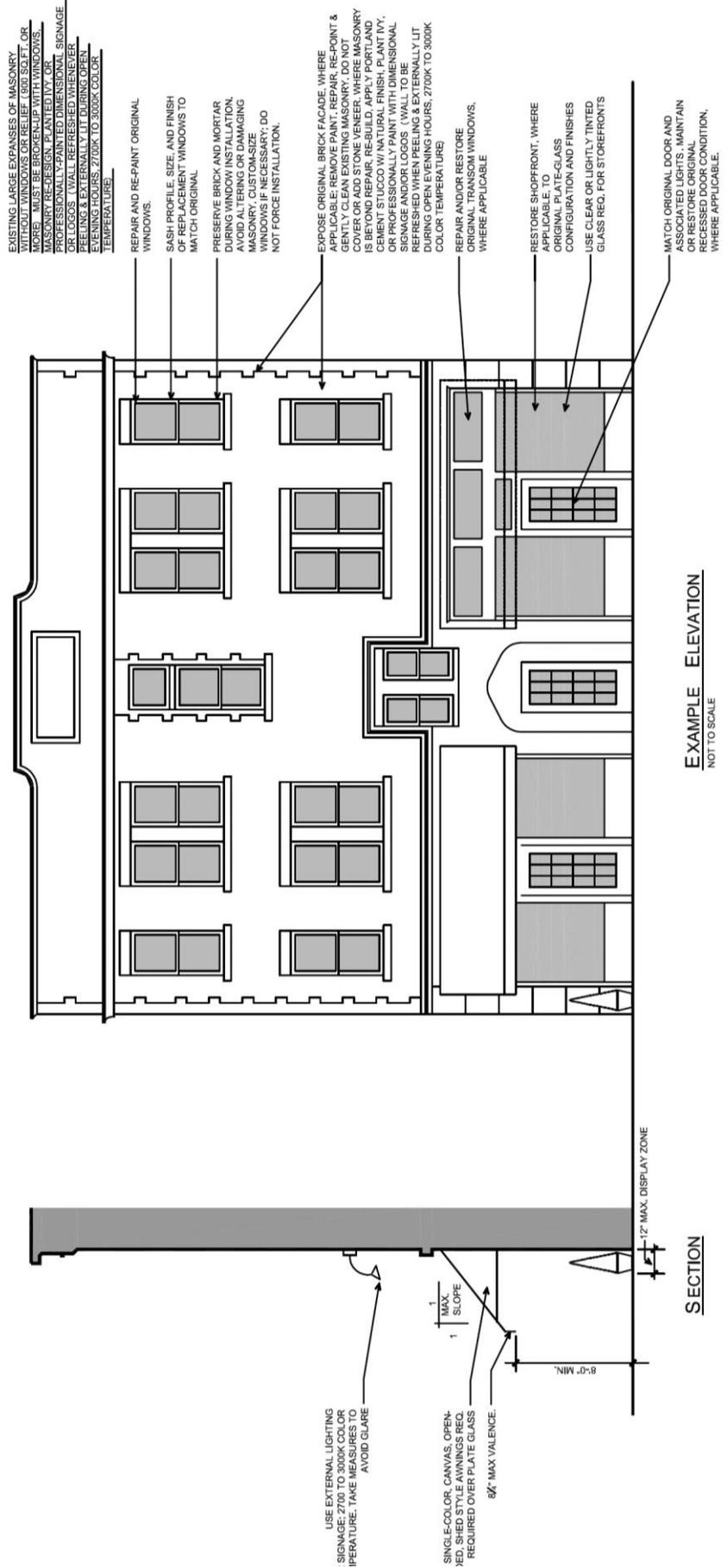
1. **Transparency.** At least five (5) percent of each elevation shall consist of transparent surfaces, including windows and/or door walls, on each floor.
2. **Attached Garages.** An attached garage shall not project any nearer to the front lot line than any part of the front building wall.
3. **Bathrooms.** Any dwelling unit with a floor area of over 1,200 square feet must contain at least 1.5 bathrooms.
4. **Bedrooms.** Each bedroom must contain a closet.
5. **Dwelling Size.** No dwelling unit shall have a total floor area of less than 400 square feet.

ARCHITECTURAL STANDARDS FOR NEW BUILDINGS



CITY OF HAZEL PARK ARCHITECTURAL STANDARDS FOR NEW BUILDINGS

ARCHITECTURAL STANDARDS FOR EXISTING BUILDINGS



CITY OF HAZEL PARK ARCHITECTURAL STANDARDS FOR EXISTING BUILDINGS

Section 17.04.020

Building Types

Newly constructed buildings within the City shall conform to one of the following permitted building types and shall only be located in those zoning districts indicated by a “P” for “Permitted Building” in the corresponding row and column of Table 17.04.A.

Table 17.04.A - Building Types by Zoning District

Building Type	Zoning District						
	R	AR	FC	RC	TC	LM	NSO
Detached Residential	P	P					P
Carriage House	P	P					P
Garage	P	P					P
Accessory Dwelling Unit	P	P	P		P		P
Cottage	P						P
Cottage Court	P	P	P				P
Duplex	P	P					P
Townhouse	P	P	P	P	P		
Small Apartment	P	P	P	P	P		
Large Apartment		P	P	P	P		
Commercial			P	P	P	P	P
Mixed Use			P	P	P	P	P
Maker Space			P	P	P	P	
Office/Research			P	P	P	P	
Corner Commercial			P	P	P	P	
Theater			P	P	P		
Hotel/Senior Housing		P	P	P	P		

“P” indicates the row’s Building Type is permitted in the corresponding zoning district listed at the top of the column.

Detached Residential



The Detached Residential building is a freestanding dwelling unit on a single lot. It is the predominant residential housing type in Hazel Park.

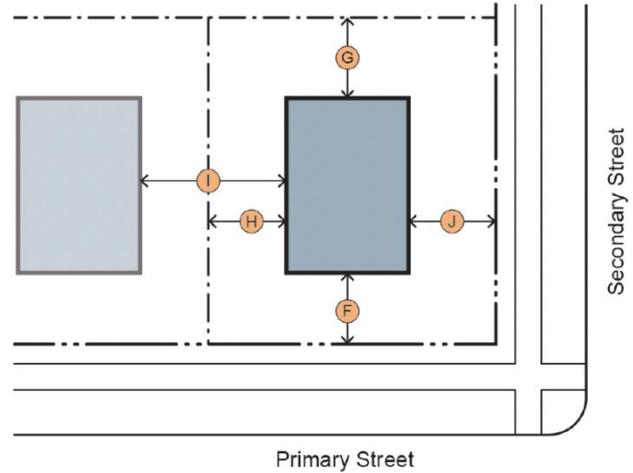
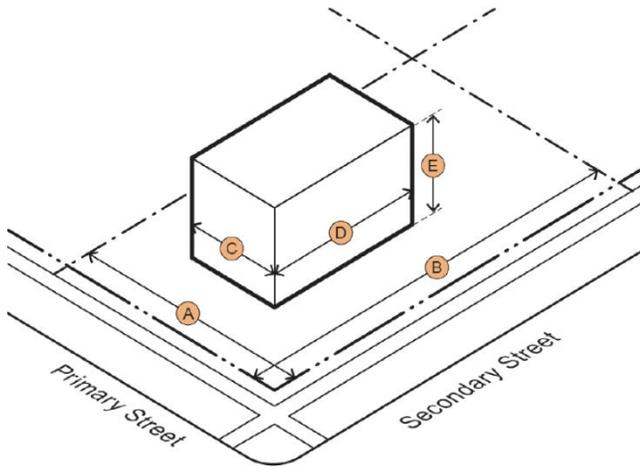
ILLUSTRATIVE EXAMPLES



Ross Chapin "Erin"



Ross Chapin "Karina"



BUILDING TYPE STANDARDS - Detached Residential ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

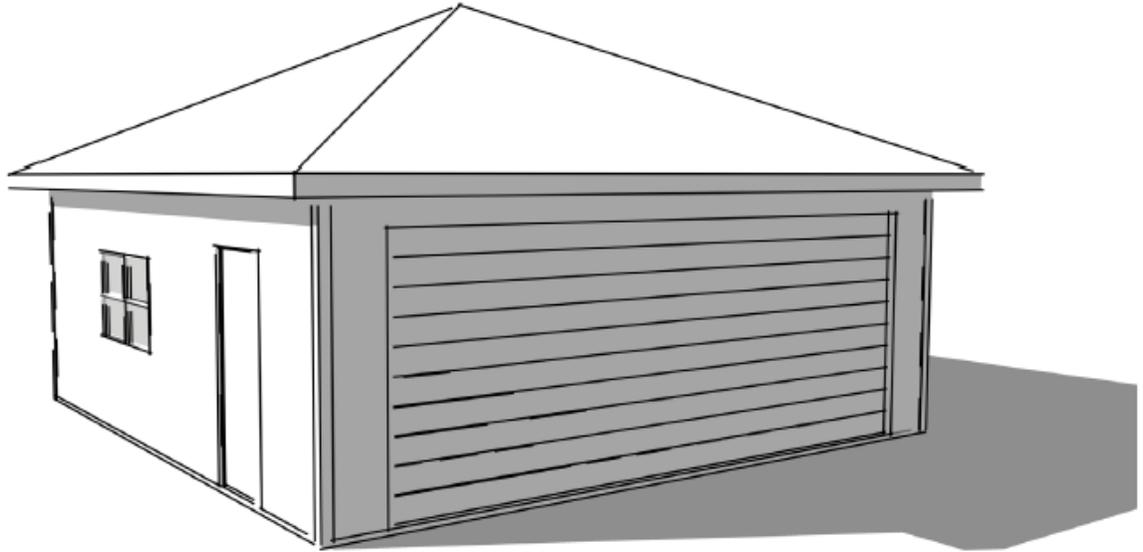
Lot Dimensions		
A	Lot Width	$A \geq 37$ ft – for lots less than 37 ft wide, refer to Cottage Building Type
B	Lot Depth	Variable
Building Dimensions		
C	Building Width	$20 \text{ ft} \leq C \leq 48$ ft
D	Building Depth	$32 \text{ ft} \leq D \leq 60$ ft
E	Building Height	$E \leq 34$ ft and $E \leq 2.5$ stories
Building Placement		
F	Front	Calculate EFY based on the standard in Sec. 17.05.080. When $EFY < 20$ ft $EFY \leq F \leq 20$ ft When $EFY \geq 20$ ft $F = 20$ ft
G	Rear	$G \geq 10$ ft
H	Side abutting existing lot	$H \geq 4$ ft
I		$I \geq 10$ ft
J	Side abutting R.O.W.	$J = 10$ ft

Each residential structure must have a minimum side setback **H** of 4 ft from the adjacent lot line, AND the total separation between adjacent residential structures **I** must be minimum 10 ft.

ALLOWABLE USES	
Residential	1st - 2nd Floors

ALLOWABLE DISTRICTS
R, AR, NSO

Garage



The Garage is an accessory structure that is designed to accommodate vehicle storage. It may also be used for personal storage and workshop purposes. The garage building type has no other residential or office accessory uses designed into the building.

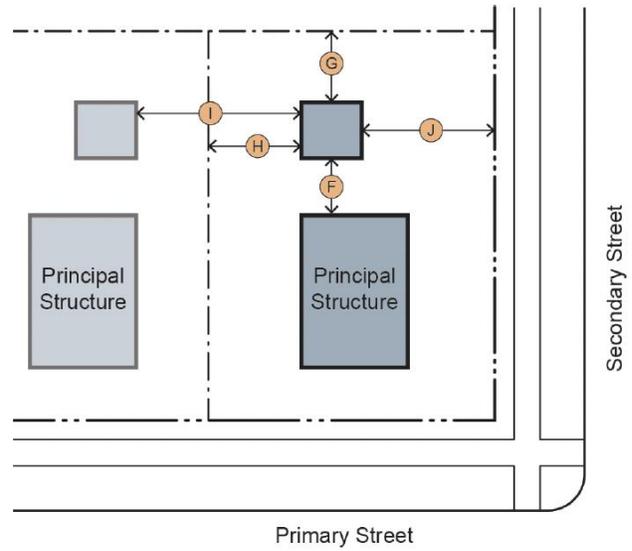
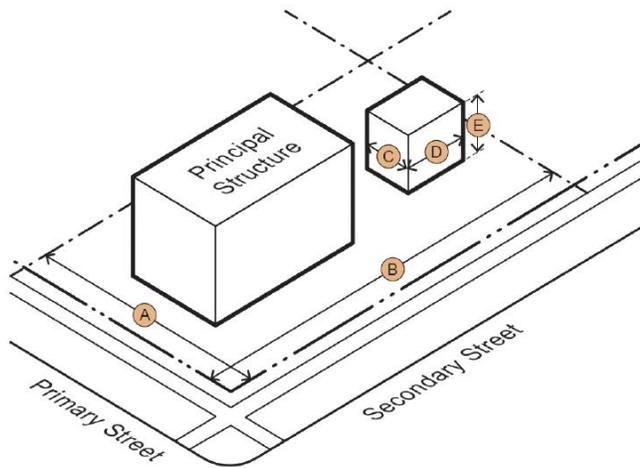
ILLUSTRATIVE EXAMPLES



Ross Chapin "Dine's Point Garage"



Ross Chapin "Tomcat Garage"



BUILDING TYPE STANDARDS - Garage		\leq is "Less than or equal to" \geq is "Greater than or equal to"
Lot Dimensions		
A	Lot Width	$A \geq 30$ ft
B	Lot Depth	$B \geq 100$ ft
Building Dimensions		
C	Building Width	$C \leq 36$ ft
D	Building Depth	$D \leq 24$ ft
E	Building Height	$E \leq 14$ ft and $E \leq 1$ story
Building Placement		
F	Separation from Principal Structure	$F \geq 10$ ft
G	Rear	$G \geq 5$ ft
H	Side <i>abutting existing residential lot</i>	$H \geq 3$ ft
I	Separation from Garage	$I \geq 10$ ft
J	Side <i>abutting R.O.W.</i>	$J = 10$ ft

ALLOWABLE USES	
Vehicular Storage and Workshop	1st Floor

ALLOWABLE DISTRICTS
R, AR, NSO

Carriage House



The Carriage House is an accessory dwelling unit that provides opportunities for affordable housing in walkable neighborhoods. It is typically designed as a small residential unit located above a garage. Structures are typically located at the rear of the lot.

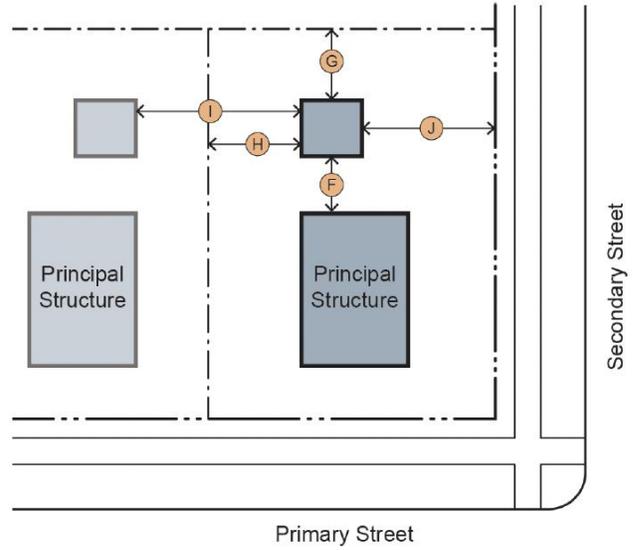
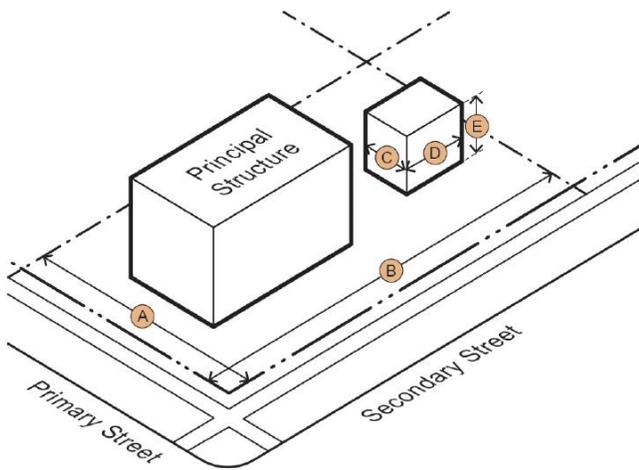
ILLUSTRATIVE EXAMPLES



Ross Chapin "Justenuf"



Zionsville, IN



BUILDING TYPE STANDARDS - Carriage House

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	A ≥ 35 ft
B	Lot Depth	B ≥ 100 ft

Building Dimensions

C	Building Width	C ≤ 36 ft
D	Building Depth	D ≤ 24 ft
E	Building Height	E ≤ 24 ft and E ≤ 2 stories

Building Placement

F	Separation from Principal Structure	F ≥ 10 ft
G	Rear	G ≥ 5 ft
H	Side <i>abutting existing lot</i>	H ≥ 4 ft
I		I ≥ 10 ft
J	Side <i>abutting R.O.W.</i>	J = 10 ft

Carriage House must be set back a minimum of 4 ft from the adjacent lot line **H**, AND the total separation between structures on adjacent lots **I** must be minimum 10 ft.

ALLOWABLE USES

Vehicular Storage or Workshop	1st Floor
Residential	2nd Floor

ALLOWABLE DISTRICTS

R, AR, NSO

Accessory Dwelling Unit (ADU)



The Accessory Dwelling Unit (ADU) is a small accessory dwelling unit that is used for residential purposes. It is typically located at the rear of the principal dwelling unit on the lot. The ADU does not contain any vehicular storage space.

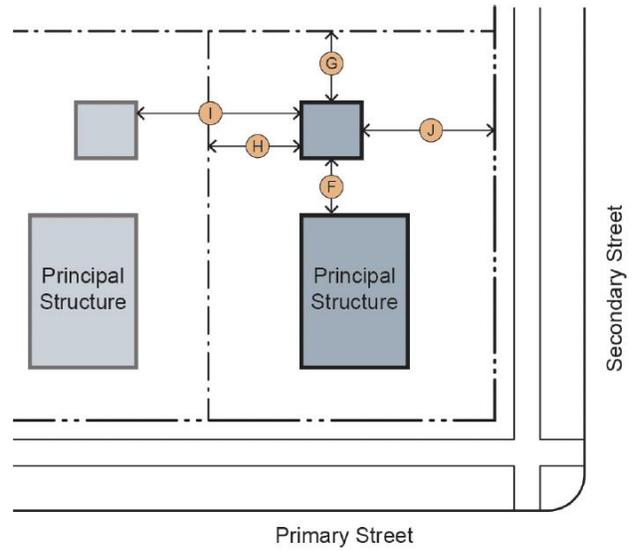
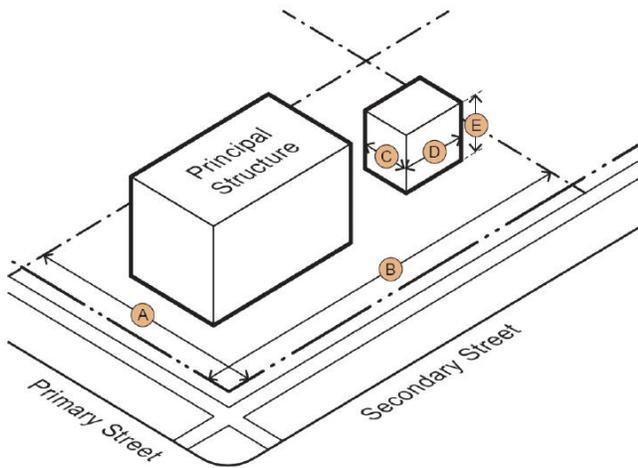
ILLUSTRATIVE EXAMPLES



Ross Chapin "Blue Sky Cabin"



Ross Chapin "Backyard Cottage"



BUILDING TYPE STANDARDS - ADU

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	A ≥ 35 ft
B	Lot Depth	B ≥ 100 ft

Building Dimensions

C	Building Width	C ≤ 24 ft
D	Building Depth	D ≤ 36 ft
E	Building Height	E ≤ 24 ft and E ≤ 2 stories

Building Placement

F	Separation from Principal Structure	F ≥ 10 ft
G	Rear	G ≥ 5 ft
H	Side <i>abutting existing lot</i>	H ≥ 4 ft
I		I ≥ 10 ft
J	Side <i>abutting R.O.W.</i>	J = 10 ft

ADU must be set back a minimum of 4 ft from the adjacent lot line **H**, AND the total separation between structures on adjacent lots **I** must be minimum 10 ft.

ALLOWABLE USES

Residential 1st - 2nd Floors

ALLOWABLE DISTRICTS

R, AR, FC, TC, NSO

Cottage

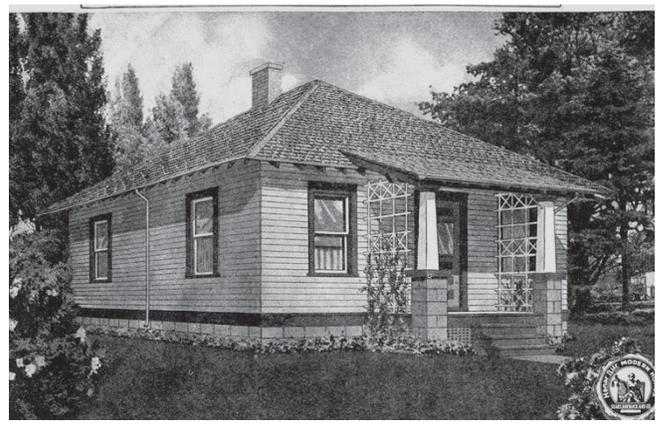


The Cottage is a small, freestanding single dwelling unit on a single lot. It is designed for small and/or irregularly configured individual parcels in existing residential neighborhoods. Due to its size, it is governed by requirements separate from the Detached Residential building.

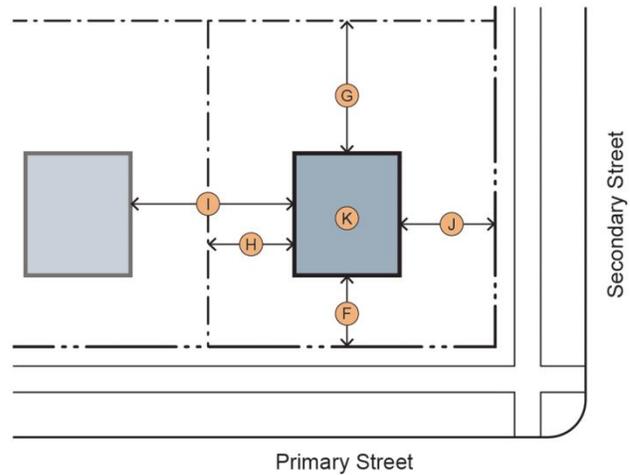
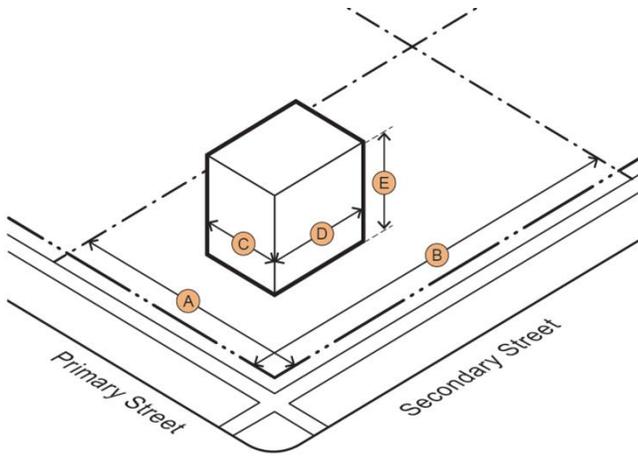
ILLUSTRATIVE EXAMPLES



Sears Craftsman "Fairy" model, 1920s



Sears Craftsman "Rosita" model, 1920s



BUILDING TYPE STANDARDS - Cottage

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$A \leq 37$ ft – for lots greater than 37 ft wide, refer to Detached Residential Building Type
B	Lot Depth	$B \leq 115$ ft

Building Dimensions

C	Building Width	$C \leq 26$ ft
D	Building Depth	$D \leq 50$ ft
E	Building Height	$E \leq 26$ ft and $E \leq 2$ stories

Building Placement

F	Front	<i>Calculate EFY based on the standard in Sec. 17.05.080.</i>	
		When EFY < 20 ft	$EFY \leq F \leq 20$ ft
		When EFY ≥ 20 ft	$F = 20$ ft
G	Rear	$G \geq 10$ ft	
H	Side abutting existing lot	$H \geq 4$ ft	Each residential structure must have a minimum side setback H of 4 ft from the adjacent lot line, AND the total separation between adjacent residential structures I must be minimum 10 ft.
I		$I \geq 10$ ft	
J	Side abutting R.O.W.	$J = 10$ ft	
K	Building Footprint	$K \geq 625$ sq ft	

ALLOWABLE USES

Residential 1st - 2nd Floors

ALLOWABLE DISTRICTS

R, NSO

Cottage Court



The Cottage Court is a group of small, detached dwelling units arranged to define a shared courtyard oriented perpendicular to the street of address. The courtyard is partially or wholly open to the street.

