Lathrup Village
Zoning Ordinance

Effective December 1, 2010

Amended through April 25, 2016

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

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

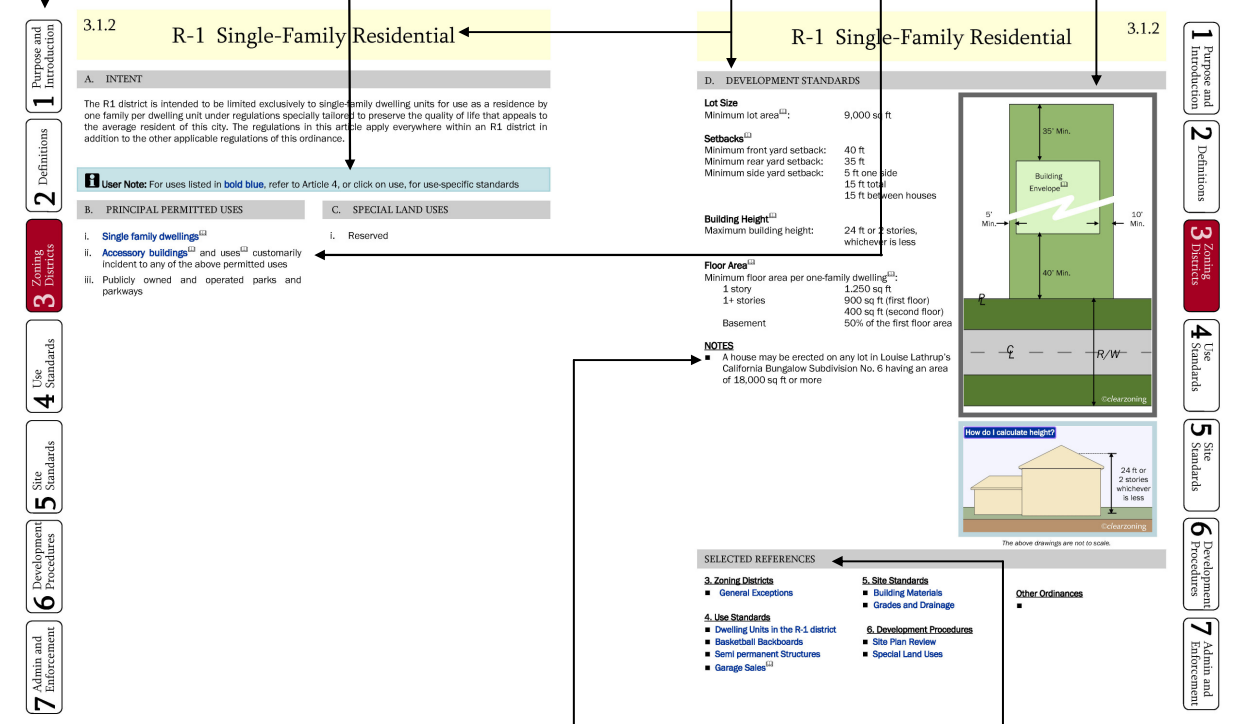
Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

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

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

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

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



Link to *How to Use This Ordinance.*

Link to *Zoning Map.*

Notes provide relevant district information recommended for review.

Link to *Table of Contents.*

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

Pages are numbered sequentially within each Article.

How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

📖 indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a 📖 symbol. Consult Article 2, Definitions, for a list of all defined terms.)

✍ indicates there is a graphic that illustrates the standard or requirement.

℞ identifies a property line.

℄ identifies the right-of-way centerline.

R/W identifies the right-of-way.

ℹ identifies a **User Note** that provides helpful information for all users.

💻 identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. READING THE ORDINANCE

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

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read "and/or")
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- ☑ The following abbreviations are used: Section is §; article is art.; Louise Lathrup's California Bungalow Subdivision is LLCBS (followed by the subdivision number); parcel descriptions and identifications may be by the Sidwell parcel identification numbers used on the city property tax roll.

For more rules, see Section 2.1 Construction of Language.

Digital User Note:

What is a link?

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

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

What information is linked?

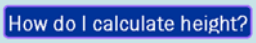
All blue text is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

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

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

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

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



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

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

4. USE MATRIX

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

P = Principal Permitted Use

S = Special Land Use

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

	R-1	R-2	R-3	PS	O	CV	VC	MX	GO
Adult business uses						P			
Adult day care centers				S	S	S	S	S	S
Animal kennels						S			
Assembly and meeting halls					S	P	S	S	
Automobile washracks						S			
Banks and other financial institutions					P	P	P	P	P
Bar, tavern, live entertainment						P	P		
Bed & breakfast							P		
Business service uses					P	P	P	P	P
Child care centers				S	P	P	S	S	P
Civic uses, no outside storage					P	P	P		P
Drive in or Drive through services				S	S	P		S	P
Duplex dwelling units		P						P	
Establishments involving the manufacture or sale of any alcoholic beverages regulated by the Michigan Liquor Control Act, MCL 436.1101 et seq.						S	S	S	
Gasoline stations						S			
Health & fitness facilities						P	P	P	
Home & Building Services						P			
Home based business	P	P	P						
Home occupation/Live-Work							P	P	
Hotel