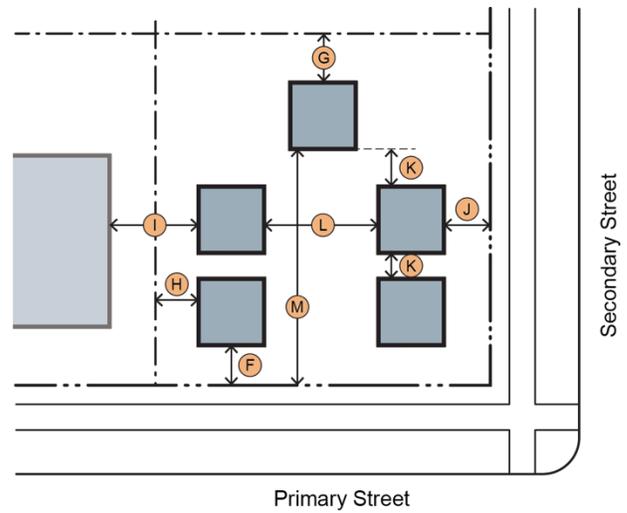
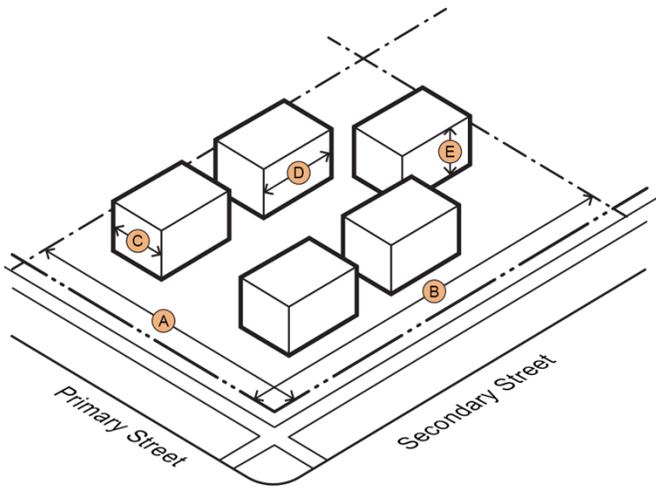
ILLUSTRATIVE EXAMPLES



Greenwood Avenue Cottages, Shoreline, WA



Danielson Grove, Kirkland, WA



BUILDING TYPE STANDARDS - Cottage Court ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	90 ft ≤ A ≤ 160 ft
B	Lot Depth	B ≥ 115 ft
Building Dimensions		
C	Building Width	C ≤ 32 ft
D	Building Depth	D ≤ 32 ft
E	Building Height	E ≤ 26 ft and E ≤ 2 stories
Building Placement		
F	Front	5 ft ≤ F ≤ 15 ft
G	Rear	G ≥ 5 ft
H	Side <i>abutting existing lot</i>	H ≥ 4 ft
I		I ≥ 10 ft
J	Side <i>abutting R.O.W.</i>	J = 7 ft
K	Separation Between Buildings	5 ft ≤ K ≤ 15 ft
L	Width of Courtyard	20 ft ≤ L ≤ 30 ft
M	Depth of Courtyard	M ≥ 55 ft

Each residential structure must have a minimum side setback **H** of 4 ft from the adjacent lot line, AND the total separation between adjacent residential structures **I** must be minimum 10 ft. Note: If the adjacent lot is used for parking, then **H** ≥ 0 ft.

ALLOWABLE USES	
Residential	1st - 2nd Floors

ALLOWABLE DISTRICTS
R, AR, FC, NSO

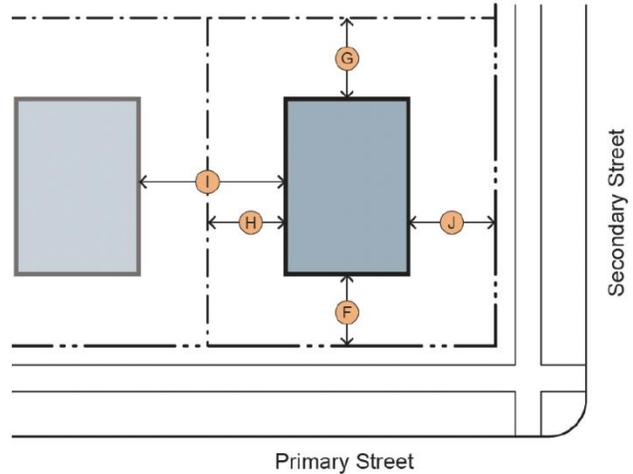
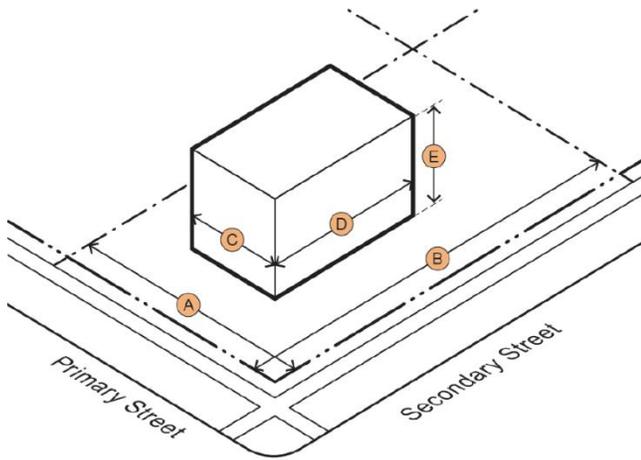
Duplex



The Duplex is a residential structure with two attached dwelling units contained in one building. Both units face the street of address. The building appears similar to a medium-sized Detached Residential structure.

ILLUSTRATIVE EXAMPLES





BUILDING TYPE STANDARDS - Duplex

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$A \geq 37$ ft
B	Lot Depth	Variable

Building Dimensions

C	Building Width	$C \leq 48$ ft
D	Building Depth	$30 \text{ ft} \leq D \leq 60$ ft
E	Building Height	$E \leq 34$ ft and $E \leq 2.5$ stories

Building Placement

F	Front	Calculate EFY based on the standard in Sec. 17.05.080.	
		When EFY < 20 ft	$EFY \leq F \leq 20$ ft
		When EFY ≥ 20 ft	F = 20 ft
G	Rear	$G \geq 10$ ft	
H	Side abutting existing lot	$H \geq 4$ ft	Each residential structure must have a minimum side setback H of 4 ft from the adjacent lot line, AND the total separation between adjacent residential structures I must be minimum 10 ft.
I		$I \geq 10$ ft	
J	Side abutting R.O.W.	J = 10 ft	

ALLOWABLE USES

Residential 1st - 2nd Floors

ALLOWABLE DISTRICTS

R, AR, NSO

Townhouse

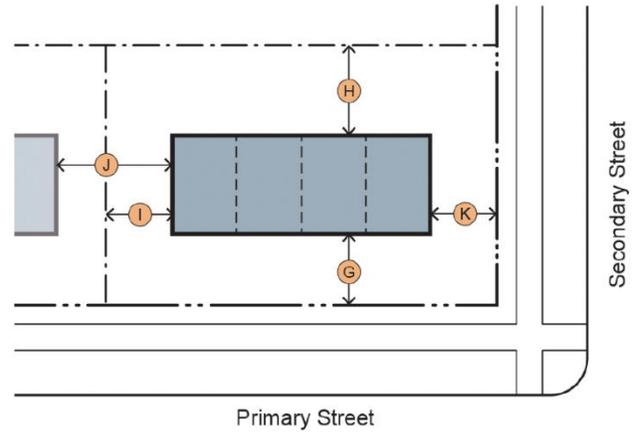
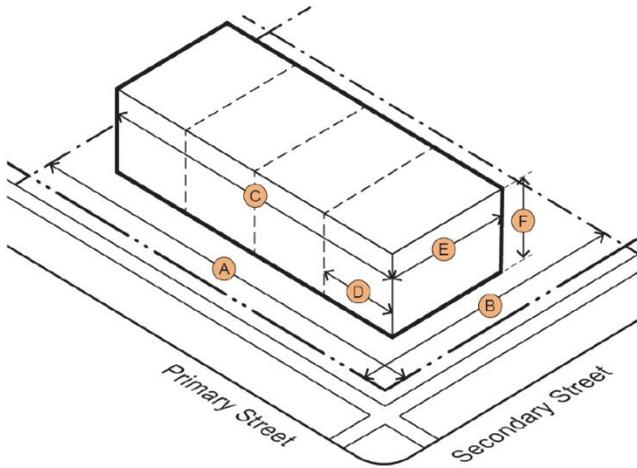


The Townhouse is an attached housing type, wherein a series of 3-8 dwelling units are placed side-by-side, sharing party walls. Each unit has an entrance along the street of address. Garages are accessed from the rear, and may be detached, attached, or tucked under the main living floor.

ILLUSTRATIVE EXAMPLES



Eddy Street Commons, South Bend, IN



BUILDING TYPE STANDARDS - Townhouse

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$80 \text{ ft} \leq \mathbf{A} \leq 240 \text{ ft}$
B	Lot Depth	$\mathbf{B} \geq 90 \text{ ft}$

Building Dimensions

C	Building Width	$3 \text{ units} \leq \mathbf{C} \leq 8 \text{ units}$
D	Unit Width	$15 \text{ ft} \leq \mathbf{D} \leq 22 \text{ ft}$
E	Building Depth	$26 \text{ ft} \leq \mathbf{E} \leq 55 \text{ ft}$
F	Building Height	$\mathbf{F} \leq 34 \text{ ft}$ and $2 \leq \mathbf{F} \leq 3 \text{ stories}$

Building Placement

G	Front	<i>Calculate EFY based on the standard in Sec. 17.05.080.</i>	
		When EFY < 20 ft	$\mathbf{EFY} \leq \mathbf{G} \leq 20 \text{ ft}$
		When EFY ≥ 20 ft	$\mathbf{G} = 20 \text{ ft}$
H	Rear	$\mathbf{H} \geq 5 \text{ ft}$	Each residential structure must have a minimum side setback H of 4 ft from the adjacent lot line, AND the total separation between adjacent residential structures I must be minimum 10 ft.
I	Side <i>abutting existing residential lot</i>	$\mathbf{I} \geq 4 \text{ ft}$	
J		$\mathbf{J} \geq 10 \text{ ft}$	
K	Side <i>abutting R.O.W.</i>	$\mathbf{K} \geq 10 \text{ ft}$	

ALLOWABLE USES

Residential 1st - 3rd Floors

ALLOWABLE DISTRICTS

R, AR, FC, RC, TC

Small Apartment



The Small Apartment building is intended for at least three residential units in a stacked or side-by-side configuration. These buildings share common entrances. They are appropriate for the contexts of medium-density neighborhoods and transitional areas along mixed-use and commercial corridors.

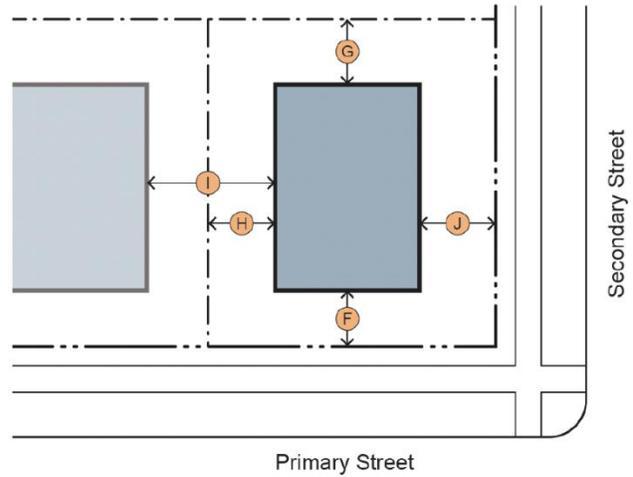
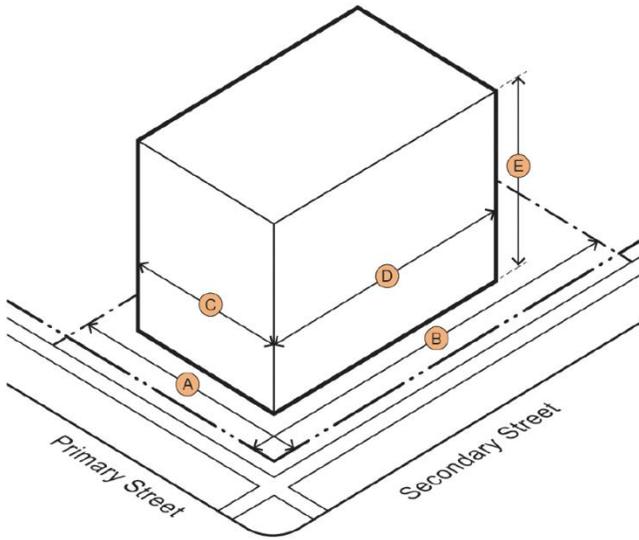
ILLUSTRATIVE EXAMPLES



Ferndale, MI: Breckenridge Avenue at Planavon



Dearborn, MI: Porter Street at Oakwood Boulevard



BUILDING TYPE STANDARDS - Small Apartment

\leq is "Less than or equal to" \geq is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$50 \text{ ft} \leq A \leq 80 \text{ ft}$
B	Lot Depth	n/a

Building Dimensions

C	Building Width	$C \leq 50 \text{ ft}$
D	Building Depth	$D \leq 140 \text{ ft}$
E	Building Height	$E \leq 34 \text{ ft}$ and $E \leq 3 \text{ stories}$

Building Placement

		<i>Calculate EFY based on the standard in Sec. 17.05.080.</i>	
F	Front	When EFY < 20 ft	F = EFY
		When EFY \geq 20 ft	F = 10 ft
G	Rear	$G \geq 0'$ along rear alley; otherwise, $G \geq 5 \text{ ft}$	
H	Side abutting like building	$7 \text{ ft} \leq H \leq 12 \text{ ft}$	
I	Side abutting residential lot	$I \geq 10 \text{ ft}$	
J	Side abutting R.O.W.	$J \leq 10 \text{ ft}$	

ALLOWABLE USES

Residential 1st - 3rd Floors

ALLOWABLE DISTRICTS

R, AR, FC, RC, TC

Large Apartment



The Large Apartment building is intended for at least ten residential units in a stacked or side-by-side configuration. These buildings share common entrances. They are appropriate for the contexts of medium-density neighborhoods and transitional areas along mixed-use and commercial corridors.

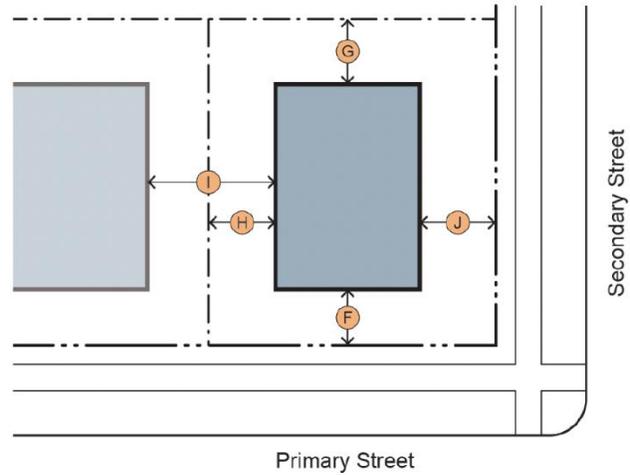
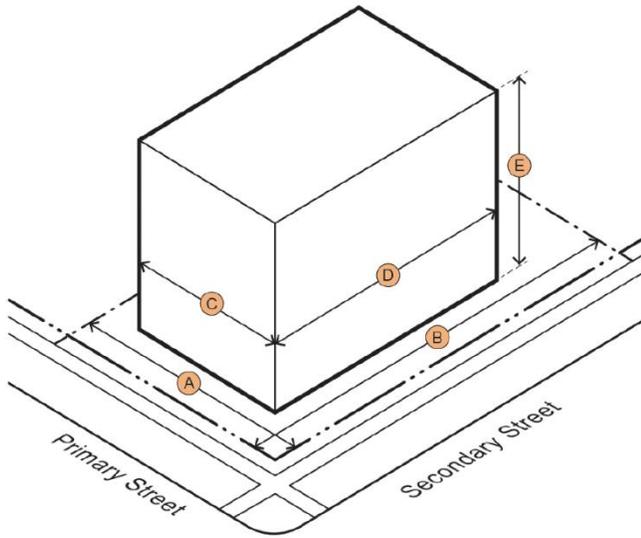
ILLUSTRATIVE EXAMPLES



Eddy Street Commons, South Bend, IN



Village Park Apartments, Detroit, MI



BUILDING TYPE STANDARDS - Large Apartment ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	$A \geq 80$ ft
B	Lot Depth	n/a
Building Dimensions		
C	Building Width	$50 \text{ ft} \leq C \leq 195$ ft
D	Building Depth	n/a
E	Building Height	$E \leq 45$ ft and $E \leq 4$ stories
Building Placement		
F	Front	Calculate EFY based on the standard in Sec. 17.05.080. When $EFY < 20$ ft F = EFY When $EFY \geq 20$ ft F = 10 ft
G	Rear	$G \geq 20$ ft
H	Side	$H \geq 10$ ft
I	Side abutting building	$I \geq 10$ ft
J	Side abutting R.O.W.	$J \geq 10$ ft

ALLOWABLE USES	
Residential	1st - 4th Floors

ALLOWABLE DISTRICTS
AR, FC, RC, TC

Commercial

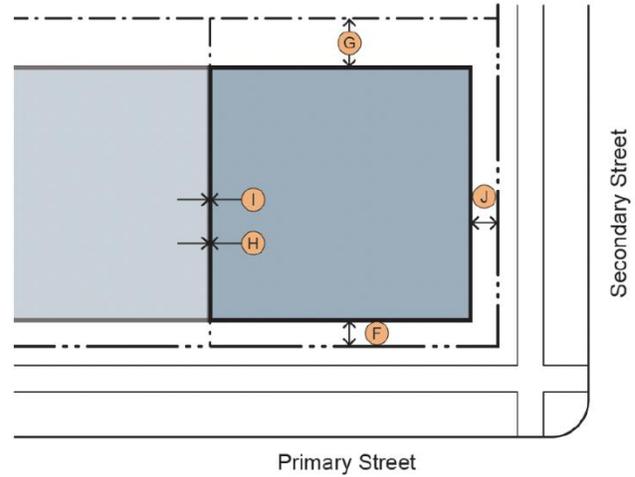
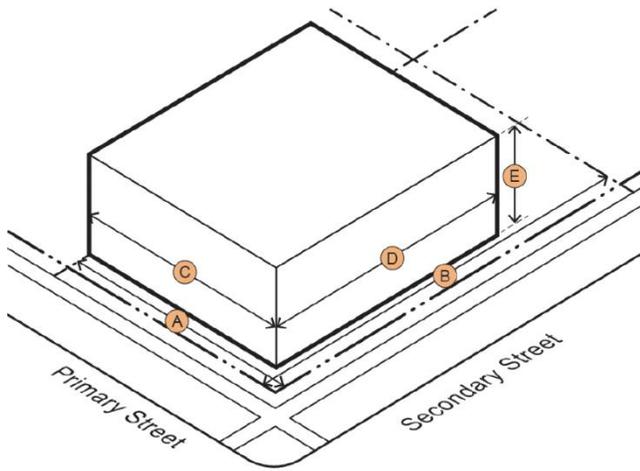


A Commercial building is a structure intended for provision of goods and/or services to the public. This building has a storefront frontage which includes display windows and a primary entrance at-grade. This building is appropriate in contexts ranging from neighborhood to downtown and is essential to cultivating walkability.

ILLUSTRATIVE EXAMPLES



Ferndale, MI: Marshall Street at LaPrairie



BUILDING TYPE STANDARDS - Commercial ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	$A \geq 40$ ft
B	Lot Depth	$B \geq 30$ ft
Building Dimensions		
C	Building Width	$20 \text{ ft} \leq C \leq 165$ ft
D	Building Depth	$30 \text{ ft} \leq D \leq 120$ ft
E	Building Height	$E \leq 28$ ft and $E \leq 2$ stories
Building Placement		
F	Front	$0 \text{ ft} \leq F \leq 8$ ft
G	Rear	$G \geq 20$ ft
H	Side <i>abutting existing residential lot</i>	$H \geq 0$ ft
I	Side <i>abutting like building</i>	$I \geq 0$ ft
J	Side <i>abutting R.O.W.</i>	$0 \text{ ft} \leq J \leq 8$ ft

ALLOWABLE USES	
Office	1st - 2nd Floors
Service	1st - 2nd Floors
Food Service (all categories)	1st - 2nd Floors

ALLOWABLE DISTRICTS
FC, RC, TC, LM, NSO

Mixed Use



A Mixed Use building is a structure intended for provision of goods and/or services to the public on the ground floor, and residential or office uses on upper floors. This building has a storefront frontage which includes display windows and a primary entrance at-grade. This building is appropriate in contexts ranging from neighborhood to downtown and is essential to cultivating walkability.

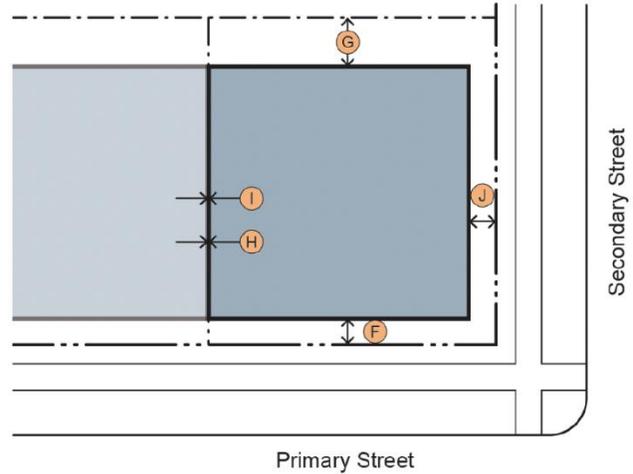
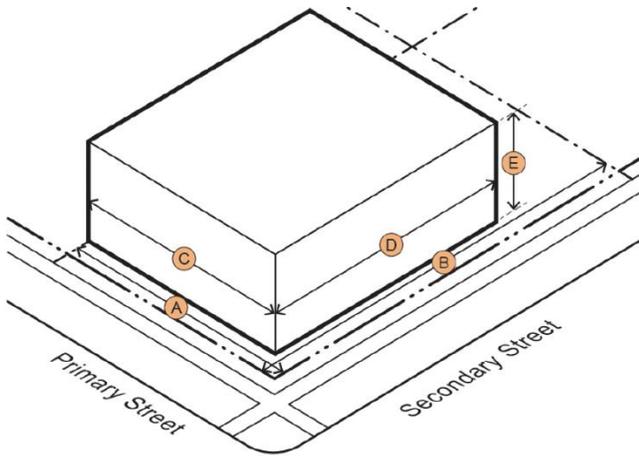
ILLUSTRATIVE EXAMPLES



Ferndale, MI: Marshall Street at Allen



New Boston, MI



BUILDING TYPE STANDARDS - Mixed Use

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$A \geq 40$ ft
B	Lot Depth	$B \geq 30$ ft

Building Dimensions

C	Building Width	$20 \text{ ft} \leq C \leq 165$ ft
D	Building Depth	$30 \text{ ft} \leq D \leq 120$ ft
E	Building Height	$E \leq 39$ ft and $E \leq 3$ stories

Building Placement

F	Front	$0 \text{ ft} \leq F \leq 8$ ft
G	Rear	$G \geq 20$ ft
H	Side <i>abutting existing residential lot</i>	$H \geq 0$ ft
I	Side <i>abutting like building</i>	$I \geq 0$ ft
J	Side <i>abutting R.O.W.</i>	$0 \text{ ft} \leq J \leq 8$ ft

ALLOWABLE USES

Commercial	1st - 2nd Floors
Residential	2nd - 3rd Floors

ALLOWABLE DISTRICTS

FC, RC, TC, LM, NSO

Maker Space



A Maker Space building is a structure intended for provision of goods and/or services to the public when such provision may require on-site production and/or storage of materials. It is pedestrian-scaled and has a storefront frontage but can incorporate garage/service bay(s) and additional utility space as required. The Maker Space is intended to be flexible and accommodate the variety of creative uses that is essential to a vibrant district, including uses heretofore unknown.

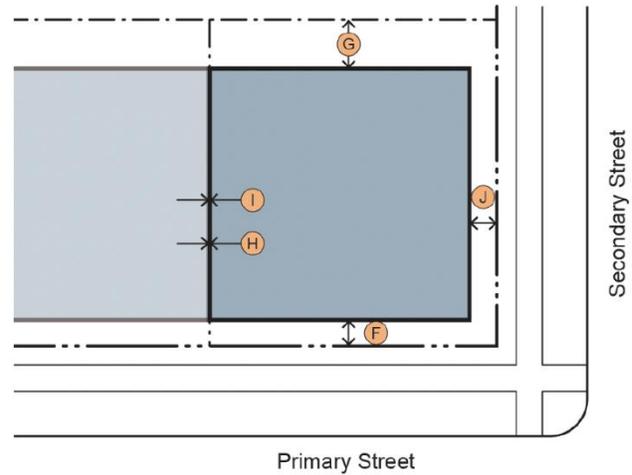
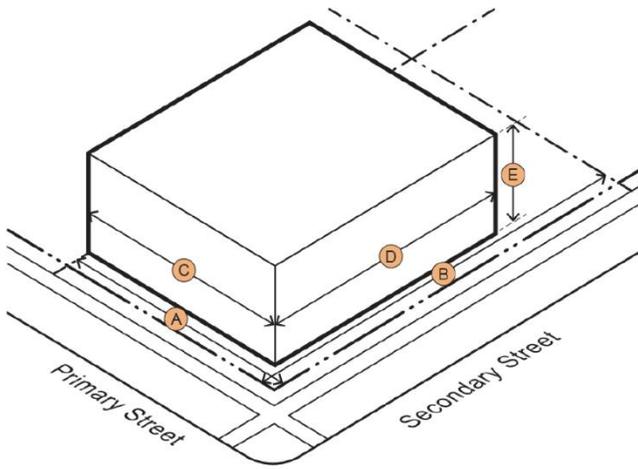
ILLUSTRATIVE EXAMPLES



Seattle, WA: 5486 Leary Avenue NW



Detroit, MI: 5940 Second Street



BUILDING TYPE STANDARDS - Maker Space ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	$A \geq 30$ ft
B	Lot Depth	$B \geq 100$ ft
Building Dimensions		
C	Building Width	$C \leq 100$ ft
D	Building Depth	n/a
E	Building Height	$E \leq 30$ ft and ≤ 2 stories
Building Placement		
F	Front	$0 \text{ ft} \leq F \leq 8$ ft
G	Rear	$G \geq 20$ ft
H	Side <i>abutting existing residential lot</i>	$H \geq 0$ ft
I	Side <i>abutting like building</i>	$I \geq 0$ ft
J	Side <i>abutting R.O.W.</i>	Build to Right-of-Way line – 0 ft

ALLOWABLE USES	
Retail (all categories)	1st - 2nd Floors
Food Service (all categories)	1st - 2nd Floors
Service	1st - 2nd Floors
Light Industrial	1st - 2nd Floors

ALLOWABLE DISTRICTS
FC, RC, TC, LM

Office / Research

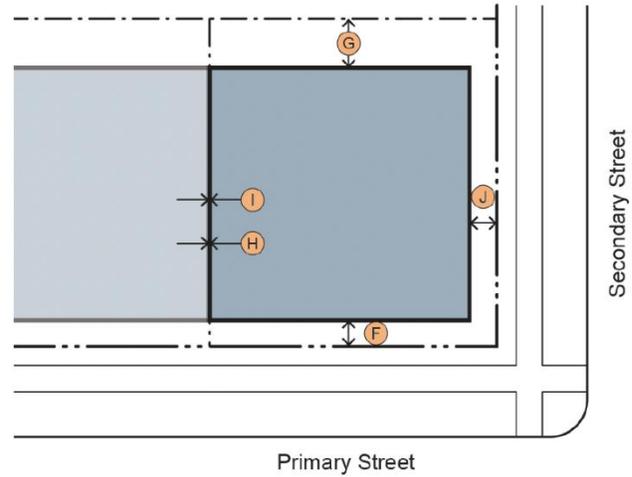
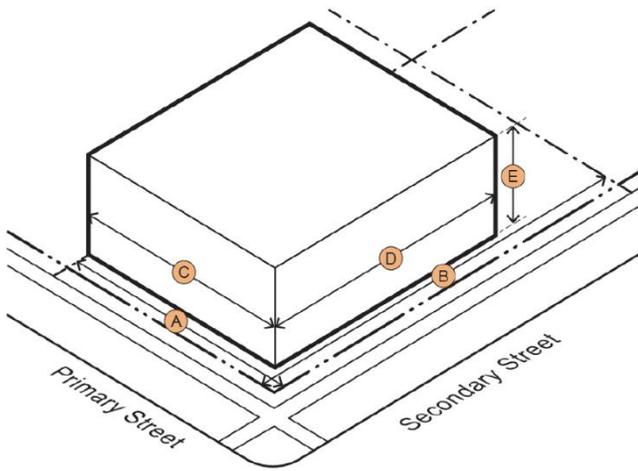


An Office/Research building is a structure intended for professional office, medical office, laboratory, research, technical, and similar purposes. It has a pedestrian orientation to the street but may accommodate parking and loading areas accessed from the rear. The first floor is slightly raised above grade-level to provide privacy while retaining transparent windows along the entire façade.

ILLUSTRATIVE EXAMPLES



Allegan, MI: Perrigo Company Headquarters



BUILDING TYPE STANDARDS - Office/Research ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	A ≥ 60 ft
B	Lot Depth	B ≥ 100 ft
Building Dimensions		
C	Building Width	C ≤ 165 ft
D	Building Depth	n/a
E	Building Height	E ≤ 39 ft; and ≤ 3.5 stories
Building Placement		
F	Front	F ≤ 10 ft
G	Rear	G ≥ 0 ft
H	Side <i>abutting existing residential lot</i>	n/a
I	Side <i>abutting like building</i>	I ≥ 0 ft
J	Side <i>abutting R.O.W.</i>	J ≤ 10 ft

ALLOWABLE USES	
Office	1st – 3rd Floors
Medical Office	1st – 3rd Floors
Light Industrial	1st – 3rd Floors
Laboratory	1st – 3rd Floors

ALLOWABLE DISTRICTS
FC, RC, TC, LM

Corner Commercial



A Corner Commercial building is a structure intended to be occupied by prominent institutions. It has a pedestrian orientation to the street but may accommodate drive-through service accessed from the rear. Though it has a slightly higher standard of architectural distinction than the Commercial or Mixed Use building types, the Corner Commercial building can be adapted to accommodate future needs.

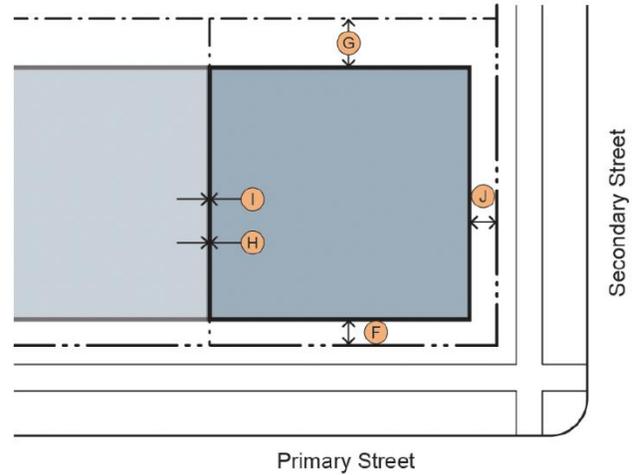
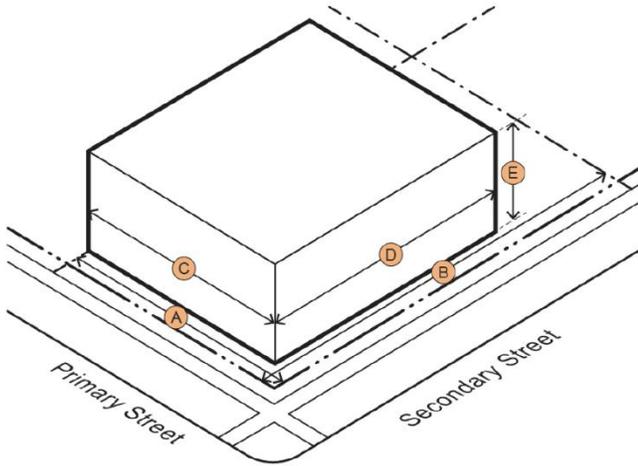
ILLUSTRATIVE EXAMPLES



Royal Oak, MI: Main Street at Lincoln



Royal Oak, MI: Main Street at Lincoln



BUILDING TYPE STANDARDS - Corner Commercial ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions		
A	Lot Width	$A \geq 40$ ft
B	Lot Depth	$B \geq 30$ ft
Building Dimensions		
C	Building Width	$20 \text{ ft} \leq C \leq 165$ ft
D	Building Depth	$30 \text{ ft} \leq D \leq 120$ ft
E	Building Height	$E \leq 28$ ft and ≤ 2 stories
Building Placement		
F	Front	Build to Right-of-Way line – 0 ft
G	Rear	$G \geq 0$ ft
H	Side <i>abutting existing residential lot</i>	n/a
I	Side <i>abutting like building</i>	$0 \text{ ft} \leq I \leq 5$ ft
J	Side <i>abutting R.O.W.</i>	Build to Right-of-Way line – 0 ft

ALLOWABLE USES

Office	1st – 2nd Floors
Bank	1st – 2nd Floors

ALLOWABLE DISTRICTS

FC, RC, TC, LM

Theater



A Theater building is intended to be occupied by cinematic or other performing arts users. It has an open vault interior suitable for a stage and/or large projection screen, and audience seating. While the rear portion of the building is functional, the front façade is uniquely ornate, with elements including a vertical projecting sign, marquee, ticket office, and outdoor advertising space. The Theater building may contain adjacent commercial spaces with storefront façades.

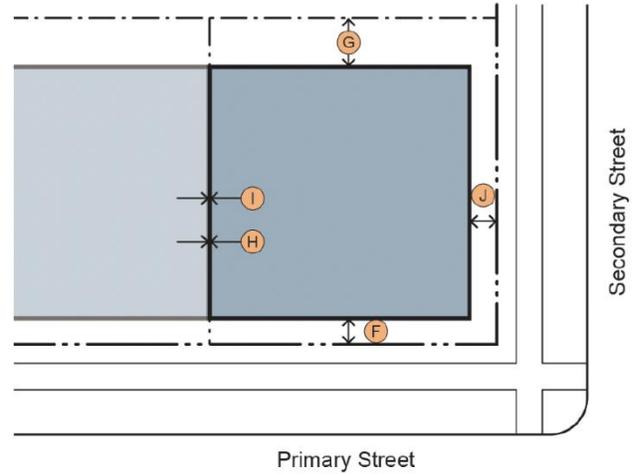
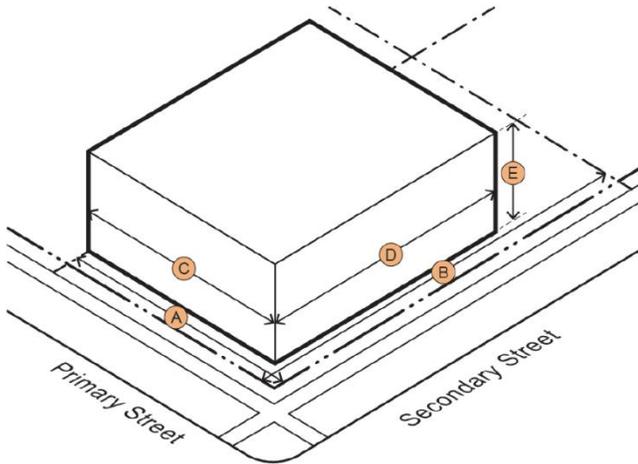
ILLUSTRATIVE EXAMPLES



Berkley, MI: Berkley Theatre



Ann Arbor, MI: State Theater



BUILDING TYPE STANDARDS - Theater

≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$A \geq 100$ ft
B	Lot Depth	$B \geq 100$ ft

Building Dimensions

C	Building Width	$C \leq 165$ ft
D	Building Depth	n/a
E	Building Height	$E \leq 50$ ft at highest point of front façade and ≤ 3 stories

Building Placement

F	Front	Build to Right-of-Way line – 0 ft
G	Rear	$G \geq 0$ ft
H	Side <i>abutting existing residential lot</i>	n/a
I	Side <i>abutting like building</i>	$0 \text{ ft} \leq I \leq 5 \text{ ft}$
J	Side <i>abutting R.O.W.</i>	Build to Right-of-Way line – 0 ft

ALLOWABLE USES

Theater/Performing Arts	1st - 3rd Floors
Retail (Softlines)	1st Floor
Food Service (all categories)	1st Floor

ALLOWABLE DISTRICTS

FC, RC, TC

Hotel / Senior Housing



The Hotel/Senior Housing building is intended to provide short-term lodging facilities to travelers or long-term residential facilities for senior citizens.

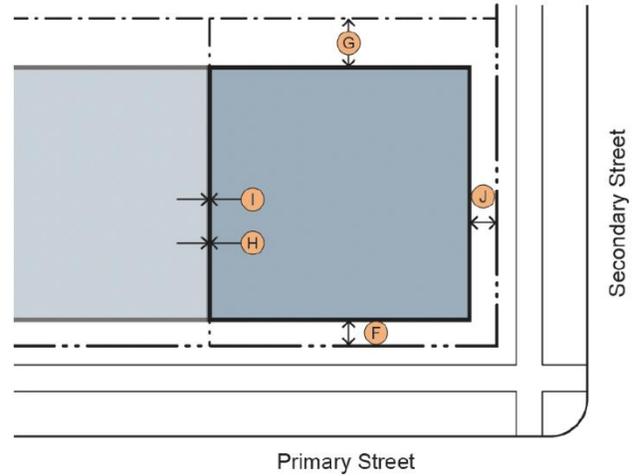
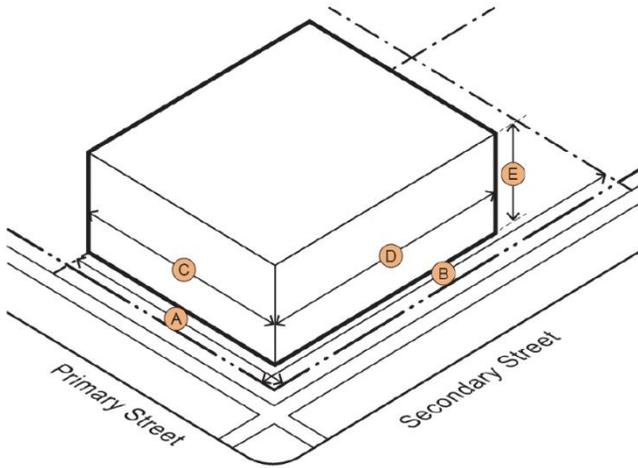
ILLUSTRATIVE EXAMPLES



Sault Ste Marie, MI



Clare, MI



BUILDING TYPE STANDARDS - Hotel/Senior Housing ≤ is "Less than or equal to" ≥ is "Greater than or equal to"

Lot Dimensions

A	Lot Width	$A \geq 80$ ft
B	Lot Depth	n/a

Building Dimensions

C	Building Width	$50 \text{ ft} \leq C \leq 120$ ft
D	Building Depth	n/a
E	Building Height	$E \leq 45$ ft and ≤ 4 stories

Building Placement

F	Front	Calculate EFY based on the standard in Sec. 17.05.080.
		When EFY < 20 ft F = EFY
		When EFY ≥ 20 ft F = 10'
G	Rear	$G \geq 0$ ft along rear alley; otherwise, $G \geq 5'$
H	Side abutting existing residential lot	$7 \text{ ft} \leq H \leq 12$ ft
I	Side abutting like building	$I \geq 12$ ft
J	Side abutting R.O.W.	$0 \text{ ft} \leq J \leq 5$ ft

ALLOWABLE USES

Retail (all categories)	1st Floor
Food Service (all categories)	1st Floor
Commercial Lodging	All Floors
Residential	All Floors

ALLOWABLE DISTRICTS

AR, FC, RC, TC

Chapter 17.05

General Standards

Section 17.05.010

General Exceptions

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this ordinance, except that all buildings hereunder may be subject to site plan review in accordance with this Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 17.05.015

Use of Right-Of-Ways and Easements

No building, structure, use, object, protrusion, emission, or any similar item shall be located in, over, under, or project into any municipal right-of-way or dedicated easement, unless prior express consent has been granted by the City.

Section 17.05.020

Lot Configuration

To promote and ensure compatibility with the established development pattern of the city and a harmonious relationship with existing uses, the establishment or amendment of platted subdivisions, the establishment or

amendment of condominiums, site condominiums or condominium units and the division and/or combination of a platted lots shall comply with the following:

- A. All newly created and modified platted lots and all site condominium units shall comply with the dimensional requirements of the zoning ordinance.
- B. All newly created and modified platted lots shall have at least one property line that has frontage onto a public road.
- C. All newly created and modified platted lots shall have an adequate correlation between their width and depth to allow for a principal building footprint that has the main elevation visible from the public right-of-way. At no point shall the distance between side lot lines be greater than four times the width of the lot frontage at the public right-of-way. Flag lots, curvilinear and irregular shaped lots are discouraged.

Section 17.05.025

Declaration of Nuisance, Abatement

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed, subsequent to the passage of this chapter and which is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 17.05.030

Moratoria

In certain rare instances it may be in the best interest of the City, its residents and property owners to establish a temporary ban on development as it may either protect the public at large by providing for proper regulation of a use or it may provide a lesser risk that individual landowners will be singled out to bear a special burden that should be shared by the public as a whole. Such instances might be where there is a use proposed which has not been regulated previously, a use which has been overdeveloped, an issue with the critical infrastructure necessary to develop certain uses or other justifiable criteria which advance a legitimate public interest.

With that purpose in mind, upon making certain findings, the City Council shall have the authority and is authorized to establish and implement moratoria. A moratorium shall only be established by the City Council when a determination is made that such action (1) is necessary to protect the public health, safety and welfare (2) advances a legitimate public interest (3) represents diligence and good faith (4) is being applied uniformly and fairly and (5) will not deprive a property owner of all reasonable use for an unreasonable time in light of the issues at hand. Such determination of the Council shall be supported by findings of fact set forth in the public record. A moratorium shall be set for the least period of time necessary to address the matter and in any event shall not be set for a period of more than six months initially. If supported by subsequent finding of facts and a showing of due diligence and not delay, additional extensions of the moratorium may be provided for by the City Council. Any such moratoria shall be established by adoption of an ordinance, resolution or an amendment thereto.

Section 17.05.040

Temporary Uses

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

- A. The Community Development Director may permit uses and the occupancy of structures that are consistent with the uses otherwise permitted in a zoning district, but which are temporary and do not require the construction of any capital improvement of a structural nature. In no case shall a use not otherwise allowable in a zoning district be permitted on a temporary basis.
- B. Temporary uses and the temporary occupancy of structures may be granted for periods of not more than 14 consecutive days nor more than 42 total days within a 12-month calendar year, except as follows:
 1. **Real estate sales offices.** Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office to market sites outside of the project is prohibited.
 2. **Temporary parking of construction equipment during construction.** Temporary use of non-loading areas for the parking or storage of tractor trailers, office trailers, construction equipment and materials, or intermodal shipping containers, or for construction worker parking, during construction or renovation, is allowed in all zoning districts, subject to the standards of this section.
 3. **Outdoor sales of seasonal goods,** including flowers, pumpkins, Christmas trees and holiday baskets, may be allowed for the duration of the applicable season, but in no case to exceed 90 consecutive days; provided, however, that retail sales and display of fireworks shall only be allowed as provided for by ordinance or resolution.
- C. Outdoor sales areas, except as otherwise provided in this chapter, are expressly prohibited. However, temporary outdoor sales may, be approved by the Community Development Director after obtaining a permit. No more than three temporary outdoor sales permits shall be issued for any given location within a single calendar year. In addition, one grand opening sale per business shall be permitted, provided the sale is conducted within 60 days from the day the use is first opened for business. The one-time grand opening sale shall be held for not more than 14 continuous days. Outdoor sales areas shall be subject to the following restrictions:
 1. The items proposed to be sold outdoors are related to and displayed immediately adjacent to an existing licensed place of business.
 2. The proposed sales area must constitute an accessory use to the principal use of the premises or as provided by a charitable or nonprofit organization.
 3. A minimum width of five feet shall be maintained as a pedestrian way in front of any business conducting an outdoor sale. No person licensed under this section shall display any goods or merchandise in such a manner as to interfere with pedestrian or vehicular traffic safety, nor shall any display violate any fire or police regulation, or this Code.
- D. The Community Development Director, in granting permits for temporary uses, including temporary outdoor sales, and for the temporary occupancy of structures shall do so under the following conditions:

1. **Licensed commercial uses.** Temporary, commercial uses conducted by persons or entities lawfully authorized to conduct the use in question, when contained within temporary structures, but not including temporary sales as provided for are allowed only for the time period specified by ordinance or resolution.
 2. All such users shall obtain a temporary use permit from the city clerk's office.
 3. A mobile food truck requires a license from the county health department as well as a food truck permit.
 4. **Required permits.** All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.
 5. The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of activities permitted and arrangements for removing the use and associated structures at the termination of such temporary permit.
 6. All setbacks, land coverage ratios, off-street parking requirements, lighting regulations, and other requirements of the City Code shall be considered so as to protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city.
 7. In classifying uses as not requiring capital improvement, the Community Development Director shall determine that they are either demountable structures related to the permitted use of the land, or structures which do not require foundations, heating systems or sanitary connections.
 8. The use shall be in harmony with the existing general character of the district.
 9. No temporary structure shall be used for residential purposes and temporary residential use of property is not allowed.
- E. A written application (on a form provided by the city) for a temporary use permit required by this section shall be signed by the applicant and the legal owner of the property and shall be filed with the City. The application shall be submitted at least ten days before the first date of the proposed temporary use.
- F. A fee established by resolution of the city council shall be paid at the time the application is filed.

Section 17.05.050

Performance Standards

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community. The following standards shall apply.

A. Smoke.

1. It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 on the Ringelmann Chart; provided that the following exceptions shall be permitted: Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating 4 minutes in any 30 minutes.

2. **Method measurement.** For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.

B. Dust, Dirt and Fly Ash.

1. No person shall operate any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels without maintaining and operating, while using such process, furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air. The approved equipment shall result in the quantity of gas-borne or air-borne solids not exceeding 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

All other forms of dust and dirt shall be completely eliminated, insofar as escape or emission into the open air is concerned. The Community Development Director may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust and dirt have been made.

2. **Method measurement.** For the purpose of determining the adequacy of such devices these conditions shall be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for dust-separating apparatus.

- C. Glare and Radioactive Materials.** Glare from any process (such as arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot line. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

D. Fire and Explosive Hazards.

1. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted in the LM, Light Manufacturing District, subject to compliance with all other performance standards above mentioned. The following shall define the ranges of burning:
 - a. Intense burning materials which by virtue of low ignition temperature, high rate of burning and large heat evolution, burn with great intensity. An example would be manganese.
 - b. Free and active burning materials are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively and easily supports combustion. An example would be fuel oil.
 - c. Moderate burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
2. The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.

- b. All such buildings or structures shall have a setback of at least 40 feet from lot lines thereof. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
- 3. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

E. Noise.

- 1. **Noise Level Limits.** No operation or activity shall be carried on which causes or creates measurable noise levels which have an annoying or disruptive effect on surrounding properties, or which exceed the maximum noise level limits prescribed in Table 17.05.A below, as measured at the boundary line of the lot on which the operation or activity is located. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.
- 2. **Intermittent Sounds.** Intermittent sounds or sounds characterized by pure tones may be a source of complaints, even though the measured sound level may not exceed the permitted level in Table 17.05.A. In such cases, the City shall investigate the complaints to determine the nature of and justification for the complaint and possible corrective action. If the complaints are determined to be justified and are not resolved within sixty (60) days, the City may proceed to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

Table 17.05.A – Maximum Permitted Noise Levels

Zoning District	Time	Sound Level (Decibels dB(A))
R and AR	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
TC, RC, FC	Any Time	55
LM not adjacent to R or AR	Any Time	70
LM adjacent to R or AR	Any Time	55

- 3. **Permitted Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally accepted manner:
 - a. Temporary construction activity that occurs between 7:00 am and 7:00 pm.
 - b. Performance of emergency work.
 - c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.
 - d. Lawn care and house maintenance that occurs between 9:00 am and 9:00 pm.

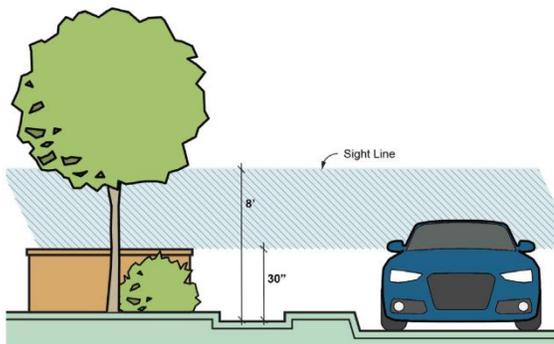
F. **Odors and fumes.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

G. **Wastes.** No waste shall be discharged in the public sewer system which, in the determination of the city engineer, is dangerous to the public health and safety.

Section 17.05.060

Clear Vision Area

- A. No structure, wall, fence, sign, shrubbery, or trees shall be erected, planted, or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that signs, shrubbery and low retaining walls not exceeding thirty (30) inches in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. See Figure 17.05.A.
- B. Corner lots shall provide an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines, or in the case of a rounded corner, from the intersection of the street property lines extended. See Figure 17.05.B.
- C. All driveways shall provide an unobstructed triangular area formed by the street property line, the driveway pavement edge and a line connecting them at points ten (10) feet from their intersection. See Figure 17.05.B.



Maximum Height 30" for Shrubs and Other Landscape Features
Figure 17.05. A - Clear Vision Area - Horizontal

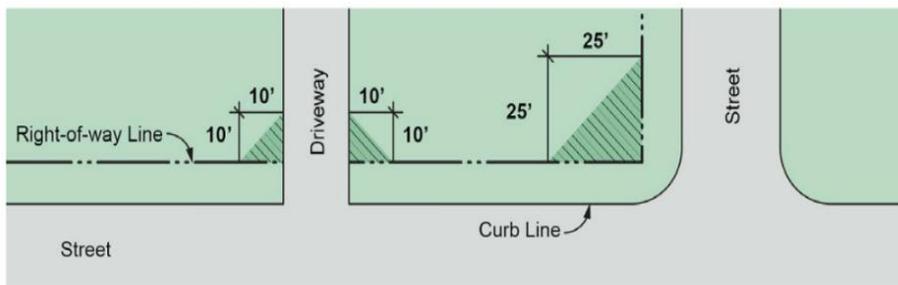


Figure 17.05. B - Clear Vision Area - Corner

Section 17.05.070

Dumpsters and Outdoor Trash Receptacles

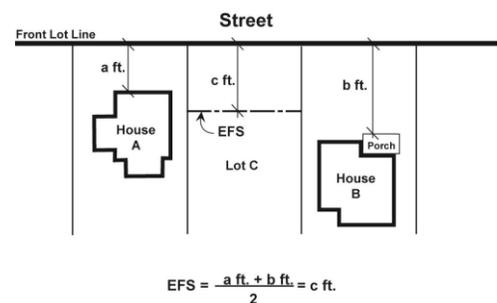
Any new or reoccupied use which requires site plan review and will be utilizing an outdoor area to store any type of trash receptacle or dumpster shall comply with the following requirements:

- A. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- B. A decorative wall or fence of six (6) feet in height or at least one (1) foot higher than the receptacle, whichever is higher, and shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Opaque and lockable screening gates may be required by the Community Development Director or Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way or adjacent use. The base under any dumpster shall be constructed of six (6) inches of reinforced concrete pavement, which shall extend six (6) feet beyond the front of the dumpster enclosure to support the front axle of a refuse vehicle.
- C. In no instance shall any such refuse be visible above the required enclosure.
- D. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- E. Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. In no instance shall any such area be located in any front yard.

Section 17.05.080

Established Front Yard Distance

When a building is required to use the established front yard distance to determine the required front yard setback the following method shall be used. The established front yard distance (EFY) for a lot shall be the average of the front setbacks of adjacent principal building on each side of the subject lot, provided that the adjacent principal buildings are within 100 feet of the side lot lines of the subject lot. The adjacent principal buildings shall be on the same side of the street and in the same zoning district as the subject lot. The front setbacks of adjacent buildings shall be measured from the front lot line to the closest point of the exterior wall. Balconies, porches and decks with surfaces (excluding railings) raised more than 9 inches above the surrounding grade, shall be included when measuring the front setback of adjacent buildings. For adjacent lots that are vacant, the minimum required front setback shall be used for that lot in calculating the EFY. For subject lots on a corner, the minimum required front setback shall be used in the EFY calculation as the adjacent setback figure for the side of the lot that adjoins a street.



Chapter 17.06

Development Standards



Section 17.06.010

Accessory Uses and Structures

- A. **Purpose.** This section provides additional regulations for the use of a subordinate structure or use that is customarily associated with, and clearly incidental to, the primary structure or use that is located on the same lot.
- B. **Establishment Provisions.**
1. Accessory uses and/or structures shall only be established or constructed on a lot where an existing principal use or structure is already established.
 2. For new structures and uses, an accessory use and/or structure shall not be occupied or used until the principal use or structure has been constructed.
 3. Unless otherwise specified, the development of an accessory structure requires the submittal of a permit application as required by Sec. 17.09.010(C).
 4. The Community Development Director shall determine when a use or structure is accessory to the principal use or building of a lot based upon compliance with the following criteria:
 - a. It is located on the same lot as the principal use or building.
 - b. It is customarily found in association with a permitted principal use.
 - c. It is clearly incidental and subordinate to the principal use or building in terms of area, size, function, and location.
 - d. It is operated and maintained under the same ownership as the principal use.

- C. **General Provisions.** Unless otherwise specified in this title, accessory uses and structures shall comply with the following standards.
1. **Zoning Ordinance Compliance.** Accessory uses and/or structures shall comply with all development standards of the applicable zoning district.
 2. **Attached Structures.** Where an accessory structure is structurally attached to the principal building on a lot it shall comply with all regulations of this title applicable to the principal buildings.
 3. **Location.** Accessory structures or uses shall only be established or constructed in a rear yard. Accessory structures shall not be located within a dedicated easement or right-of-way.
 4. **Setback.** Detached accessory structures shall be setback ten (10) feet from any other structure that is constructed as an occupied living space. Detached accessory structures on corner lots shall adhere to the same setback requirements for side streets as the principal building. Accessory uses and structures shall be setback at least three (3) feet from any side lot line and five (5) feet from any rear lot line.
 5. **Height.** In commercial districts, accessory structures shall not exceed the height of the principal building. In residential districts, accessory structures shall not exceed one (1) story or 14 feet in height unless the structure is an accessory dwelling unit or a carriage house which is in compliance with the standards of Sec. 17.04.020.
 6. **Number of Structures.** In single-family residential districts, no more than one (1) accessory structure shall be erected, except that a second accessory building not to exceed 80 square feet of ground floor area may be erected in compliance with the standards of this section.
 7. **Lot Coverage.** All accessory structures, including swimming pools, shall not occupy more than 30 percent of the rear yard area. The total ground floor area of all accessory buildings shall not exceed 625 square feet or half the ground floor area of the principal building, whichever is greater. A minimum of 30% of the rear yard shall be living plant material such as grass or ground cover. Mulch, when used as a component of a perennial/shrub landscape bed may also be considered as a living plant material.

D. **Standards for Specific Uses and Structures.**

1. **Decks.** Any ground supported unenclosed platform raised more than nine (9) inches above grade level shall be located in a rear yard and shall comply with the required setbacks for the principal structure.
2. **Fences and Screen Walls.** See Hazel Park Municipal Code Title 15, Buildings and Construction, Chapter 15.12 - Fences, for regulations regarding fences and screen walls.
3. **Greenhouses.** Any accessory structure that utilizes light fixtures to aid or facilitate plant growth shall have a roof constructed with completely opaque material and walls which completely prohibit light transmission from dusk until dawn.
4. **Home Occupations.** A home occupation may be permitted accessory to the principal use of a residential dwelling unit and shall comply with the following standards:
 - a. **Exterior Appearance.** The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 - b. **Maintain Residential Use.** The home occupation shall be incidental to the residential use to the extent that not more than 20 percent of the useable floor area of the dwelling unit shall be occupied by the home occupation.

- c. **Outside Storage.** There shall be no outside storage of any kind related to any home occupation.
 - d. **Accessory Structures.** Accessory structures shall not be used to conduct activities related to the home occupation including the storage of goods or materials.
 - e. **Traffic and Deliveries.** The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time and may not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week. Associated parking shall not be located in the front yard.
 - f. **Employees.** No one other than the residents of the dwelling unit shall be employed for the home occupation.
 - g. **Products and Services Provided.** No article or service shall be sold or offered for sale from the premises except for those produced by such occupation.
 - h. **Nuisance Prohibited.** No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
 - i. **Prohibited Uses.** The following uses are expressly prohibited as a home occupation:
 - 1) Motor vehicle, recreational vehicle and/or boat repair, bump and paint shops, and salvage and/or storage yards.
 - 2) Commercial kennels and/or veterinary clinics.
 - 3) Medical or dental clinics.
 - 4) Retail sales of merchandise.
 - 5) Bars and restaurants.
 - 6) Adult Businesses.
 - 7) Any use deemed similar to the above by the Community Development Director.
5. **Kennels.** Any accessory structure used to house or for the exercise of animals shall be permitted only for the animals owned by the occupant of the dwelling unit on the lot subject to the following standards:
- a. No more than 3 dogs, 3 cats, or a combination of 3 dogs and cats, over the age of 6 months shall be housed on the premises.
 - b. Structures in which animals are kept, animal runs, and exercise areas shall not be located in any front yard. Such structures may be located in a side, or rear yard in compliance with the setback requirements for the principal structure and shall be located at least 30 feet from any dwellings on adjacent property.
6. **Landscape Structures.** On lots occupied by a principal residential use, trellises, lattices less than 10 feet in width and arbors may be located in any yard, may be located within ten (10) feet of the principal structure or other accessory structures and may be located within one (1) foot of any lot line. Pergolas may be located within twelve (12) feet of the principal structure or other accessory structures and shall be setback three (3) feet from any side lot line and five (5) feet from any rear lot line. Pergolas 100 square feet in area or less may be located in a side yard. Pergolas greater than 100 square feet in area shall be located in the rear yard.

7. **Mechanical Equipment.** Any mechanical, heating, or ventilation equipment, including, but not limited to, air conditioning units, emergency generators, heat pumps, ventilating fans, shall comply with the following standards:
 - a. **Residential Uses.** On lots occupied by a principal residential use, freestanding mechanical equipment mounted on the ground shall not be located in the front yard. Mechanical equipment in a side yard shall be setback three (3) feet from any side lot line and shall not be located within 15 feet of the window of an adjacent residence.
 - b. **Non-Residential Uses.** On lots occupied by a non-residential use, freestanding mechanical equipment shall be located in the rear yard, setback ten (10) feet from any lot line and screened with plant materials or an opaque fence. Where rooftop appurtenances are within 15 feet of the rooftop edge or extend more than 5 feet above the roof grade, the Planning Commission may require screening in the form of a parapet wall, siding, or decorative fencing compatible with the design and materials of the building. In determining the need for screening, the Commission shall consider the aesthetic quality of the appurtenances and the degree to which such appurtenances are within public view.
8. **Ponds.** Ponds shall be permitted on lots occupied by a principal residential use, subject to the setback and location requirements pertaining to accessory uses and structures, and shall comply with the following standards:
 - a. A pond shall hold less than 24 inches of water. If a pond holds more than 24 inches of water, the pond shall be considered a swimming pool and shall be subject to the requirements of Title 15, Building and Construction, Chapter 15.48 Swimming Pools of the Hazel Park Municipal Code. A pond shall be provided with a system to move water to prevent stagnant water from forming.
 - b. An electrical permit shall be obtained prior to construction for outlets with water system devices.
9. **Tents and Carports.**
 - a. On lots with detached single dwelling unit residential or duplex structures the following standards shall apply:
 - 1) Tents may be used for private events and may be erected for a maximum of five (5) days without a permit.
 - 2) No more than three private events shall be allowed per twelve (12) month period.
 - 3) Any tent 200 square feet in area or less shall be exempt from this time restriction.
 - 4) Location. Tents shall only be permitted behind the front building line of the principal structure. Tents shall be located at least three (3) feet from any side or rear property line.
 - b. Tents may be permitted on all other lots in the City as a component of a temporary use permit.
 - c. Tents shall not be used for the permanent or temporary storage of any vehicles, items or property.
 - d. Carports shall be prohibited.
10. **Charity Bins.** A charity bin, box, or similar structure shall only be permitted on a site occupied by a commercial or industrial use and shall only be permitted after receiving site plan approval by the Planning Commission in accordance with the requirements of Sec. 17.09.020(A)(3).

Landscaping Standards

- A. **Purpose.** Screening and land use buffers are necessary for the protection and enhancement of the City and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; screen headlights of vehicles to reduce glare; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the City.

The purpose of this Section is to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character; and buffering of parking lots, storage areas, and similar activities from street rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section and shall maintain that effectiveness as the plant materials mature.

B. **Scope.**

1. **Landscape Plan Requirement.** The standards of this Section shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to site plan approval or planned unit development approval. A separate Landscape Plan, distinct from the site plan, shall be provided with each plan set submitted for review. Uses and activities exempt from site plan approval shall be exempt from the requirements of this Section.
2. **Minimum Required Standards.** The standards of this Section shall be considered the minimum necessary to achieve the purposes of this Section and Ordinance. No provision of this Section shall preclude the developer and the City from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Section shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.
3. **Modifications to Standards.** The Planning Commission may reduce or waive the specific standards of this Section, upon determination that the screening requirements and purposes of this Section have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

C. **General Standards.**

1. **Design Standards.**

- a. **Clear Vision Area.** Landscaping, screening materials and their location or placement on a site shall conform to the clear vision requirements of Sec. 17.05.060 and shall not conflict with visibility for motorists or pedestrians.
- b. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines. There shall be no plantings within fifteen (15) feet of any fire hydrants.
- c. **Landscape Area Protection.** Where pavement and landscape areas interface, raised concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.

- d. **Roadside Tolerance.** Landscaping planted adjacent to vehicle travel lanes located in rights-of-way, access drives or parking lots which are treated with salt shall be landscaped with species resistant to salt and tolerant of roadside conditions in southeast Michigan.
 - e. **Irrigation.** All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one outlet located within 100 feet of all planted material to be maintained. The Planning Commission may require frontage landscaping, boulevard medians, interior parking lot landscaping, and other curbed landscaped areas to be irrigated via an underground sprinkler system where deemed necessary.
2. **Installation.** All screening shall be installed in a manner consistent with the standards of the American Horticulture Industry Association (AmericanHort), or its successor agency, the approved site plan, and the following:
- a. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed prior to certification of occupancy.
 - b. **Extension.** The Community Development Director or their designee may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
 - c. **Performance Guarantee.** The Community Development Director may require submittal of a performance guarantee, per Sec. 17.09.010(G), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Community Development Director or Code Enforcement Officer shall conduct an inspection of the plant materials before the guarantee may be released.
 - d. **Replacement of Dead or Diseased Plant Materials.** Any plant materials which die within two (2) years of installation shall be replaced with the same or similar plantings approved by the City.
3. **Maintenance.**
- a. **Landscape Plan Requirements.** Maintenance procedures and frequencies to be followed shall be specified on the landscape plan. Such procedures shall note that plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be removed after one (1) year. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
 - b. **Continuous Maintenance.** Property owners shall be required to install and maintain all screening elements, plant materials and associated improvements in accordance with the approved site plan. The required landscaping shall be maintained in a healthy and professional condition as long as the site is occupied by the approved use. Failure to maintain required screening, including the replacement or removal of plant materials inconsistent with an approved site plan shall be a violation of this Ordinance. The City may direct an inspection be performed by qualified City staff or outside consultant to determine if a violation of an approved landscape plan has occurred.

D. Plant Material Standards.

- 1. **General.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Horticulture Industry Association (AmericanHort), or its successor agency, and approved by the American National Standards Institute, Inc. (ANSI Z60.1), as amended and updated.

- b. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the City.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. All plant materials shall be appropriate for the hardiness zone of the City as identified in the most recent U.S. Department of Agriculture’s Plant Hardiness Zone Map, as amended.
 - d. Artificial plant material shall be prohibited within required screening areas.
2. **Groundcovers.** The following shall apply to all groundcover materials:
- a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease. Sod shall be provided for all lawn areas located within the road right-of-way.
 - b. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
4. **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, and planting beds.
5. **Shrubs and Trees.** Shrubs and trees shall comply with the schedule for minimum sizes at planting in Table 17.06.A.

Table 17.06.A – Minimum Plant Sizes

Screening Materials	Minimum Size at Installation
Street Trees	4.0 caliper-inches diameter
Deciduous Shade Trees	3.5 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	36 inches in height or 30 inches in spread

6. **Permitted Plant Material Species.** The use of plant species native to Michigan is required to ensure the long-term viability of the plantings while minimizing the negative impacts of invasive and non-native species. Applicants may reference the Michigan Department of Natural Resources’ (MDNR) list of recommended and discouraged plantings to determine suitable plantings. Table 17.06.B lists acceptable native species. Additional species as recommended by the MDNR in addition to other organizations acceptable to the Planning Commission may be considered at the time of site plan application.

Table 17.06.B – Recommended Plant Species

Recommended Deciduous Tree Species	
Common Name	Botanical Name
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Pawpaw	<i>Asimina triloba</i>
Hornbeam/Musclewood/Blue Beech	<i>Carpinus caroliniana</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Pignut Hickory	<i>Carya glabra</i>
Shagbark Hickory	<i>Carya ovata</i>
Hackberry	<i>Celtis occidentalis</i>
Yellowwood	<i>Cladrastis kentukea</i>
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Black Walnut	<i>Juglans nigra</i>
American Tamarack	<i>Larix laricina</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Black Gum/Black Tupelo	<i>Nyssa sylvatica</i>
Hop-Hornbeam/Ironwood	<i>Ostrya virginiana</i>
American Plum	<i>Prunus americana</i>
Canadian Plum	<i>Prunus nigra</i>
Black Cherry	<i>Prunus serotina</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Bur Oak	<i>Quercus macrocarpa</i>
Sassafras	<i>Sassafras albidum</i>
Baldcypress	<i>Taxodium distichum</i>
American Linden/Basswood	<i>Tilia americana</i>
Nannyberry	<i>Viburnum lentago</i>

Recommended Evergreen Tree Species	
Common Name	Botanical Name
Balsam Fir	<i>Abies balsamea</i>
Eastern Redcedar	<i>Juniperus virginiana</i>
White Spruce	<i>Picea glauca</i>
Black Spruce	<i>Picea mariana</i>
Jack Pine	<i>Pinus banksiana</i>
Red Pine	<i>Pinus resinosa</i>
Eastern White Pine	<i>Pinus strobus</i>
White Cedar/ Arborvitae	<i>Thuja occidentalis</i>
Eastern Hemlock	<i>Tsuga canadensis</i>

Recommended Shrub Species	
Common Name	Botanical Name
Red Chokeberry	<i>Aronia arbutifolia</i>
Michigan Holly	<i>Ilex verticillata</i>
Common Ninebark	<i>Physocarpus opulifolius</i>
Arrowwood Viburnum	<i>Viburnum dentatum</i>
New Jersey Tea	<i>Ceanothus americanus</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Bush honeysuckle	<i>Diervilla lonicera</i>
Shrubby cinquefoil	<i>Potentilla fruticosa</i>

7. **Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, no single species of tree or shrub shall comprise more than fifty percent (50%) of the total number of trees and shrubs proposed in a landscape plan.
8. **Prohibited Plant Materials.** The use of plant species which are subject to known diseases or infestations or have been designated as being invasive are prohibited. The Michigan Department of Natural Resources has identified the species listed in Table 17.06.C as species which are not recommended for these issues. Applicants shall confirm that all species proposed in a landscape plan have not been identified by the MDNR in their Tree Species List or an analogous professional, state or federal agency as a non-recommended species at the time of site plan application.

Table 17.06.C – Prohibited Plant Species

Common Name	Botanical Name
Hedge Maple	<i>Acer campestre</i>
Amur Maple	<i>Acer ginnala</i>
Boxelder	<i>Acer negundo</i>
Norway Maple	<i>Acer platanoides (includes 'Crimson King' cultivar)</i>
Sycamore Maple	<i>Acer pseudoplatanus</i>
Silver Maple	<i>Acer saccharinum</i>
Tatarian Maple	<i>Acer tataricum</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Mimosa/Silk Tree	<i>Albezia julibrissen</i>
Black Alder	<i>Alnus glutinosa</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Butterfly bush	<i>Buddleja davidii</i>
Chinese Fringetree	<i>Chiananthus retusus</i>
Autumn Olive	<i>Elaeagnus umbellate</i>
Winged burning bush	<i>Euonymus alatus</i>
Ash	<i>Fraxinus spp.</i>
Goldenrain Tree	<i>Koelreuteria paniculata</i>
Common privet	<i>Ligustrum vulgare</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Tartarian Honeysuckle	<i>Lonicera tatarica</i>

Table 17.06.C – Prohibited Plant Species

Common Name	Botanical Name
Amur maackia	<i>Maackia amurensis</i>
Oregon grape	<i>Mahonia aquifolium</i>
White Mulberry	<i>Morus alba</i>
Amur Corktree	<i>Phellodendron amurense</i>
Colorado Blue Spruce	<i>Picea pungens</i>
Austrian Pine/ Black Pine	<i>Pinus nigra</i>
Scotch Pine/Scot's Pine	<i>Pinus sylvestris</i>
Poplars/Aspens/Cottonwood	<i>Populus spp.</i>
Sweet Cherry/ Mazzard Cherry	<i>Prunus avium</i>
St. Lucie Cherry	<i>Prunus mahaleb</i>
Wingnut	<i>Pterocarya stenotera</i>
Ornamental Pears- All Varieties	<i>Pyrus spp.</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula (including 'Angustifolia')</i>
Black Locust	<i>Robinia pseudoacacia</i>
Multiflora Rose	<i>Rosa multiflora</i>
Rugosa rose	<i>Rosa rugosa</i>
Japanese Tree Lilac	<i>Syringa reticulata</i>
Japanese Yew	<i>Taxus cuspidata</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Siberian Elm	<i>Ulmus pumila</i>
Paperbark Maple	<i>Acer griseum</i>

9. **Existing Plant Materials.** Healthy existing trees and other plant materials on a site may be used to satisfy specific standards of this Section, subject to Planning Commission approval and the following:
- a. The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan.
 - b. The Planning Commission may request City inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified City staff or by a certified arborist or similar qualified consultant as selected by the City.
 - c. Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Community Development Director or their designee prior to any delimiting, root pruning, or similar work.
 - d. Protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.
 - e. In the event that trees or other plant materials identified to be preserved on an approved site plan are destroyed or damaged, as determined by the Community Development Director, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

- f. Only permitted plant material tree species which are two and one-half (2 ½) inches in caliper or greater shall be eligible for meeting the minimum required quantity standards of this section. Only trees that are properly located and mature enough to meet the purpose of providing an effective landscape screen shall be eligible for meeting the requirements for screening. The credit for existing trees to meet the minimum required quantities shall be based on the caliper of the preserved trees as specified in Table 17.06.D.

Table 17.06.D – Preserved Tree Credit by Caliper

Caliper of Preserved Trees (inches)	Number of Trees Credited
Over 12 inches	Three (3) trees
From 8 inches to 12 inches	Two (2) trees
From 2.5 inches to 8 inches	One (1) tree

- g. The Community Development Director shall be permitted to require the removal of any existing tree or plant material designated for protection when the tree or plant material is determined to be dead, diseased, may cause damage or harm to an existing structure or negatively impact existing above or below ground utilities.

E. Required Landscaping.

1. **Adjacent Rights-of-Way.** Public rights-of-way adjacent to development sites shall be landscaped in a manner that enhances the visual character of City streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping may utilize the following:
 - a. **Street Trees.** Street tree plantings may be required for all development projects along the margins of street rights-of-way in the City, subject to the following:
 - 1) Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 40 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.
 - 2) Existing trees near or within street rights-of-way shall be preserved where feasible.
 - 3) Permits may be required by the City, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.
 - b. **Groundcover Plantings Within Street Rights-Of-Way.** Street rights-of-way shall be planted with grass or other suitable ground cover.
 - c. **Maintenance of Right-Of-Way Landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).
2. **Landscaping Within Parking Lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area. Such planting islands shall be subject to the following:
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 160 square feet.

- b. A minimum of one (1) deciduous shade tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
- c. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.
- d. All landscaping and perimeter screening shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

F. Required Screening.

1. **Uses Required to Be Screened.** The following uses shall be required to install screening to effectively minimize negative impacts on adjacent uses and rights-of-way.
 - a. **Nonresidential Lots.** Any lot occupied by a nonresidential use shall install a screening wall along the entire length of any property line which is adjacent to a lot zoned R, Residential or occupied by a one-unit dwelling in accordance with the standards of this section.
 - b. **Off-Street Parking Lots.** Any property with an off-street parking lot shall install a screening wall, or other effective method of screening along any property line adjacent to a residentially used lot. Right-of-way decorative fencing shall be installed along any right-of-way line directly adjacent to an off-street parking lot. The fencing shall be located on the parking lot property and not within the right-of-way.
 - c. **Outdoor Storage Yards.** Any lot with an outdoor storage yard shall install a screening wall along the entire perimeter of the storage yard which is not directly adjacent to a permanent building located on the same lot.
2. **Types of Screening.** During the plan review process, the Community Development Director or Planning Commission shall determine which of the following methods of screening shall be used to meet the screening requirements of this section.
 - a. **Screening Walls and Fences.** See Hazel Park Municipal Code Title 15, Buildings and Construction, Chapter 15.12 - Fences, for regulations regarding fences and screen walls.
 - b. **Right-of-Way Decorative Fencing.** The purpose of this method is to allow for an urban-style decorative fence that continues or establishes a street wall along the property line while utilizing minimal land area and adding to the overall urban appearance. Such fencing shall be comprised of decorative wrought iron type fencing with brick piers located at each end. Additional brick piers shall be located between the two ends of a fence line and shall be positioned no greater than fifteen feet from any other brick pier. Such fencing shall have a minimum height of three (3) feet and a maximum height of four (4) feet.
 - c. **Greenbelt Buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses are less intense than the use of the subject site. Greenbelt buffers shall consist of the following:
 - 1) Greenbelts shall have a minimum width of eight (8) feet and may be interrupted only to provide for pedestrian or vehicular access.
 - 2) Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.

- 3) A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length along a property line or street frontage.
 - 4) Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - 5) The greenbelt length shall be measured along the centerline of the greenbelt for its entire length,
- d. **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows.

Section 17.06.030

Lighting Standards

Lighting shall be provided to preserve, protect, and enhance the lawful nighttime use and enjoyment of properties in the City through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. The design and illumination standards of this section shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent lots, except where specifically exempted herein.

A. Review and Approval Required.

1. **Projects Requiring Photometric Plan Submittal.** A photometric plan shall be submitted when a site plan review is required by the Planning Commission. The photometric plan shall include the location, mounting height and light levels for all existing and proposed light sources. Detailed cut sheets for all fixtures shall be submitted for fixtures in compliance with the standards of this section. The Community Development Director may request the submittal of a photometric plan and/or light fixture cut sheets for projects requiring administrative sketch plan review or plot plan review.
2. **Installation or Replacement of Existing Light Fixtures.** The installation of any new light fixtures or the replacement of existing light fixtures shall require compliance with the standards of this section.

B. Required Lighting Levels and Areas.

1. **Vehicle Areas.** All access driveways, parking and loading areas shall have an average minimum light intensity illuminance level of 1.0 footcandle at grade. The curb cut approach for each access driveway that intersects with a public street shall have a minimum illuminance level of 1.0 footcandle at grade. Light shall be allowed to trespass the property line to ensure the minimum illuminance level is provided and that vehicle drivers have a clear and visible view of the driveway and any vehicle in the driveway. The minimum illuminance level shall be maintained from dusk until dawn.

- a. Vehicle areas located under a canopy, including but not limited to, gas station canopies and drive-through service canopies, shall not have illuminance levels exceeding 20 footcandles.
2. **Pedestrian Areas.** All sidewalks, walkways, pedestrian paths and building entrances and exits shall have a minimum light intensity illuminance level of 2.0 footcandles at grade.
3. **Areas Adjacent to Residential Uses.** Lighting for uses adjacent to any lot used exclusively for a single family dwelling shall be designed and maintained such that illumination levels do not exceed 0.3 footcandle along any property line shared with the single family dwelling.

C. Light Fixture Standards.

1. **Height.** Light fixtures shall not exceed a height of 20 feet measured from the ground level to the bottom edge of the light source.
2. **Fully Shielded Fixtures Required.** All light fixtures shall have a light source that is located behind or within an opaque barrier such that light from the fixture does not emit above the horizontal plan of the opaque barrier, i.e. 90 degrees from nadir where nadir is the angle pointing directly downward from the fixture. Figure 17.06.A shows examples of unshielded fixtures which are prohibited and fully shielded fixtures that are acceptable. The fixtures shown in Figure 17.06.A are merely shown to demonstrate options and are not regulatory in and of itself.
3. **Fixture Direction.** All light fixtures shall be pointed and directed downward to the ground, i.e. towards nadir.
4. **Fixture Mounting.** All light fixtures shall be mounted to a wall or pole with a fixed bracket that does not allow the fixture to be tilted or angled.
5. **Required Sensors and Controls.** All light fixtures shall be installed with photocells and an automated power control that will automatically turn on and off the light fixture based on ambient outdoor light conditions.
6. **Correlated Color Temperature Standards.** All light fixtures shall not exceed a color temperature of 5000 degrees Kelvin.

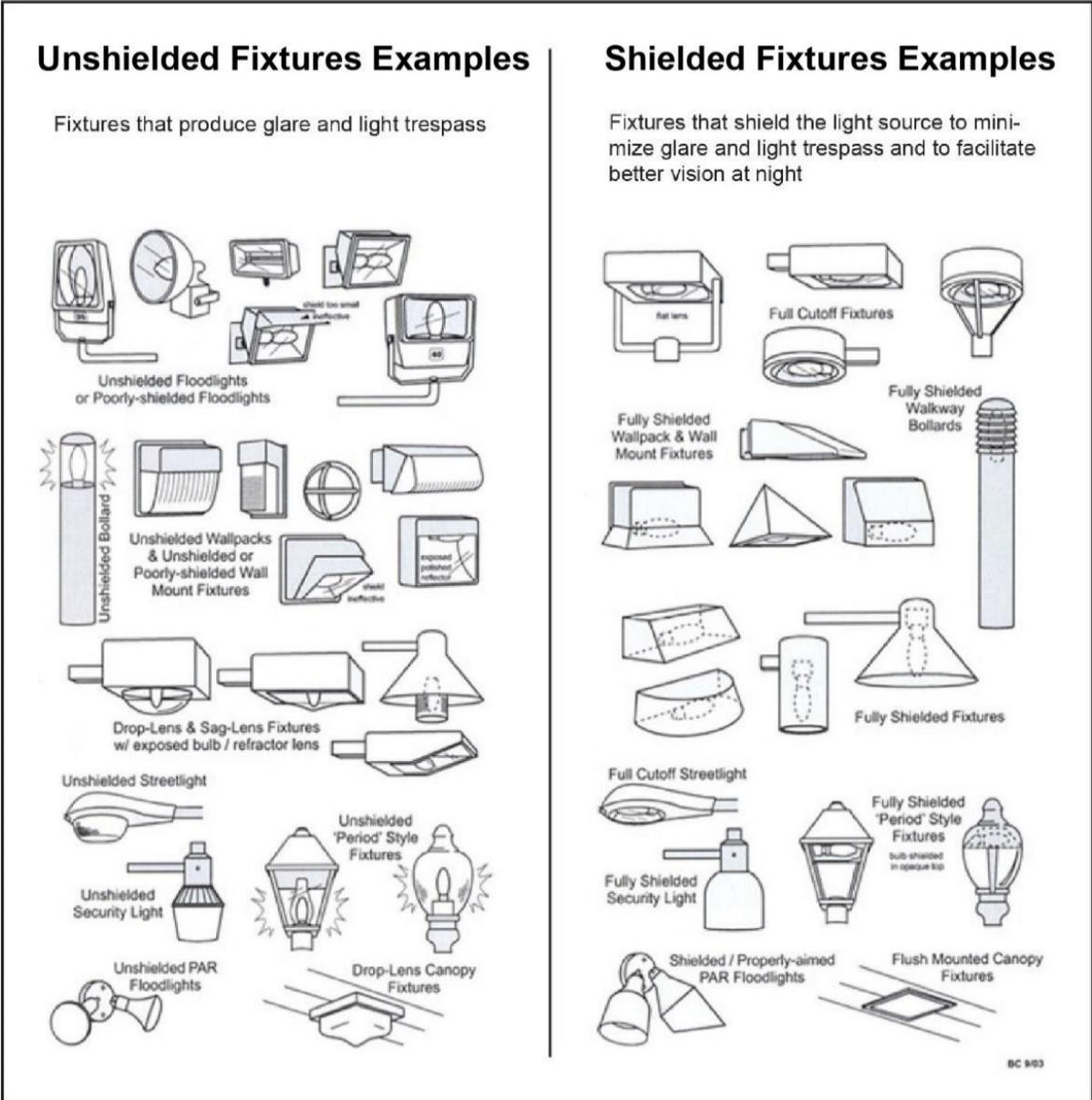


Figure 17.06. A - Examples of Light Fixtures

D. **Lighting Design and Glare.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or for vehicles traveling in adjacent streets. In general, the light source or light emitting element of any light fixture should not be directly visible from a neighboring property, as this is the primary cause of glare. Light fixtures shall be located to direct forward light away from adjacent dwellings and into the interior of a site. Light fixtures shall use backlight glare shields to further reduce high and very high backlight from fixtures.

E. Prohibited Lighting.

1. Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement, are prohibited.
2. Rope lighting, tube lights and strips/ribbons of LED lighting are prohibited, including those located on the interior of a building but designed to be visible through a window.
3. The operation of searchlights for advertising purposes is prohibited.

F. Exempt Uses. Single family dwellings and the use of holiday decorations are exempt from the requirements of this section, except that the Building Official may take steps to minimize glare, light trespass or light pollution impacts when it is determined to be necessary to protect the health, safety and welfare of the public.

G. Exceptions. It is recognized by the City that there are certain uses or circumstances not otherwise addressed in this section, such as sports stadiums, street lighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Building Official, or the Planning Commission when site plan or special land use review by the Commission is required, may waive, or modify specific provisions of this section for a particular use or circumstance upon determining that all of the following conditions have been satisfied.

1. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance, or site.
2. The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
3. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
4. Additional conditions or limitations may be imposed by the review authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

Section 17.06.040

Parking Standards

A. Purpose. In all zoning districts, space shall be provided as specified in this chapter for the parking and storage of self-propelled motor vehicles for the use of occupants, employees and patrons of buildings hereafter erected, altered or extended after the effective date of this section.

B. General Requirements.

1. **Provision of Spaces Required.** Whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity or similar means, automobile off-street parking with adequate access to all spaces shall be provided in accordance with the provisions of this Section.

2. **Alteration of Existing Parking.** Existing off-street parking facilities accessory to an existing building or use shall not be reduced to an amount less than the minimum required by this Section for a similar new building or new use. The minimum required off-street parking spaces shall not be replaced by any other use unless adequate parking facilities meeting the standards of this Section have first been provided at another location.
 3. **Pedestrian Circulation.** Parking lot layouts shall attempt to accommodate pedestrian circulation. Where applicable, pedestrian crosswalks shall be provided, shall be distinguished by textured paving or pavement striping, and shall be integrated into the sidewalk network.
 4. **Cross Access Connections.** Common, shared parking facilities are encouraged. As such, wherever feasible, cross-access connections between adjacent parking lots, or a future connection when no adjacent parking lot exists but can reasonably be expected to be constructed on an adjacent parcel at a future date are required. Blanket cross-access easements across the entire connected parking lot area shall be provided for lots under separate ownership or management. The cross-access easement shall be recorded with the Oakland County Register of Deeds.
 5. **Prohibited Activities.** An unenclosed off-street parking space may not be used for the storage or parking of trailers, mobile homes, junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description. No repairs or service to vehicles and no display of vehicles for the purpose of sale shall be carried on or permitted on areas designated as required off-street parking.
 6. **Certificate of Occupancy.** No certificate of occupancy shall be issued upon completion of any newly constructed building, extension or addition to an existing building or use modifications done under authority of a site plan approval unless and until all off-street parking and loading space requirements shown on the plans, or made a part of the building permit, shall be in place and ready for use.
 7. **Maintenance.** All paving, directional devices and protective equipment, landscaping and other equipment furnished or required as part of an off-street parking facility shall be maintained by the owner or tenant to ensure safe pedestrian movement, vehicular operation, adequate protection of adjoining properties, and to present a neat and attractive appearance. Property owners shall be required to repair, partially or completely resurface or reconstruct any parking lot that develop surface depressions, potholes, cracks or deterioration that can damage vehicles, hold standing water, or create an unsafe pedestrian walking surface, as determined by the Building Official.
- C. **Number of Off-Street Parking Spaces.** The number of off-street parking, stacking, and loading spaces shall be provided in accordance with the following standards.
1. **Minimum Parking Spaces by Use.** The minimum number of off-street parking spaces by type and use shall be determined in accordance with Table 17.06.E.

TABLE 17.06.E - Minimum Required Off-Street Parking

Type: Civic and Institutional	
Default civic/institutional use standard	1 space per 3 persons permitted at maximum occupancy
Municipal buildings and uses	1 space per employee
Places of worship	1 space for each 3 persons permitted in the main worship hall at maximum occupancy
Municipal Parks, Recreation and Open Space Facilities	1 space for each 3 persons
School, elementary or middle	1 space per employee + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
School, high	1 space per employee + 1 space per each 10 students + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
Type: Commercial	
Default commercial use standard	1 space per 350 sq. ft. of usable floor area
Car wash	1 space per employee + ten stacking spaces per wash line or bay + 1 exit stacking space for post-wash detailing
Drive-in or drive-through facilities	3 stacking spaces per general use service window or station, or 10 stacking spaces per restaurant service window
Hotel, motel, or other lodging	1.1 spaces per room
Office, medical or professional	1 space per 350 sq. ft. of usable floor area
Nursery schools, day nurseries, and child care centers	1 space per 10 pupils + 1 space per employee
Outdoor sales	1 space per 1,000 sq. ft. of outdoor sales or display area
Places of assembly (where parking demand is generated by occupancy rather than floor area, such as banquet halls, movie theatres, etc.)	1 space per 3 persons permitted at maximum occupancy
Restaurant	1 space per 3 persons permitted at maximum occupancy
Retail sales and service establishments	1 space per 350 sq. ft. of usable floor area
Self-Storage Facility	5 spaces + 1 space per employee
Type: Industrial	
Default industrial use standard	1 space per 550 sq. ft. of usable floor area
Manufacturing	1 space per 550 sq. ft. of usable floor area + 1 space per 350 sq. ft. of office usable floor area
Research/Laboratory Facility	1 space per 350 sq. ft. of dedicated office spaces + 1 space per employee in laboratory floor area
Warehouse/distribution Facility	1 space per 1,700 sq. ft. of usable floor area + 1 space per 350 sq. ft. of office floor area

Type: Residential	
Elderly housing, independent living and senior housing	0.8 spaces per dwelling unit
Elderly housing, dependent (including nursing homes and assisted living)	0.5 spaces per resident sleeping room
Adult foster care facility	0.25 spaces per resident
Manufactured housing park	2 spaces per dwelling unit
Multiple Unit Dwellings (three or more units)	1.5 spaces per dwelling unit with 2 or fewer bedrooms + 0.2 visitor spaces per dwelling unit
	2 spaces per dwelling unit with 3 or more bedrooms + 0.25 visitor spaces per dwelling unit
One and two unit dwellings	2 spaces per dwelling unit with 4 or fewer bedrooms
	1 space for each bedroom per dwelling unit with 5 or more bedrooms

2. **Uses Not Listed.** For uses not specifically listed in Table 17.06.E, the default parking standard for that type of use shall apply, unless the Planning Commission determines that the standard for a similar listed use is more appropriate.
3. **Lots and Buildings with More Than One Use.** Where more than one use is present in a building or a site, such as a gas station with convenience store and restaurant, the various components of the use shall comply with the requirement for each component based on their individual characteristics such as floor area, employees, or other applicable characteristic.
4. **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
5. **Units of Measurement.** The following units of measurement are used in calculating required parking:
 - a. **Floor Area.** Where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
 - b. **Usable Floor Area.** Usable floor area shall mean the floor area used for service to the public and shall not include floor area used for storage or processing and packaging of merchandise where it is undertaken in a room in which service to the public is not involved. When usable floor area is not known at the time of site plan submittal, 80 percent of the total floor area shall be used for usable floor area for parking computations.
 - c. **Places of Assembly.** For places of worship or similar places of assembly in which those in attendance occupy benches, pews or similar seating, each twenty-four (24") inches of such seating shall be counted as one (1) seat.
 - d. **Employees.** For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.
6. **Maximum Parking Permitted.** In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed one hundred ten percent (110%) of the minimum parking requirements of Table 6.1. This requirement shall not apply to single-family or two-family dwellings. The Planning Commission may permit additional parking over and above the maximum parking limit based.

7. **Reduction of Parking Requirements.** The Planning Commission may reduce parking requirements based upon a finding that there will be a lower demand for parking due to one (1) of the following factors:
- a. **Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers.** Site design shall incorporate pedestrian connections to the site that provide safe and convenient access to the building entrance.
 - b. **Availability of other forms of transit.** The Planning Commission may require that the site design incorporate transit stops, pedestrian connections to transit stops, or enhanced bicycle parking facilities.
8. **Shared Parking.** The minimum parking requirement may be adjusted by a shared parking factor that considers a mixture of uses sharing a common parking facility when different types of uses have different peak usage times. The uses that share a common parking facility may be located within a single building or in separate buildings located on the same or adjacent lots.
- a. **Shared Parking Calculation.** The total number of parking spaces required for two (2) or more land uses sharing a parking lot or located on the same or adjacent parcel of land shall be determined by the following procedure:
 - 1) Multiply the minimum parking required for each individual use, as set forth in Table 17.06.F Shared Parking Factors, by the appropriate percentage indicated in the for each of the six (6) designated time periods.
 - 2) Add the resulting sums for each of the six (6) columns.
 - 3) The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
 - 4) If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the Shared Parking Factor table, as determined by the Planning Commission, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Planning Commission shall determine the appropriate shared parking requirement, if any, for such uses.
 - b. **Agreement.** A written agreement between joint users in a form approved by the City shall be filed with the Oakland County Register of Deeds. The agreement shall ensure the continued availability of the parking facility for the uses it is intended to serve.

TABLE 17.06.F - Shared Parking Factors

Land Use	Weekdays			Weekends		
	1 AM - 7 AM	7 AM - 7 PM	7 PM - 1 AM	1 AM - 7 AM	7 AM - 7 PM	7 PM - 1 AM
Residential	95%	25%	95%	95%	75%	95%
Commercial/ Retail	0%	95%	75%	0%	90%	75%
Office/Service	5%	95%	5%	0%	10%	0%

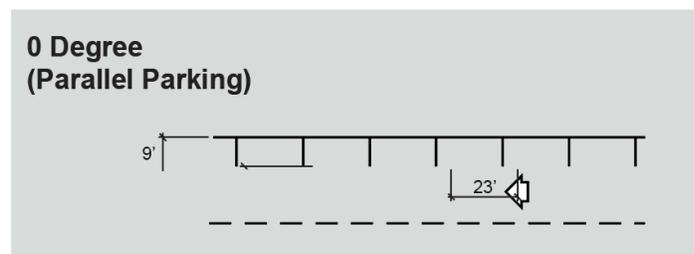
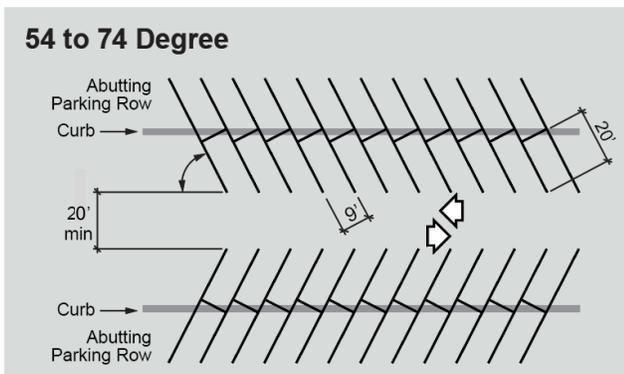
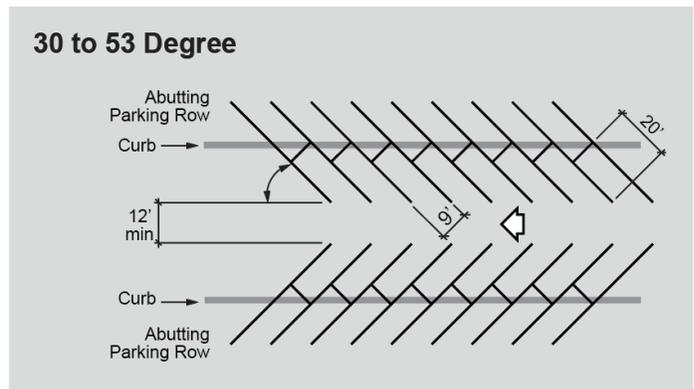
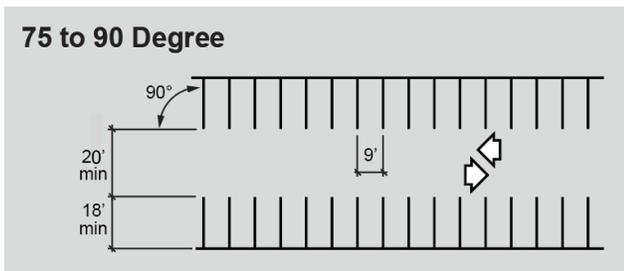
D. Location of Driveways and Parking Areas

1. **Residential Dwelling Uses.** Off-street parking facilities required for residential dwellings shall be located on the same lot or premises they are intended to serve. No portion of the front yard shall be paved or used for a vehicle access driveway or parking except in compliance with the following standards:
 - a. **Required Paving.** Driveways and parking spaces shall be paved with concrete, asphalt or masonry paver blocks and shall be prohibited from using gravel, mulch, soil and any other surface except that pervious concrete, asphalt and masonry pavers may be permitted.
 - b. **Driveways and Approaches.** The approach located in the right-of-way connecting the road travel lane to the private driveway shall not be greater than 16 feet in width. Driveways on the residential lot shall match the width of the approach within the first ten (10) feet from the front lot line. Driveways shall be a minimum of eight (8) feet in width for the entire length of the driveway.
 - c. **One Unit Dwelling with No Garage or Detached Garages.** Lots with no garage or a detached garage shall be permitted one driveway that is not located between the principal structure and the front lot line.
 - d. **One Unit Dwelling with an Attached Garage.** Lots with attached garages shall be permitted one driveway located between the attached garage, the closest side lot line and the front lot line. No part of the driveway shall be located between the residential portion of the principal structure and the front lot line.
 - e. **Two Unit Dwellings.** Lots with two dwelling units shall have two (2) separate approaches and driveways for each dwelling unit. No part of any driveway shall be located between the residential portion of the dwelling and the front lot line.
 - f. **Dwellings with Three or More Units.** Lots with three (3) or more dwelling units shall have an off-street parking lot meeting all applicable requirements of Sec. 17.06.040. Off-street parking shall be located in the rear yard.
 - g. **Permitted Parking Areas.** Vehicle parking shall only be permitted on hard surface driveways and within garages.
2. **Mixed Uses and Non-Residential Uses.** Off-street parking facilities required for mixed-use and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 500 feet of the use it is intended to serve, measured from the nearest point on the lot line of the use to the nearest point on the lot line of the off-street parking lot.
 - a. **Parking Lot Location.** Off-street parking facilities associated with mixed uses and non-residential uses shall be located to the rear of the primary structure whenever feasible. Off-street parking facilities required in the TC Town Center zoning district shall not be located in the front yard.

E. Parking Lot Layout and Construction. Required off-street parking spaces shall be located in a parking lot that is designed, constructed and maintained in accordance with the following requirements.

1. **Ingress and Egress.** Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided from the adjacent public right-of-way or access drive to the parking lot.
2. **Backing Onto Public Right-Of-Way.** Backing a vehicle onto or from public rights-of-way (public alley excepted) is prohibited in all areas except residential areas. Parking spaces shall be designed and arranged so that it is more convenient for the parking space user to accomplish the necessary backing movements on the private property than it is to work onto or from the public rights-of-way.

3. **Screening.** Parking lots shall be screened from adjacent residential uses and public rights-of-way in accordance with Sec. 17.06.020(F).
4. **Landscaping.** Parking lots shall provide landscaping in accordance with Sec. 17.06.020(E).
5. **Lighting.** Parking lots shall provide adequate lighting in accordance with Sec. 17.06.030.
6. **Hardtop Surfacing.** All parking areas and drives shall be provided with asphaltic or concrete surfacing so as to provide a permanent, durable, and dustless surface. Single family residential driveways may be constructed of masonry pavers or a permeable hard surface as permitted in Sec. 17.06.040(D)(1)(a).
7. **Curbing.** Off-street parking lots shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of required landscaping, adjoining properties, streets and sidewalks shall be provided and maintained.
8. **Grading and Drainage.** All parking lots shall be graded and provided with proper internal drainage facilities to dispose of all surface water, in a manner to be approved by the City Engineer and according to the requirements of Oakland County prior to the issuance of an occupancy permit. No surface water from such parking area shall be permitted to drain onto adjoining property.
9. **Bumper Stops / Wheel Chocks.** Bumper stops or wheel chocks shall be provided where deemed necessary by the city to prevent any vehicle from projecting over the lot line or from damaging any wall, fence or other structure.
10. **Parking Space and Drive Aisle Dimensions and Configuration.** The layout of off-street parking facilities shall be in accordance with the following minimum requirements of Figure 17.06.B shown below.
 - a. **Spaces adjacent to walls and other structures.** When a parking space is located adjacent to a fixed object, such as a wall, fence, or support post, which interferes with the opening of any vehicle door, the width of the space shall be increased by one foot.



11. **Surface Striping.** All off-street parking lots with three (3) or more parking spaces shall have clearly marked and distinct parking spaces meeting the minimum parking space width and depth of Figure 17.06.B. All parking spaces shall be outlined with a minimum of three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.

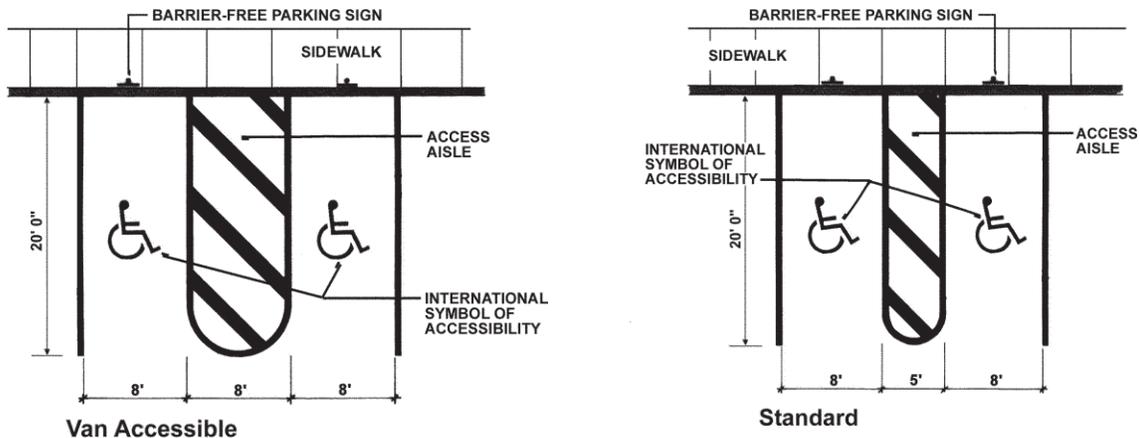
F. **ADA Accessible Parking Space Standards.** Off-street parking facilities, other than for residential dwellings with four or less units, shall be designed, constructed, and maintained in accordance with the following:

1. **Number Required.** Accessible parking spaces in compliance with the American with Disabilities Act shall be provided based on the number of parking spaces provided on site. The minimum number of ADA accessible spaces required are not in addition to the minimum number required in Table 17.06.E but are included as a part of the overall total number of spaces required within a parking lot.

Table 17.06.G - Minimum Required ADA Parking Spaces

Number of Parking Spaces Provided	Van Accessible Parking Spaces Required	+ Accessible Parking Spaces Required	= Total Number of ADA Spaces Required
Up to 25	1	0	1
26 to 50	1	1	2
51 to 75	1	2	3
76 to 100	1	3	4
101 to 150	1	4	5
151 to 200	1	5	6
201 to 300	1	6	7
301 to 400	1	7	8
401 to 500	2	7	9
501 to 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces	2% of total parking provided in each lot
1,001 and over	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces	20 + 1 per 100 spaces over 1,000

2. **Parking Space and Access Aisle Dimensions.** ADA accessible spaces shall comply with the minimum dimensional standards shown in Figure 17.06.C shown below.



3. **Location and Identification.** ADA accessible spaces shall be accessible from and conveniently located near each primary building entrance. ADA accessible spaces shall be identified by above grade signs and pavement striping as shown in Figure 17.06.C.

G. Commercial and Recreational Vehicle Standards.

1. Commercial vehicles shall comply with the following standards:
 - a. Commercial vehicles shall have a valid state license and be fully operable.
 - b. A commercial vehicle shall not be parked on public streets, except that this provision shall not be construed as to prevent the temporary parking of emergency vehicles, delivery trucks, moving vans and similar vehicles used for delivery of goods and services, nor the parking of commercial vehicles at an active construction or building job site that has an active building permit.
 - c. One commercial vehicle only, with a rated capacity not to exceed three-quarter of a ton, may be parked on a residential lot, provided that the vehicle is not a utility truck, such as a wrecker, septic tank pumper, or a vehicle that carries flammable or toxic materials. Commercial vehicles not parked in a garage shall be parked in a rear yard on a paved surface meeting the requirements of Sec. 17.06.040(D)(1)(a).
2. Recreational vehicles shall comply with the following standards:
 - a. No recreational vehicle shall be stored or parked anywhere on the public street or utility right-of-way or easements. These provisions shall also apply to utility trailers or trailers used for display or demonstration purposes.
 - b. No recreational vehicle shall be kept or stored outside on any property, unless such property is licensed as a recreational vehicle storage yard by the City of Hazel Park, for a period of longer than one week except in compliance with all of the following conditions:
 - 1) The recreational vehicle shall be owned, rented or leased by the owners or occupants of the property on which the same is stored and shall be currently State of Michigan licensed.
 - 2) Not more than one recreational vehicle shall be kept or stored outdoors at one time.
 - 3) Recreational vehicles kept or stored outdoors shall not exceed 8 feet in width or 32 feet in length.
 - 4) Storage of recreational vehicles shall be in the rear yard only on a paved surface meeting the requirements of Sec. 17.06.040(D)(1)(a).
 - 5) All recreational vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses is prohibited.
 - c. Recreational vehicles shall not be used for living, lodging or housekeeping purposes.
 - d. See Chapter 8.28, Vehicle Storage, of the Hazel Park Municipal Code for additional requirements.

H. Off-Street Loading.

1. **Prohibited Loading Location.** All uses shall be prohibited from utilizing the vehicle travel lanes of public streets for the loading and/or unloading of any merchandise, items or passengers. In no way shall any loading/unloading activity block or impede the flow of vehicles in dedicated travel lanes of public streets.

2. **Loading Location Requirement.** Any use that shall have loading/unloading activities as a regular component of their use, including, but not limited to, scheduled delivery of merchandise or goods once or more per week, or residents moving in or out once or more per month, shall be required to have a designated loading location. A designated loading location shall be of sufficient size to accommodate a delivery vehicle, shall not interfere with the free flow of vehicles, and shall be located on an asphalt or concrete surface. The zoning administrator or Planning Commission if a proposed use is required to obtain their site plan approval, shall make the determination that the proposed loading location will meet all applicable standards and regulations.

I. Bicycle Parking Standards.

1. **Purpose.** All civic, institutional, commercial, and industrial developments shall be designed to accommodate bicycle travel, including bicycle parking.
2. **Bicycle Parking Space Standards.** The standard bicycle parking space shall be 2 feet wide and 6 feet long. There must be at least 5 feet behind all required bicycle parking spaces to allow room for bicycle maneuvering. Where required bicycle parking is adjacent to a sidewalk or other pedestrian connection, the maneuvering space may be extended into that right-of-way. A wall clearance of 2 feet on the side opposite the maneuvering space shall be provided. Each parking space shall be provided a bicycle parking implement.
3. **Number Required.** All uses shall provide a minimum number of bicycle parking implements, such as a bike rack, sufficient for the number of bicycles according to Table 17.06.H or a minimum of 4 bicycles, whichever is greater. Where this requirement would result in fractional implements, the minimum required number of bicycles shall be rounded to the nearest whole number.

Table 17.06.H – Minimum Bicycle Parking Requirements

Use Type	Minimum Number of Spaces
Civic & Institutional	1 per 2,000 sq. ft.
Commercial – Default	1 per 1,000 sq. ft.
Commercial – Restaurants, Retail Sales, and Service Establishments	1 per 500 sq. ft.
Industrial	1 per 4,000 sq. ft.
Residential – One & Two-Unit Dwellings	Not required
Residential – Dwellings with Three or More Units	1 per unit
Parking Lots & Structures	1 per 10 automobile spaces

4. **Location of Bicycle Parking Areas.** Where possible, bicycle parking shall be placed adjacent to the front entrance pedestrian connections and also adjacent to or as near as possible to a public right-of-way by which bicycle traffic may enter the site. Bicycle parking may be placed in the public right of way if any and all relevant City, County, State, and/or Federal approvals are obtained.
5. **Shared Parking.** Uses within the same lot or those nearby may share bicycle parking, so long as the bicycle parking is no further than 150 feet from the boundaries of any of the lots sharing bicycle parking. When calculating the number of bicycle parking implements required, sum the number (including fractional spaces) required by all uses sharing bicycle parking and apply the minimum of 4 or round to the nearest whole number, as applicable.
6. **Maintenance.** All bicycle parking areas and implements shall be properly maintained, including but not limited to being sightly, in good working order, readily accessible, and free from damage, debris, rust, dilapidation, graffiti, grass and weeds, etc.

Section 17.06.050

Signage Standards

See Hazel Park Municipal Code Title 15, Buildings and Construction, Chapter 15.44 - Sign Code, for regulations regarding signage.

Chapter 17.07

Use Standards

Section 17.07.010

Adult Businesses

- A. **Purpose.** In the preparation and enactment of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable characteristics which have a deleterious effect upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Village's residential neighborhoods and commercial centers. It is the intent of this Section to provide reasonable regulations for the establishment of these uses in a viable, accessible location where the adverse impact of their operations may be minimized.
- B. **Definitions.** The terminology and uses referenced and regulated by this section shall be defined as cited in Chapter 17.02 Definitions.
- C. **Required Setbacks.**
1. No adult business as defined herein shall be permitted within 1,000-foot radius of an existing adult business. Measurement of the 1,000-foot radius shall be made from the outer most property line boundaries of the lot or parcel upon which the proposed adult business will be situated to the nearest point on a property line of the lot or parcel which any other existing adult business is located.
 2. No adult business as defined herein shall be permitted within a 1,000-foot radius of any school, library, park, playground, movie theater, skating rink, pool hall, licensed child care facility as defined in the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seg. as amended, or church, convent, monastery, synagogue, or similar place of worship. Measurement of the 1,000-foot radius shall be made from the outer most property line boundaries of the lot or parcel upon which the proposed adult business will be situated to the nearest point on a property line of the lot or parcel which the buffered use is located.

- D. **Visibility of Related Material.** The building and premises shall be designed and constructed so that material depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right of way. This provision shall apply to any display, decoration, sign, show window, or other opening.
- E. **Residential Use Prohibited.** No person shall reside in or permit any person to reside in the building or on the lot of an adult business.
- F. **Medical Massage Use.** The provisions of this Article regarding massage parlors, shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, certified members of the American Massage and Therapy Association, and certified members of the International Myomassethics Federation or an individual specifically trained and licensed pursuant to Public Act 471 of 2008, as amended.
- G. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.

Section 17.07.020

Bed and Breakfast Lodging

- A. **Owner’s Primary Residence.** The dwelling shall be the primary residence of the property owner.
- B. **Residential Character.** The bed and breakfast shall not alter the character of the dwelling as a residence.
- C. **Maximum Number of Rooms and Guests.** No more than five guest rooms, and no more than ten guests at any one time, are permitted.
- D. **Maximum Occupancy Period.** Occupancy by any one guest shall not exceed 30 cumulative nights within any 3-month period.

Section 17.07.030

Child Care Facilities

- A. **State License Compliance.** All child care facilities shall be registered with and licensed by the applicable State of Michigan department, shall comply with the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seq. as amended along with all applicable state rules and shall maintain on file with the City a copy of a valid State license.

- B. **Outdoor Play Area.** Group Child Care Homes and Child Care Centers shall provide and maintain for each child cared for a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than 1,200 square feet. Said play area shall be fenced and screened from any adjoining lot in any residential district. A public park that meets the State requirements for being located within an acceptable distance from the child care facility may meet this requirement with approval provided from the state.
- C. **Off-Street Parking.** Group Child Care Homes and Child Care Centers shall provide a dedicated off-street parking facility where vehicles dropping off children shall park, and an adult shall escort a child from the parked vehicle into the child care facility. The Community Development Director, or Planning Commission if site plan review is required, shall determine that the proposed parking configuration and the plan for child drop-off/pick-up provides a safe and effective method for children to enter the facility and does not negatively impact adjacent uses. Any City approved parking plan shall not conflict with the requirements of the State of Michigan Child Care Licensing Bureau or any subsequent successor agency.

Section 17.07.040

Cigar Lounge, Hookah Lounge, Smoke Shop

- A. **Setback Requirement.** A cigar lounge, hookah lounge or smoke shop shall be setback a minimum of 1,500 feet from any other cigar lounge, hookah lounge or smoke shop. The setback shall be measured from the nearest point on the lot line of the cigar lounge, hookah lounge or smoke shop to the nearest point on the lot line of any other cigar lounge, hookah lounge or smoke shop.

Section 17.07.050

Contractor's Storage Yard

- A. **Outdoor Storage Yard.** The storage of vehicles and or materials associated with a contractor's facility shall only be located on-site within a fully enclosed building or an outdoor storage yard. The outdoor storage yard shall be completely enclosed on all sides with an eight (8) foot high decorative masonry wall and/or the wall of a building located on the lot. Gates providing access to the outdoor storage yard shall be comprised of a ridged metal frame and an opaque metal screen. Chain link gates shall be prohibited.
- B. **Location.** Outdoor storage yards shall not be permitted between the front lot line and the front building line of any lot.
- C. **Prohibited Vehicles.** No partially dismantled, wrecked or unregistered vehicles shall be stored on-site.
- D. **Residential Screening.** All outdoor storage yards shall be screened with an opaque barrier from any adjacent public right-of-way and any adjacent residentially zoned or used lot. Such screening may be comprised of a six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall, a completely opaque fence or an effective method of screening as determined by the Community Development Director.

Section 17.07.060

Drive-Throughs

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the requirements of this section.

- A. **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Building Design.** Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.
- C. **Building Location and Orientation.** The principal building to which the drive-through use is accessory should be located at or near the front setback line and, if applicable, side street setback lines. Any building with a drive-through use shall have a prominent pedestrian entrance facing each street upon which it has frontage.
- D. **Drive-Through Setback.** Drive-through uses, including the drive-through window and any canopies, shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front or side street building wall of the primary structure.
- E. **Stacking Lane.** A minimum of ten (10) stacking spaces, measuring 10 feet wide by 20 feet long, shall be required per final pick-up window. Ordering stations and stacking lanes shall not be located between the building and the front lot line of the principal street. Stacking lanes shall not be located to interfere with vehicles accessing and exiting any designated parking space. Stacking lanes shall be located entirely on private property and shall not utilize any portion of or cause any interference to a public right-of-way or conflict with safe movement along any sidewalk.
- F. **Escape Lane.** A ten (10) foot wide escape lane shall be provided adjacent and running parallel to the full length of the drive-through lane. The escape lane may also function as an interior access drive for vehicles accessing parking spaces and circulating through the lot.
- G. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- H. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Section 17.07.070

Event Space (Rental Hall)

- A. An event space facility shall provide a dedicated kitchen for the preparation and storage of food for an event in compliance with all applicable Oakland County Health Department standards. Kitchen facilities shall contain commercial grade equipment including, but not be limited to, a refrigerator, freezer, oven, stove top, microwave, sink, dish washer and storage pantry.
- B. Event space facilities shall have a minimum interior net floor area of 5,000 square feet.

Section 17.07.080

Hotel

- A. Rooms shall be accessed from the interior of the building, including from interior courtyards, lobbies, or halls.

Section 17.07.090

Kennel (Daycare and Overnight)

- A. **Indoor Exercise Areas.** Exercise areas for animals, where they are permitted to roam and play freely, may be permitted within a completely enclosed building. All doors and windows shall be closed when the exercise area is used by any animal.
- B. **Outdoor Exercise Areas.** Outdoor exercise areas for animals shall not be permitted unless a facility complies with the following standards:
 - 1. The site is located in the RC, Regional Corridor zoning district.
 - 2. The outdoor exercise area is located behind the rear building line of the principal building.
 - 3. The outdoor exercise area is located at least sixty (60) feet from any residentially zoned or used property.
 - 4. The outdoor exercise area shall be completely enclosed on all sides with a masonry wall with a minimum height of five (5) feet and/or the wall of a building located on the lot. Any exterior wall access point to the outdoor exercise area shall include an access gate that is completely opaque.

Section 17.07.100

Marijuana Facilities

- A. **Compliance with State Standards.** All marijuana facilities shall comply with State of Michigan licensing requirements and applicable statutes, including but not limited to, Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq., the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., and the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. as amended along with all applicable state rules and shall maintain on file with the City a copy of a valid State license.
- B. **Compliance with City Standards.** All marijuana facilities shall comply with all applicable City of Hazel Park ordinances, regulations, approvals, and agreements.

Section 17.07.110

Retail Sales, Heavy

- A. **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- C. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Section 17.07.120

Retail Sales, Secondhand

Retail establishments dealing in second hand, used or damaged goods, wares or merchandise, including used books, clothing, furniture, household wares, appliances and junk shall comply with the following:

- A. **Setback.** A lot containing a secondhand retail sales facility shall be located at least 750 feet from another secondhand retail sales facility measured from the nearest lot line of one secondhand facility to the nearest lot line of any other secondhand facility.
- B. **Loading.** The loading and unloading of merchandise shall be located behind the front building line of the principal building.
- C. **Interior Operations.** All business shall be conducted entirely within a completely enclosed building.
- D. **Additional Ordinance Requirements.** See Chapters 5.39, Junk Dealers and Collectors and 5.54 Pawnbrokers of the Hazel Park Municipal Code.

Section 17.07.130

Vehicle Fueling Station

- A. **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Fuel Dispenser Location.** Fuel dispenser island canopies and liquid fuel dispenser stations shall not be located within 20 feet of any property line. Vehicles being fueled and withing for access to fuel dispensers shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks, to building entrances or to designated parking spaces.
- C. **Site Circulation.** The site design of any vehicle fueling station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, designated parking spaces, or any fuel dispensing locations.
- D. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- E. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.
- F. **Additional Ordinance Requirements.** See Chapters 5.33, Gasoline Service Stations and 8.28, Vehicle Storage of the Hazel Park Municipal Code for additional requirements.

Section 17.07.140

Vehicle Service Facility, Major

- A. **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Interior Service Facilities.** All service and repair operations shall be conducted entirely within a fully enclosed building.
- C. **Prohibited Vehicles.** No partially dismantled, wrecked or unregistered vehicles shall be stored on-site.
- D. **Overnight Vehicle Storage.** Any vehicles that are actively undergoing repairs shall only be stored overnight on-site within a fully enclosed building or an outdoor storage yard. The outdoor storage yard shall be completely enclosed on all sides with an eight (8) foot high decorative masonry wall and/or the wall of a building located on the lot. Gates providing access to the outdoor storage yard shall be comprised of a ridged metal frame and an opaque metal screen. Chain link gates shall be prohibited.
- E. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.

- F. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Section 17.07.150

Vehicle Service Facility, Minor

- A. **Site Access.** There shall be only one ingress/egress drive-way per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Overnight Vehicle Storage.** The overnight parking or storage of vehicles shall be prohibited.
- C. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- D. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Section 17.07.160

Vehicle Wash Establishment (Car Wash)

- A. **Site Access.** There shall be only one (1) ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- B. **Building Orientation – Manual Wash Facility.** The entry and exit points for a manual vehicle wash bay shall be located to face interior lot lines and shall not be located to face any adjacent right-of-way property line. Manual vehicle wash bays shall be prohibited to provide direct vehicle access onto any adjacent street except for the single ingress/egress point permitted in subparagraph A above.
- C. **Stacking Lane – Manual Wash Facility.** A minimum of two (2) stacking spaces, measuring 10 feet wide by 20 feet long, shall be required per vehicle wash bay for a manual wash facility.
- D. **Stacking Lane – Automatic Wash Facility.** A minimum of ten (10) stacking spaces, measuring 10 feet wide by 20 feet long, shall be required per vehicle wash lane for an automatic wash facility. Payment stations and stacking lanes shall not be located between the building and the front lot line of the principal street. Stacking lanes shall not be located to interfere with vehicles accessing and exiting any designated parking space. Stacking lanes shall be located entirely on private property and shall not utilize any portion of or cause any interference to a public right-of-way or conflict with safe movement along any sidewalk.
- E. **Escape Lane – Automatic Wash Facility.** A ten (10) foot wide escape lane shall be provided adjacent and running parallel to the full length of the vehicle wash lane from the payment lane to the automatic wash building access point. The escape lane may also function as an interior access drive for vehicles accessing parking spaces and circulating through the lot.

- F. **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.020 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- G. **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Chapter 17.08

Nonconformities

Section 17.08.010

Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which were lawfully established prior to the effective date of adoption or amendment of this title. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this chapter to permit those nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this subchapter is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 17.08.020

General Requirements

- A. **Unlawful Nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- B. **Variances.** Any use or dimension for which a variance has been granted as provided in this title shall not be deemed a nonconformity.
- C. **Change of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change or increase in the nature or character of such nonconforming uses except in conformity with this ordinance.

- D. **Buildings Under Construction.** To avoid undue hardship, nothing in this section shall be deemed to require a change in plans, construction, or designated use of any building on which a building permit was lawfully obtained, actual construction was lawfully begun, and which said building permit is open and valid prior to the effective date of adoption or amendment of this title.
- E. **Recording of Nonconforming Uses and Structures.** The Community Development Director shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of adoption or amendment of this title. Failure on the part of a property owner to provide the Community Development Director with necessary information to determine legal nonconforming status may result in denial of required or requested permits.
- F. **Elimination of Nonconformities by Acquisition.** In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the City Council may, from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property in compliance with city ordinances. The net cost of such acquisition may be paid by a special assessment against a special assessment district in which the property is located or may be paid from other sources of revenue legally available to the city.

Section 17.08.030

Nonconforming Lots

The following requirements shall apply to any legally created lot of record that existed prior to the effective date of adoption or amendment of this title.

- A. **Existing 30-Foot Wide Lots.** Any lot that is thirty (30) feet in width or greater at the effective date of adoption of this ordinance shall be considered legally conforming. The division and/or combination of any lot after the date of adoption of this zoning ordinance shall be required to comply with all applicable zoning ordinance standards, including but not limited to, the minimum required lot width of 37 feet.
- B. **Establishment of Use.** Notwithstanding limitations imposed by other sections of this ordinance, a permitted use may be erected on any single lawfully created lot of record in existence at the effective date of adoption or amendment of this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the lot can be used in compliance with remaining dimensional standards and other requirements not involving lot area or lot width, or both, for the district in which the lot is located.
- C. **Variance from Applicable Standards.** If the use of a nonconforming lot requires a variance from any requirement of this chapter, other than the minimum lot area or width requirement, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- D. **Contiguous Lots Under Single Ownership.** If two (2) or more contiguous lots or a combination of lots or portions of lots with a continuous frontage in single ownership are of record at the effective date of adoption or amendment of this title, or at any time thereafter; and if all or part of the lots do not meet the requirements for lot area or width as established by this chapter, the lands involved shall be considered to be one single zoning lot for the purpose of this chapter, and shall comply with the following:
 - 1. No portion of such zoning lot shall be used or occupied which does not meet lot area or width requirements as established by this chapter.

2. No division of the zoning lot shall be made which leaves remaining on any lot with area or width below the requirements stated in this chapter.
 3. No existing structure located on such a zoning lot shall be permitted to be structurally altered nor shall the use of a zoning lot be permitted to be changed to another use without first combining the zoning lot into one or more recorded lots that comply with the requirements of this chapter.
- E. **Contiguous Lots with Principal Structures Under Single Ownership.** As of the effective date of adoption or amendment of this title, when two or more abutting or contiguous lots, one or more of which are nonconforming in width or area, are of record and in single ownership and each lot is occupied by a separate and independent principal structure, the two or more abutting lots shall be deemed to be their own independent nonconforming lots of record under this chapter and may function as if under separate ownership.
- F. **Combination of Nonconforming Lots.** The City may permit the combination of nonconforming lots of record into building sites less than the size requirements established by this chapter, provided that the combination of lots reduces the degree of nonconformity and results in a lot which is capable of accommodating a structure that is in conformance with the building area, setback requirements of this chapter and further provided the property owner does not own any other adjacent property that could be combined to further reduce the scope of the nonconformity or comply with the standards of this chapter.

Section 17.08.040

Nonconforming Structures

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

- A. **Increase in Nonconformity Prohibited.** A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity.
- B. **Permitted Changes to Nonconforming Structures.** Any nonconforming structure may be altered if the alteration serves to decrease the nonconforming nature of the structure. Any nonconforming structure may be expanded or altered in a manner which does not increase its nonconformity.
- C. **Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. **Damage by Fire or Other Catastrophe.** The reconstruction, repair or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this title shall comply with the following:
 1. If the sum of the expense including labor, materials and other charges for the reconstruction of damage to a nonconforming structure exceeds 100 percent of the State Equalized Value (SEV) of the entire structure at the time such damage occurred, the structure shall only be reconstructed in compliance with all requirements of the zoning ordinance.

2. If the sum of the expense including labor, materials and other charges for the reconstruction of damage to a nonconforming structure does not exceed 100 percent of the State Equalized Value (SEV) of the entire structure at the time such damage occurred, the structure may be reconstructed in a manner consistent with the pre-existing dimensional nonconformities.
 3. Any restoration of damaged structures shall comply with the following:
 - a. Such restoration shall take place within three (3) months of the time of such damage and be completed within one (1) year from time of such damage.
 - b. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access.
 - c. When a pending insurance claim requires an extension of time, the Community Development Director may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay.
- E. **Reconstruction of Unsafe Structures.** If a nonconforming structure becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- F. **Alteration and Reconstruction of One Unit Dwellings.** Nothing contained in this chapter shall prohibit a nonconforming one-unit dwelling (single-family residential) homeowner from altering, improving or reconstructing their homestead. Such alterations, improvements or reconstruction shall be subject to the following:
1. Any such project shall not increase an existing nonconformity. Additions or modifications may increase in height or extend into a required yard setback provided such a modification does not increase the distance by which an existing nonconformity already extends.
 2. Any homestead destroyed by any means, except voluntary destruction, to an extent of more than 200 percent of its state equalized value at the time of destruction, may be reconstructed by a homeowner consistent with the pre-existing dimensional nonconformities.
 3. Under this section, a homeowner may only have one homestead in the city and such homestead must be their sole residence in the city and they must be residing in or have legally resided therein at time application to enlarge, alter or reconstruct is applied for.

Section 17.08.050

Nonconforming Uses

- A. **Continuance of Nonconforming Use.** If a lawful use of land, a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this title, that would not be allowed in the district which the use is located under the terms of this chapter, such use may be continued so long as it remains otherwise lawful and in compliance with this chapter and all applicable titles.
- B. **Expansion of Use.**
1. No nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied on the effective date or amendment of this ordinance.
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
 3. No existing structure devoted in whole or in part to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- C. **Discontinuation of Use.** When a nonconforming use of land, a structure, or structure and land in combination, is discontinued or ceases to exist for 180 consecutive days or for 12 months during any three-year period, or is otherwise sooner abandoned, the land, structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. In applying this section to seasonal uses, the time during the off-season is not counted, provided that the off-season time for such a use is reported to the Community Development Director.
- D. **Change of Use.** The nonconforming use of land, a structure, or structure and land in combination may only be changed to another use permitted in the district in which such nonconforming use is located. Where the nonconforming use of land, a structure, or structure and land in combination is changed to a permitted use it may not thereafter be changed back to the previous nonconforming use.

Chapter 17.09

Ordinance Administration

Section 17.09.010

Administration, Permits, and Enforcement

- A. **Overview of Administrative Responsibilities.** The City Manager, or their duly authorized representative as specified in this article, is hereby charged with the duty of enforcing the provisions of the Zoning Ordinance. Furthermore, administrative responsibilities are vested in the following City entities and further detailed in this Article.
1. City Council
 2. Planning Commission
 3. Zoning Board of Appeals
 4. Community Development Director, and any person designated by the Community Development Director
 5. Building Official, and any person designated by the Building Official.
- B. **Responsibilities of Administrative Entities and Officials**
1. **City Council.** The City Council shall have the following responsibilities and authority in addition to any other responsibilities outlined in this Chapter.
 - a. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the City Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the City Council at a hearing or as decreed by a court of competent jurisdiction.

- b. **Setting of Fees.** The City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate City administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
 - c. **Approval of Planning Commission Members.** In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council.
 - d. **Final Approval.** Where specified in this ordinance, the City Council shall serve as the final approval authority for special land uses, planned unit developments and other development approvals as cited in this Ordinance.
2. **Planning Commission.** The Planning Commission is designated as the commission specified in Public Act No. 33 of 2008, as amended, and shall perform the duties of such commission as provided in the statute and the City of Hazel Park Code of Ordinances. The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute and the City of Hazel Park Code of Ordinances.
 3. **Zoning Board of Appeals.** The Zoning Board of Appeals (hereinafter referred to as “ZBA”) is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The ZBA’s membership, organization and duties are hereby established as cited in this Ordinance.
 4. **Community Development Director.** The Community Development Director shall have the following duties and responsibilities as outlined below and as cited in this ordinance. The Community Development Director may designate another individual to be the person responsible for enforcing and enacting certain tasks and responsibilities. When the Community Development Director is cited in this ordinance for a certain task or responsibility the person so designated by the Community Development Director with said task or responsibility shall be deemed to be equivalent to the Community Development Director.
 - a. The Community Development Director may grant zoning compliance permits for each new use upon a determination that the application is in compliance with City zoning ordinance requirements.
 - b. The Community Development Director may make inspections of buildings or premises necessary to carry out their duties in the enforcement of this chapter.
 - c. The Community Development Director may record known nonconformities as the on-going review of buildings, sites and uses results in awareness of a nonconformity.
 - d. Under no circumstances is the Community Development Director permitted to make changes to this chapter in carrying out their duties.
 - e. The Community Development Director shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant.
 - f. It shall be unlawful for the Community Development Director to approve any plans or approve the issuance of a building permit for any excavation or construction until they have inspected such plans in detail and found them to be in conformity with this ordinance.

5. **Building Official.** The Building Official shall have the following duties and responsibilities as outlined below and as cited in this ordinance. The Building Official may designate another individual to be the person responsible for enforcing and enacting certain tasks and responsibilities. When the Building Official is cited in this ordinance for a certain task or responsibility the person so designated by the Building Official with said task or responsibility shall be deemed to be equivalent to the Building Official.
 - a. The building department may grant occupancy permits or zoning compliance permits for each new use upon recommendation of the building official.
 - b. The Building Official may make inspections of building or premises necessary to carry out their duties in the enforcement of this chapter.
 - c. Under no circumstances is the building department or building official permitted to make changes to this chapter in carrying out their duties.
 - d. The building official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant.
 - e. It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until they have inspected such plans in detail and found them to be in conformity with this ordinance.

C. Permits

1. Permits Required

- a. It shall be unlawful for any person to commence excavation for, or construction of any building or structure, moving of an existing building, or structural changes or repairs in any existing building or structure without first obtaining a building permit from the city. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this title, showing that the construction proposed is in compliance with the provisions of this title and with Chapter 15.04, Building Code, of the Hazel Park Municipal Code.
 - b. No plumbing, electrical, drainage or other permit shall be issued until the Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.
 - c. "Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by Chapter 15.04, Building Code, of the Hazel Park Municipal Code, the housing law of the State of Michigan, or this title, except for minor repairs or changes not involving any of the aforesaid provisions.
2. **Permits for New Use of Land.** With the exception of owner occupied dwelling units, a license is required prior to utilizing any property within the City. See Title 5, Business Licenses and Regulations. At the time of license application, the Community Development Director shall determine whether the proposed use complies with the use regulations in this title.

- D. **Certificates of Compliance.** It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Official shall have issued a certificate of compliance stating that the provisions of this title have been complied with.

1. **Certificate Validity.** The certificate of compliance as required for new construction of or renovations to existing buildings and structures in Chapters 15.04, Building Code, and 15.09, International Property Maintenance Code, of the Hazel Park Municipal Code shall also constitute certificates of compliance as required by this title.
2. **Certificates For Existing Buildings.** Certificates of compliance shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this title.
3. **Temporary Certificates.** Temporary certificates of compliance may be issued for a part of a building or structure prior to the occupation of the entire building or structure; provided, that such temporary certificate of compliance shall not remain in force more than 6 months, nor more than 5 days after the building or structure is fully completed and ready for occupancy; and provided further, that such portion of the building or structure is in conformity with the provisions of this title.
4. **Records Of Certificates.** A record of all certificates of compliance shall be kept in the office of the Building Official, and copies of such certificates of compliance shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
5. **Application For Certificate.** Certificates of compliance shall be applied for in writing to the Building Official on forms provided by the Building Official, and shall be issued within 5 days after the receipt of such application if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this title, and Chapters 15.04, Building Code, and 15.09, International Property Maintenance Code, of the Hazel Park Municipal Code. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

E. Fees. Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this title shall be collected by the Community Development Director in advance of the issuance of such permits or certificates. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

F. Enforcement, Penalties and Remedies.

1. **Enforcement.** This chapter shall be administered and enforced by the City Manager or their designee, unless otherwise directed by city council.
2. **Penalties and Remedies.**
 - a. Whoever violates or fails to comply with any of the provisions of this chapter, or any permit, license or exception granted hereunder, or any lawful order of the building department, a building official, the community development director, the zoning board of appeals or city council, issued pursuant to this chapter, shall be subject to a penalty as provided in this ordinance.
 - b. The owner of any building, structure or premises or part thereof which is in violation of this chapter, who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.
 - c. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
 - d. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

- e. A first violation of this ordinance shall constitute a municipal civil infraction punishable by a fine not less than \$200 plus any other penalties authorized by law. Each subsequent offense within a 12-month period from the date of a previous offense shall constitute a civil infraction punishable by a fine of not less than \$500 plus any other penalties authorized by law. The requirements of this article are in addition to, and not in lieu of, all other ordinances, codes, rules, regulations, or laws. The imposition of any punishment shall not exempt the offender from compliance with the requirements of this ordinance.
- f. The use of land, dwellings, buildings, structures, tents, trailer coaches, vehicles, etc., if altered, converted, erected, used, or razed in violation of this ordinance, is declared to be a nuisance per se. The court shall order such a nuisance abated and the owner and/or agent in charge of such land, dwelling, building, structure, tent, trailer coach, vehicle, etc., shall be judged guilty of maintaining a nuisance per se.

G. Performance Guarantee.

1. **Intent and scope of requirements.** To ensure compliance with the provisions of this chapter and any conditions imposed thereunder, the Planning Commission, Community Development Director, Zoning Administrator, Building Official or their designee may require that a performance guarantee be deposited with the city, prior to the issuance of permits or approvals, to insure faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. Improvements for which the city may require a performance guarantee include, but are not limited to roadways, lighting, utilities, sidewalks, driveways, screening, grading and drainage, incomplete structures, site clean-up and landscape buffers.
2. **General requirements.** The performance guarantee shall meet the following requirements.
 - a. The performance guarantee shall be in the form of cash, certified check, irrevocable letter of credit from a Michigan lending institution, surety bond or performance bond which names the property owner/developer/contractor as the obligor and the city as the at-will obligee or beneficiary.
 - b. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project.
 - c. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the project/development/improvements for which the performance guarantee is required. Prior to the issuance of the permit authorizing the activity or project, the applicant shall provide an itemized schedule of estimated costs to complete the project/development/improvements. The amount of the performance guarantee shall be determined by the Community Development Director or Building Official and shall be reasonably related to the costs incurred by the city to complete the project/development/improvements.
 - d. The entire performance guarantee shall be returned to the applicant following issuance of a Certificate of Occupancy by the Building Official and/or final site approval by the Community Development Director or designee where appropriate. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of 10% shall be retained on each element until satisfactory completion of the entire project.

3. **Unsatisfactory completion of improvements.** Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this chapter or the Approved Site Plan, the city may complete the necessary improvements and assess all costs of completing the improvements plus interest against the performance guarantee. Prior to the city completing the improvements, the city shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 17.09.020

Site Plan Review

The procedures, standards and required information in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, to achieve efficient use of land, to protect natural resources, to promote efficient pedestrian and vehicular movements and to prevent adverse impact on adjoining or nearby properties. It is the intent of the site plan review requirements to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

- A. **Type of Plan Review Required.** No building shall be erected, moved, relocated, or structurally altered, no change or addition of use, no expansion or reduction of off-street parking, and no filling, excavation or grading shall be undertaken until a required plan has been submitted for review and approval, as specified in this section. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading or excavation which causes more than five cubic yards of earth material to be disturbed shall require review and approval as specified in this section. Plan approval shall be required prior to construction and/or occupancy of a site or structure pursuant to the submittal requirements, review procedures and approval criteria of this article. The following outlines the type of plan review required based on the project scope:
 1. **Plot Plan Review.** All plot plans shall include the location, area, and dimensions of the lot, and the use, setbacks from property lines, and dimensions for all existing and proposed structures, accessory structures and site improvements. The Community Development Director shall approve a plot plan upon the determination that the plan is in compliance with all applicable ordinances. A plot plan shall be required for the following projects:
 - a. **One-Dwelling and Two-Dwelling Residential.** The construction, renovation, or addition of a one-family or two-family residential structure, including any associated accessory structures, shall require the submittal of a plot plan. The plot plan for the construction of a new one- or two-family principal structure shall also be drawn to scale and shall include the seal and signature of a licensed professional architect or engineer.
 - b. **Re-Use/Re-Occupancy of Existing Buildings.** The re-use or re-occupancy of an existing multi-family residential or non-residential structure may submit a plot plan provided the project complies with the following:
 - 1) The proposed use shall not request or require modifications to the existing site or building as determined by the Community Development Director.
 - 2) The proposed use shall not require special land use approval.
 - 3) No variances to the requirements of this ordinance shall be required.

- 4) The Community Development Director determines that a Sketch Plan or Site Plan review is not required.

The re-use or re-occupancy of an existing multi-family residential or non-residential structure not meeting the requirements above shall require a sketch plan or site plan review as determined by the Community Development Director.

2. **Administrative Sketch Plan Review.** The proposed modifications to an existing and legally conforming use and structure which is permitted in the zoning district in which it is located and that complies with the following standards for minor site modification may submit a sketch plan for administrative review. The Community Development Director shall determine whether an administrative sketch plan review or Planning Commission Site Plan review is required based on the improvements to the site and/or structures.

- a. **Minor Modifications to Existing Uses and Structures.** The Community Development Director shall determine if proposed modifications to an existing use, site or structure are minor and in accordance with the guidelines in this section. In order to make a determination, the Community Development Director may solicit comments and recommendations from the City Attorney, City Planner, City Engineer, and City Department Heads, as deemed necessary. Modifications that require a variance, special land use approval, planned development, or the construction of a new principal building or structure are not considered minor modifications and shall require Planning Commission site plan review. The Planning Commission shall have the authority to allow a site plan to be reviewed administratively after granting special use approval if the Commission deems the improvements minor.

Minor modifications include the following changes in use or site construction activities that do not detrimentally affect the character or intensity of the area.

- 1) An addition to an existing building that does not increase or decrease the floor area by more than 15% or 1,000 square feet.
 - 2) Re-occupancy of a building by a permitted use requiring modifications to site improvements.
 - 3) Changes to building height.
 - 4) Additions or alterations to the landscape plan or landscape materials.
 - 5) Relocation or resizing of utility supply lines or service connections.
 - 6) Relocation or screening of the trash receptacle.
 - 7) Alterations to the internal parking layout of an off-street lot.
 - 8) Other building or site improvements deemed similar by the Community Development Director.
3. **Planning Commission Site Plan Review.** The development of any new use, the construction of any new structures other than a one-family or two-family residential structure, or the redevelopment of any existing site that does not meet the standard for plot plan review or administrative sketch plan review of Sec. 17.09.020(A) shall require site plan review and approval by the Planning Commission prior to construction and/or occupancy pursuant to the submittal requirements, review procedures and approval criteria of this article.

B. Sketch Plan/Site Plan Application Procedure.

1. **Application Submittal.** An application for sketch plan/site plan review shall be filed with the building department on a form provided by the City along with the required application fee, any necessary escrow payment, and the required number of paper and/or digital plan copies as cited on the application. The completed application shall be signed by the property owner. Every plan submitted shall be in accordance with the requirements of this chapter. Sketch plans and site plans shall include all information as required in this section. Applications will not be processed unless they are complete and unless all fees are paid in accordance with the schedule of fees adopted by the city council.
2. **Technical Review.** Sketch plans/site plans may be forwarded to the planner, engineer, and city department heads for review to determine compliance with applicable City, County and State ordinances and standards. If deemed necessary by the Community Development Director, the plans shall also be submitted to applicable outside agencies for review and comment. For site plans determined not to be in substantial compliance by any technical reviewer, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action.

C. **Required Sketch Plan Information.** A sketch plan for administrative approval shall contain the following information:

1. Name, address, telephone number(s), and email address(es) of the applicant(s) (and property owner, if different from applicant) and firm or individual preparing the plan.
2. The property location including address, lot number, tax identification number.
3. Sketch plan shall be drawn to an engineer's scale.
4. Size and dimensions of proposed structures, including gross and usable floor areas, number of stories, and overall height.
5. Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.
6. Existing site features, including natural and historical features, structures, driveways, fences, walls, signs, landscaping and other improvements.
7. Location, dimensions, setback distances, and use(s) of all proposed improvements.
8. Location and description of all existing and proposed easements and rights-of-way for utilities, access, and drainage.
9. Location of existing public or private utilities including, but not limited to water, and sanitary and stormwater sewers.
10. Other information as requested by the reviewer to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the City's Master Plan.

D. **Required Site Plan Information.** Required site plan information is specified on the site plan checklist form which is available from the building department. A site plan for administrative or planning commission approval shall generally include the following categories of information in sufficient detail to determine ordinance compliance.

1. **Descriptive and Identification Data.** Information shall include, but is not limited to, applicant contact information, professional architect and/or engineer contact information, general location map, legal property description, area and dimensions of all lots and property lines.

2. **Site Data.** Information shall include, but is not limited to, existing and proposed lot lines, access drives, parking areas, landscape areas, dimensioned setbacks, location of sidewalks, driveway entrances, existing and proposed lighting, trash receptacle locations and method of screening, easements, and the location of any outdoor storage areas.
3. **Building and Structure Data.** Information shall include, but is not limited to, the location, height and outside dimensions of all existing and proposed buildings or structures, building floor plans, individual unit and total floor areas, location, size, and height of all existing and proposed signs, fences, walls, and other structures, and architectural elevations.
4. **Utilities, Drainage and Other Infrastructure Data.** Information shall include, but is not limited to, location and size of existing and proposed electric, gas, and communications supply lines, schematic layout of existing and proposed sanitary sewer connections, water mains, water leads and hydrants that service the site, location, size and capacity of exterior drains, catch basins, retention/detention areas, culverts and other facilities which collect, store or transport storm water, soil erosion and sedimentation control measures, site grading information including existing elevations, drainage patterns, proposed contours and finished grades.
5. **Other Data That May Be Required.** Other data may be required if deemed necessary by the administrative reviewer, technical reviewer or planning commission to determine compliance with provisions in these regulations. Such information may include, but is not limited to, traffic studies, market analysis, environmental assessment and evaluation of the demand on public utilities and services.

E. Administrative Sketch Plan Review Process.

1. The Community Development Director shall review the sketch plan, together with any requested reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Community Development Director shall then approve or deny the plans based on a determination that the plan is or is not in compliance with all applicable ordinances and the approval standards of this section.
2. Any administrative denial of a sketch plan may be appealed to the Planning Commission. All submitted application material and technical reviews shall be subject to the review process of this section.

F. Planning Commission Site Plan Review Process.

1. A site plan shall not be placed on the planning commission agenda until such time as the Community Development Director determines the site plan is in compliance with the requirements of this article and is ready for planning commission review and action.
2. A site plan involving use(s) subject to special land use approval or Planned Development shall require a public hearing. After payment of fees, and submittal of a site plan determined to be in compliance with the requirements of this article, the Community Development Director may set the date of the public hearing for a meeting of the Planning Commission. The public hearing shall follow the procedure outlined in Sec. 17.09.050. The special land use review and site plan review may be conducted at the same meeting.
3. The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this ordinance and the applicable standards. The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the site plan as follows:

- a. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- b. **Approval.** Upon determination that a site plan is in compliance with the requirements of this ordinance and other applicable ordinances and laws, the site plan shall be approved. Such approval shall be recorded on the site plan, filing one copy in the official site plan file and returning one copy to the applicant.
- c. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, upon a determination that the site plan is in compliance with the requirements of this ordinance and other applicable ordinances and laws once the conditions sited in the motion have been complied with. Such conditions may include the need to obtain variances or approvals from other agencies. The applicant shall be required to submit a revised site plan and/or obtain the necessary approvals that comply with the conditions of approval. Once all conditions of approval are met, such approval shall be recorded on the site plan, filing one copy in the official site plan file and returning one copy to the applicant.
- d. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this ordinance or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

G. Procedures after Sketch Plan/Site Plan Approval.

- 1. **Building permit.** Following final approval of a sketch plan/site plan, the applicant may apply to the city for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the Building Department, and, if deemed necessary by the Community Development Director, the City Engineer. It shall be the responsibility of the applicant to obtain all applicable city, county, or state permits prior to issuance of a building permit.
- 2. **Approval expiration.** The approval of a sketch plan/site plan shall be effective for a period of 12 months from the date of such approval. If a building permit has not been obtained and construction has not commenced within the 12-month approval period, the sketch plan/site plan approval shall be null and void. In such a case, the applicant shall be required to obtain a new sketch plan/site plan approval as specified in this Article prior to beginning or resuming construction on the project.
- 3. **Approval extensions.** Sketch plans shall not be granted an extension. An extension of up to 12 months for an approved site plan may be granted by the original authority granting approval for good cause. An extension may be granted provided the approved site plan continues to adequately represent current conditions on and surrounding the site, and that the site plan conforms to the standards of the city regulations in affect at the time of the applicant's request for an extension.
- 4. **Site Maintenance After Approval.**
 - a. It shall be the responsibility of the owner of a property for which sketch plan/site plan approval has been granted to maintain the property in accordance with the approved plans, including all site design elements and improvements, on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which sketch plan/site plan approval was based, or a new site plan is approved.

b. Any property owner who fails to maintain an approved sketch plan/site plan in full compliance with approvals granted by the City according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be required to return the site conditions consistent with the approved plans.

5. **Revocation.** An approved site plan may be revoked by the Planning Commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a Planning Commission meeting for a consideration. The Community Development Director shall give written notice to the applicant at least ten days prior to the meeting. The Community Development Director, other city staff, the applicant, and other interested persons shall be allowed to present information and testimony to the Planning Commission. If the Planning Commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the Planning Commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order shall be deemed a violation of the use provisions of these regulations.
6. **Modification to Approved Plan.** A previously 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.

H. Standards for Sketch Plan/Site Plan Approval. In the process of reviewing the site plan, the following items shall be considered:

1. Whether or not the proposed site plan is in accordance with all provisions and requirements of this chapter.
2. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic. Where one or more nonresidential driveways have been established prior to any redevelopment, one or more existing driveways may be permitted to remain subject to final site plan approval. The planning commission may reduce the number of driveways in existence to utilize access management practices. An approved permit, in compliance with the approved site plan, authorizing any curb cuts from the public agency having jurisdiction over any abutting public thoroughfare shall be furnished prior to the issuance of a building permit.
3. The traffic circulation patterns within the site and the location and placement of buildings, parking areas and loading areas as they relate to:
 - a. Safety and convenience of both vehicular and pedestrian traffic on and adjacent to the site;
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and in adjacent neighborhoods; and
 - c. Necessary accessibility by emergency vehicles, etc.
4. The minimizing of adverse effects on desirable environmental and physical characteristics of the site, as balanced against the reasonable development of the site.
5. Whether or not landscaping, fences, walls and berms are in conformity with necessary screening requirements.
6. Whether or not the proposed site plan is in accord with the spirit and purpose of this chapter and not inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and the principles of sound planning.

Special Land Uses

Typically, various land use activities are provided for in one or more zoning districts. The criteria for such allocations are based upon similarities in the nature of the uses and their relationship to other uses and thoroughfares. Essentially, the zoning districts are established to coordinate with and provide for effectuation of the city's master land use plan in a logical and desirable manner. There are, however, various specialized uses whose operational characteristics and influences require special consideration if they are to be effectively and reasonably permitted in the city. It is, therefore, the intent of this section to set forth the basic and specialized review process and requirements necessary to evaluate and control these uses within the city and further determine any other reasonable requirements which will provide for their development and operation without adversely affecting the public health, safety and welfare of the City as a whole.

A. Application Requirements.

1. **Application Submittal.** An application for special land use review shall be filed with the building department on a form provided by the City along with the required application fee, any necessary escrow payment, and the required number of paper and/or digital plan copies as cited on the application. The completed application shall be signed by the property owner. Applications will not be processed unless they are complete and unless all fees are paid in accordance with the schedule of fees adopted by the city council.
2. **Required Information.** An application for special land use shall be accompanied by a detailed description of the operations and characteristics of the proposed use sufficient for the planning commission to make an informed decision. A sketch plan or site plan, as applicable, that meets the necessary requirements of this Ordinance and other controlling regulations, shall also be submitted with an application. The Community Development Director shall determine which type of plan is appropriate based on the characteristics of the proposed special land use.
3. **Site Plan Requirement.** All special land use applications shall require Site Plan Approval in addition to special land use approval. In order for the Site Plan to be approved, the site must be brought up to all relevant standards of this Ordinance, including, but not limited to, lighting, signage, dumpster enclosures, landscaping, and parking. The Planning Commission may refer the required Site Plan Approval to the Community Development Director for Administrative Site Plan Review, upon determining that the physical site changes required are minor in nature. The applicant may submit an application for Site Plan Review by the Planning Commission. The site plan can be reviewed concurrently with the application for special land use.
4. **Technical Review.** Special land use applications may be forwarded to the planner, engineer, and city department heads for review to determine compliance with applicable City, County and State ordinances and standards. For special land use applications determined not to be in substantial compliance by any technical reviewer, the applicant may be required to complete revisions and re-submit the application for further review prior to final action.

B. Planning Commission Review.

1. **Public Hearing Required.** Prior to making a recommendation and as a part of completing a review and study of a special land use application, the planning commission shall hold a public hearing in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and as outlined in Sec. 17.09.050.

2. **Planning Commission Recommendation.** The Planning Commission shall review the application for special land use, together with the public hearing findings and reports and recommendations from the Community Development Director, City Planner, City Engineer, and other departments. The Planning Commission shall then make a recommendation on the special land use application, based on the applicable requirements. The Planning Commission may recommend approval, approval with conditions, or denial of a special land use request to the City Council as follows.
 - a. **Approval.** Upon determination by the Planning Commission that the application and associated materials for special land use is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, approval shall be recommended to the City Council.
 - b. **Approval with conditions.** The Planning Commission may impose reasonable conditions with the recommendation for approval of a special land use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements.
 - 1) Conditions shall 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 shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3) Conditions shall be necessary to meet the intent and purpose of this chapter, related to the standards established in this chapter for the land use or activity under consideration, and necessary to ensure compliance with those standards.
 - c. **Denial.** Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the city, the special land use proposal shall be recommended for denial to the City Council.
3. The Planning Commission shall prepare and transmit a report to the City Council stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision.

C. **City Council Review.** The City Council shall make a determination based on review of the special land use application together with the findings and recommendation of the Planning Commission, the reports from the Community Development Director, City Planner, City Engineer, and other departments and in accordance with approval standards of this ordinance. Following completion of its review, the City Council shall approve, approve with conditions, or deny a Special Land Use proposal in accordance with the guidelines of this ordinance.

D. Procedures after City Council Review.

1. **Performance Guarantee.** The Planning Commission may recommend, and the City Council may require that a performance guarantee be deposited with the city to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open-space improvements, streets, lighting, and sidewalks.

2. **Recording and Continued Compliance with Conditions of Approval.** Approval by the City Council may require additional conditions and safeguards as deemed necessary for the protection of the health, safety, and general welfare and individual property rights as well as ensuring that the intent and objectives of this chapter are observed. The breach of any condition, safeguard or requirement and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the 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 and requirements stated as a part of special land use approval authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect. Accordingly, the special land use approval and any conditions shall be recorded with the Oakland County Register of Deeds.
 3. **Approval Effective Date.** Special land use Approval shall be effective for a period of one (1) year. If after a period of one (1) year from the date of City Council approval, site plans have not been reviewed and approved, special land use approval shall automatically be revoked. The Planning Commission may however, upon written request of the applicant, prior to the expiration period, grant one (1) extension up to twelve (12) months.
 4. **Amendments to Approved Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special land use.
 5. **Resubmission.** No application for a special land use which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration by the planning commission. Each reapplication will be treated as a new application.
 6. **Revocation of Special Land Use Approval.** Approval of a special land use proposal and site plan may be revoked by the City Council if construction has not commenced or if the use is operating contrary to the conditions of approval. In such a case, the Community Development Director shall place the Special Use proposal be placed on the agenda of the City Council. Written notice shall be provided to the applicant at least five days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The City Council, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.
- E. **Standards for Granting Special Land Use Approval.** Prior to the Planning Commission making a recommendation and the City Council approving any application for a special land use approval, the planning commission and city council shall find adequate evidence that the proposed use:
1. Will be harmonious with and in accordance with the general objectives of the master plan;
 2. Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general area and so that the use will not change the essential character of that area;
 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 4. Will represent an improvement to property in the immediate vicinity and to the community as a whole;
 5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, sewer and water infrastructure, police and fire protection and refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;

6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person or property or to the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors; and
8. Will be consistent with the intent and purposes of this chapter.

Section 17.09.040

Planned Unit Development

Planned unit development (PUD) is intended to offer an alternative to traditional development by permitting flexibility in the regulations for development. The PUD standards are provided to allow a combination of uses, while maintaining a consistent implementation of the goals and objectives of the City's Master Plan.

A. Minimum Requirements and Permitted Modifications.

1. **Permitted Districts.** A PUD may be permitted in all zoning districts.
2. **Minimum Lot Area.** A PUD shall contain a minimum land area of one acre.
3. **Permitted Uses.** Any land use authorized in this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
4. **Applicable Base Regulations.** Unless waived or modified in accordance with Sec. 17.09.040(A)(5), all ordinance standards, including but not limited to the yard and bulk, parking, loading, landscaping and lighting for the district in which a planned unit development is proposed shall be applicable for uses proposed as a part of a planned unit development.
5. **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the regulations in Sec. 17.09.040(A)(4) may be permitted, subject to review and approval by the Planning Commission and City Council. Such departures may include, but are not limited to, modifications to lot dimensional standards; floor area standards; setback requirements, density standards; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.
6. **Residential Density.** Modifications to the density of the residential use within a planned unit development may be permitted upon determination that the desired density will not adversely affect water and sewer services, storm water drainage, road capacity, parks and recreation, fire and police services, character of the area, and any planned public and private improvements in the area.
7. **Phasing.** Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Planning Commission.

B. **Recognizable Benefits.** The applicant shall demonstrate to the City that the PUD provides at least three of the following site design elements that could not be attained through a project designed under conventional zoning.

1. High quality architectural design, beyond the site plan requirements of this title.
2. Extensive landscaping, beyond the site plan requirements of this title.
3. Preservation or enhancement of historic resources.
4. Provision of open space or public plazas.
5. Efficient consolidation of poorly dimensioned parcels.
6. Shared vehicular access between properties or uses.
7. A complementary mix of uses or a variety of housing types.

In granting the relaxation of any district requirements, the City may require the applicant to demonstrate through documentation that the project will not be detrimental to the public health, safety, welfare of the future occupants, the surrounding neighborhood, or the City as a whole. Such documentation may include, but is not limited to, traffic impact studies, environmental impact studies, market needs assessments, infrastructure impact studies and any other reports or studies.

C. **Review Process.**

1. **Pre-Application Conference.** Prior to the submission of an application for PUD approval, the applicant shall meet with the City Manager. The applicant shall present the following:
 - a. A sketch plan illustrating a development using conventional zoning permitted under the Hazel Park City Code.
 - b. A sketch plan illustrating the development proposed under the PUD.
 - c. Each sketch plan shall include the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.
 - d. Documentation indicating how the proposed development represents a Recognizable Benefit, Section 17.09.040(B).

If the City Manager agrees that the PUD proposal has merit and has potential to meet the Standards for Approval, an application may be filed for plan review in conformance with the requirements in Section 17.09.040(C). If the City Manager does not agree that the proposed PUD meets the Standards for Approval, he shall deny the proposal and provide reasons in writing to the applicant.

2. **Submittal of Required Documents.** After the City Manager has determined that the PUD proposal has merit, the applicant shall prepare the following documents for submittal to the City for formal plan review.
 - a. A full site plan in accordance with ordinance standards.
 - b. A narrative report prepared by the applicant shall accompany the site plan providing the following:
 - 1) A description of the project, including all proposed uses

- 2) A discussion of the market concept and feasibility of the project,
 - 3) An explanation of the manner in which the Standards for Approval have been met
 - 4) A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD Article.
 - 5) Hours of operation of the proposed uses
 - 6) A specific schedule of the intended development and construction details, including phasing or timing.
 - 7) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - 8) A specification of the exterior building materials with respect to the structures proposed in the project.
 - 9) Signatures of all parties having an interest in the property at the time of submission.
 - 10) Identify the person or entity that will have control over the project.
3. **Planning Commission Review.** If the City Manager determines that the submitted documents include all required information, a public hearing in compliance with Sec. 17.09.050 shall be scheduled in front of the Planning Commission. Following the hearing, the Planning Commission shall review the site plan and shall take one of the following actions:
- a. **Approval.** Upon finding that the site plan meets the criteria and standards set forth herein, the Planning Commission shall recommend approval. Approval shall constitute approval of the uses and design concept as shown on the site plan. Recommendation of the site plan by the Planning Commission shall not bind the City Council to approve the site plan.
 - b. **Postponement.** Upon finding that the site plan does not meet the criteria and standards set forth herein, but could meet such criteria if revised, the Planning Commission may postpone action until a revised plan is resubmitted.
 - c. **Denial.** Upon finding that the site plan does not meet the criteria and standards set forth herein the Planning Commission shall recommend denial.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Commission shall exercise discretion.

4. **City Council Action.** Upon receiving a recommendation from the Planning Commission, the City Council shall review the site plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, postpone, or deny the site plan.

Prior to approval of a site plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The City Council may cause to have legal documents, covenants, or contracts prepared and may require the execution thereof by the applicant, which documents involve the City and are required as a result of the conditions contained in the PUD approval.

- a. **Conditions of Approval.** Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

D. **Standards for PUD Approval.** The Planning Commission and City Council shall consider the following standards when determining whether to approve, approve with conditions or deny a proposed PUD:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
3. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
4. The proposed development shall be consistent with preservation of the public health, safety and welfare of the City.
5. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
6. The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with this Ordinance.
7. The proposed development shall be consistent with the Goals and Objectives of the Master Plan.
8. The proposed development shall be compatible with adjacent uses of land.

DI. **Commencement of Construction.** To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 17.09.010(G). Substantial construction shall be commenced within one year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 17.09.040. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. In the event approval of the PUD has expired, the City Council shall require a new application that shall be reviewed in light of then existing and applicable law and ordinance provisions.

DII. **Effect of Approval.** When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Oakland County Register of Deeds.

DIII. **Amendments.** An approved PUD may be amended at the discretion of the City consistent with the procedures for original approval. Further, the Zoning Board of Appeals shall not have the authority to grant variances for the standards contained in this Chapter for any duly approved PUD, such authority being specifically reserved to the City Council.

Section 17.09.050

Public Hearing

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3103 et seq., as amended.

The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

- A. **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
- B. **Personal or Mailed Notice.**
1. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 2. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 3. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 4. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US 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.
 5. The City shall maintain a list of property owners and occupants to whom notice was mailed.
- C. **Content.** Any notice published in a newspaper or delivered by mail shall:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request.
 3. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 4. When and where the public hearing will occur.
 5. When and where written comments may be submitted concerning the request.
 6. For amendment to the zoning ordinance, a notice shall also include the place and times at which the proposed text or amendment to the official zoning map may be examined.

- D. **Public Hearing Procedures for Zoning Ordinance Amendments.** Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:
1. The procedure for notification for public hearings shall be as listed in Sec. 17.09.050, except for any group of adjacent properties numbering 11 or more that is proposed for rezoning, in which case personal and/or mailed notice is not required.
 2. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

Section 17.09.060

Zoning Board of Appeals

A. Establishment and Membership.

1. There is hereby established a Zoning Board of Appeals (ZBA or the 'board'), which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., as amended, in such way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done.
2. The board shall consist of seven (7) members all appointed by the mayor with the consent of the city council. Appointments shall be for a period of three years except for a member serving because of their membership on the city council whose term shall be limited to the time they are a member of city council. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Unexpired terms for those Board members previously appointed and functioning as of the date of this ordinance shall be continued until their expiration dates.
3. One regular member may be a member of the city council but shall not serve as chair of the zoning board of appeals. An employee or contractor of the city may not serve as a member of the zoning board of appeals.
4. The mayor, with the consent of the city council, may appoint not more than two alternate members to the zoning board of appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve on the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the zoning board of appeals.
5. A member of the zoning board of appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall 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.

6. A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
7. The zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

B. Meetings. Meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the board may determine or specify in its rules of procedure. The chair, or in the absence of the chair, the acting chair of the zoning board of appeals may administer oaths and compel the attendance of witnesses. All hearings conducted by the zoning board of appeals shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if a member is absent or fails to vote, the record shall indicate the absence or state the reason for the member's failure to vote. After each meeting, the zoning board of appeals shall file a copy of the minutes in the office of the Hazel Park City Clerk, and that record shall become a public record. The concurrent vote of a majority of the total members of the board shall be necessary to render a decision.

C. Powers of Zoning Board of Appeals.

1. **Generally.** The zoning board of appeals shall have authority to act on those matters where this chapter provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have the authority to authorize a variance as defined in this chapter and laws of the state of Michigan. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this chapter.
2. **Administrative review.** The board may hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decisions or refusal made by the building department, planning commission or any other administrative official or body in carrying out or enforcing this chapter, except as otherwise prohibited in this section.
3. **Interpretations.** The zoning board of appeals shall interpret the text and map and all matters relating thereto whenever a question arises in the administration of this ordinance as to the meaning and intent of any provision or part of this ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.
4. **Dimensional or Non-Use Variances.** Where, owing to special conditions, a literal enforcement of this chapter would involve practical difficulties with implementation of this chapter, the board may, upon appeal, authorize a variation or modification of this chapter and may impose conditions and safeguards it determines are necessary, so that the public health, safety and general welfare may be secured and substantial justice done.
5. **Variance Required Due to Condemnation by Public Authority.** A variance may be applied for and granted under section 4 of the Uniform Condemnation Procedures Act, Public Act No. 87 of 1980 (MCL 213.54). Such a variance shall not be a use variance.
6. **Limitations on Authority.** Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change the zoning ordinance or the zoning map, such power and authority being reserved to the city council in the manner provided by law.

The approval or denial of Special Uses, Rezoning, Conditional Rezoning and Planned Unit Developments may not be appealed to the Zoning Board of Appeals.

D. ZBA Application Procedure.

1. **Application.** The appellant shall file an application with the board, on forms furnished by the building department. A fee in the amount set by resolution of the city council shall be paid to the Treasurer's Office at the time the notice of appeal is filed.
 2. **Required information.** An application for an appeal shall specify the grounds for the appeal by submitting the required information specified on the application form. Submittal information includes, but is not limited to:
 - a. The plot plan, sketch plan or site plan for a project that was used to determine the need for a variance.
 - b. The specific section from which a variance is being sought, an interpretation is being requested or is the subject of an administrative review.
 - c. For dimensional variances, a signed and sealed survey prepared by a licensed professional surveyor shall be submitted that clearly illustrates the existing conditions, proposed improvements, dimensioned location of required setback or standard, the dimensioned location of existing/proposed improvement and the needed variance.
 3. **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action unless the Community Development Director certifies to the zoning board of appeals, after notice of appeal is filed that a stay would, in the opinion of the Community Development Director, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order which may be granted by the circuit court.
 4. **Public Hearing Required.** Following receipt of a written request to appear before the zoning board of appeals, the City shall fix a reasonable time for a public hearing and give notice in the manner set forth in Sec. 17.09.050 and Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., as amended.
 5. **Representation.** At the hearing, the applicant shall appear in person or may be represented by agent or attorney.
- E. **ZBA Review and Determination Standards.** The zoning board of appeals shall review the application and submittal documents and shall consider the comments and findings from the public hearing. The board shall then make a determination on the applicant's request utilizing the following standards. With the exception of use variances, which require a 2/3 majority vote of the board membership, the concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or, to grant any variation to this zoning ordinance. All determinations made by the board shall be substantiated by outlining the corresponding findings of fact in the board members recorded motions.
1. **Administrative Review.** The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. The Zoning Board of Appeals may reverse wholly or partially an administrative action only if it finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

2. **Interpretations.** The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the Zoning text and maps, and may fix rules to govern its procedures sitting as a Zoning Board of Appeals. Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Zoning Ordinance and Master Plan. The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question and carry out the intents and purposes of the Zoning Ordinance and Master Plan.
3. **Variance.** Where, owing to special conditions, a literal enforcement of any dimensional requirement or other standard within this chapter would involve practical difficulties or undue hardship with implementation of this chapter, the board may, upon appeal, authorize a variation or modification of this chapter and may impose conditions and safeguards it determines are necessary, so that the public health, safety and general welfare may be secured and substantial justice done. No such variance or modification of this chapter shall be granted unless it appears by competent, material and substantial evidence that all of the following facts and conditions exist:
 - a. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
 - b. There are unique circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
 - c. Such variance or modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district or zone in which the property is located.
 - d. The granting of such variance or modification will not be materially detrimental to the public health, safety and general welfare or be materially injurious to the other property or improvements in such zone or district in which the property is located.
 - e. The granting of such a variance will not adversely affect the purposes or objectives of this chapter or the city's master plan.
 - f. The need for the variance or conditions which substantiate granting the variance are not self-created.

F. Procedures after Determination.

1. **ZBA Decision and Appeal of Determination.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision of the board may appeal that decision to the county circuit court as provided in Sections 605 and 606 of the Zoning Enabling Act (PA 110 of 2006), as amended.

2. **Effective Approval Period.** No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The Zoning Board of Appeals may grant an extension of the approval, provided that the applicant demonstrates that construction has been delayed for reasons beyond their control, and that construction is likely to commence within a timeframe deemed reasonable by the Zoning Board of Appeals. The Zoning Board of Appeals shall be under no obligation to grant any extension.

Any determination by the zoning board of appeals on an administrative appeal or interpretation shall have immediate effect.

3. **Resubmittal.** No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of one (1) year following the effective date of the decision by the Zoning Board of Appeals, except where the Zoning Board of Appeals determines there is valid new evidence that was unavailable to the applicant at the time of the prior hearing or a substantial change in circumstances. Applications for a rehearing shall be in writing and shall be subject to the same rules and requirements as an original request.

Section 17.09.070

Ordinance Amendments and Rezoning

The City Council may, after planning commission recommendation, or on its own initiation, amend, supplement, or change the zoning district boundaries of the official zoning map or the text of the regulations herein, pursuant to the authority and procedures set forth in Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body. Changes in district boundaries of the official zoning map, also referred to as a property rezoning, may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

Section 17.09.080

Conditional Rezoning

It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this subsection to provide a process consistent with the provisions of Sec. 405 of the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights to request a standard rezoning.

A. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer shall be made at the time the application for rezoning is filed.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this subchapter.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this subchapter may only be commenced if all of the special land use requirements for the proposed use or uses are met.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this subchapter may only be commenced if a variance for such use or development is obtained from the Zoning Board of Appeals, prior to the proposed conditional zoning, in accordance with the provisions of this subchapter.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this subchapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this subchapter.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner and are more restrictive than the initial offer. More restrictive is defined as conditions which limit the uses of land or dimensional standards in a way which is more limiting than originally proposed. If an owner withdraws all or part of its offer of conditions prior to the City Council taking final action, the application shall be deemed null and void. The applicant will be required to submit a new application for any future rezoning request.

B. Review Process.

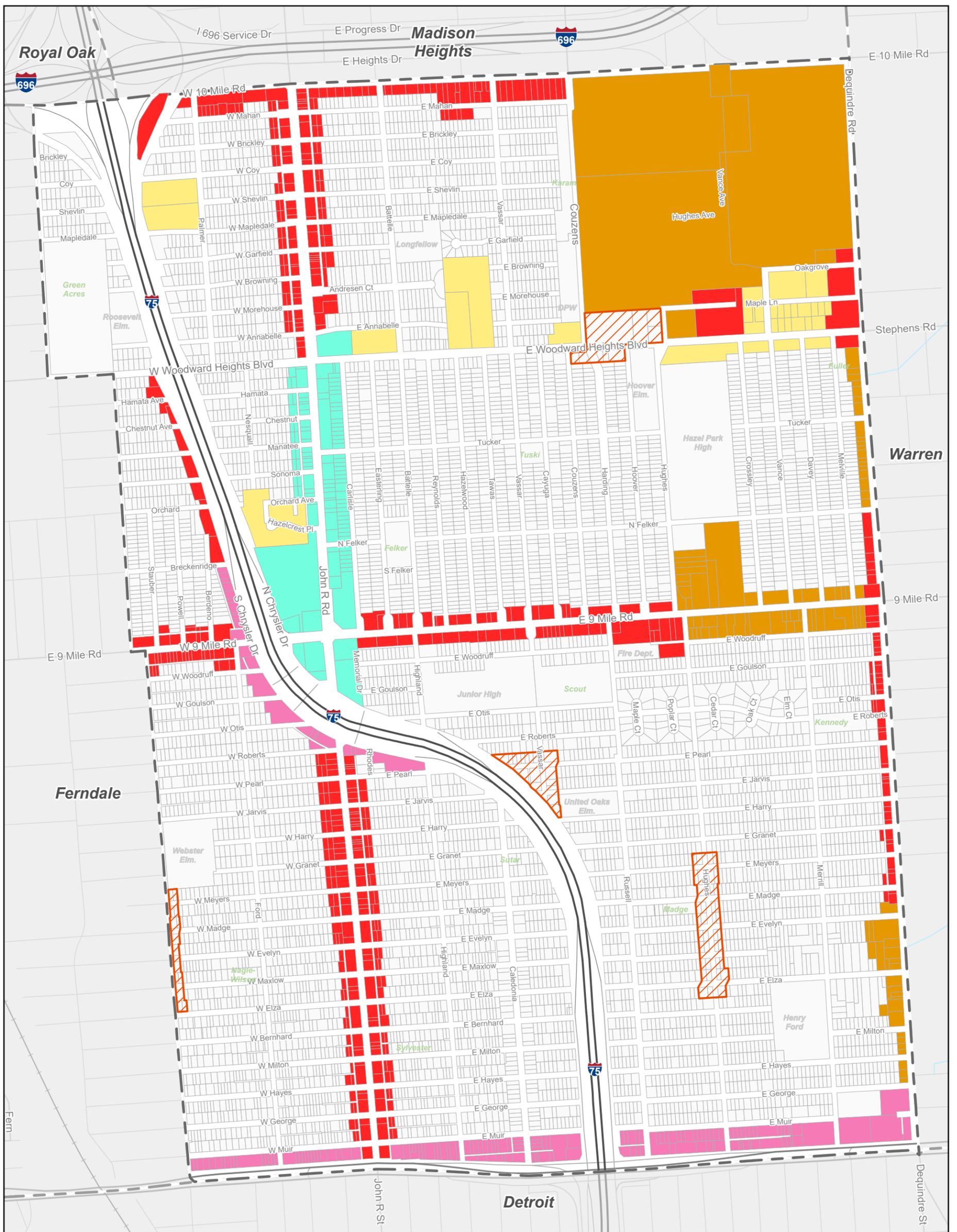
1. **Planning Commission Review.** If the Community Development Director determines that the application and offer of conditions include all required information, a public hearing in compliance with Sec. 17.09.050 shall be scheduled in front of the Planning Commission. Following the hearing, the Planning Commission may recommend approval or denial of the conditional rezoning.
2. **City Council Review.** After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning.

C. Actions Subsequent to an Approved Application.

1. **Conditional Rezoning Agreement.** If City Council grants approval of the rezoning, the offered conditions shall be incorporated into a formal written Conditional Rezoning Agreement acceptable to the owner and conforming in form to the provisions of this section. The Conditional Rezoning Agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by Council to accomplish the requested rezoning. The Conditional Rezoning Agreement shall include the following:
 - a. Be in a form recordable with the Oakland County Register of Deeds.
 - b. Contains a legal description of the land to which it pertains.

- c. Contains a statement acknowledging that the Conditional Rezoning Agreement runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Conditional Rezoning Agreement. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain the notarized signatures of all of the owners and accessory parties of the subject land, including all known potential buyers, preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Conditional Rezoning Agreement
 - f. Include a statement that nothing in the Conditional Rezoning Agreement shall be deemed to prohibit the city from rezoning all or any portion of the land that is subject of the agreement to another zoning classification.
2. **Map Amendment.** Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Conditional Rezoning Agreement. The City shall maintain a listing of all lands rezoned with a Conditional Rezoning Agreement.
 3. **Effect of Approval.** Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Conditional Rezoning Agreement
 4. **Recording of Agreement.** The signed and approved Conditional Rezoning Agreement shall be filed by the city for recording with the Oakland County Register of Deeds.
- D. **Compliance with Conditions.** Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this subchapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under this subchapter for any use or development that is contrary to the Conditional Rezoning Agreement.
- E. **Time Period for Establishing Development or Use.** Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by City Council if: (1) it is demonstrated to Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- F. **Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under paragraph E above, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., as amended. The reversion process shall be initiated by City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- G. **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Conditional Rezoning Agreement, whether as a result of a reversion of zoning pursuant to paragraph F above or otherwise, the Conditional Rezoning Agreement imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City shall record with the Register of Deeds of the county in which the land is located a notice that the Conditional Rezoning Agreement is no longer in effect.
- H. **Amendment of Conditions.** During the time period for commencement of an approved development or use specified pursuant to paragraph F above or during any extension thereof granted by City Council, the city shall not add to or alter the conditions in the Conditional Rezoning Agreement. The applicant may request an amendment to the conditional rezoning and such amendment shall be considered under the same application and review process as the original conditional rezoning request.



Zoning Map

City of Hazel Park, Michigan

Effective Date - February 28, 2025

LEGEND

- Residential
- Attached Residential
- Flex Corridor
- Regional Corridor
- Town Center
- Light Manufacturing
- Neighborhood Services Overlay
- City Boundary
- Other Municipal Boundary



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Oakland County GIS 2024. McKenna 2024.

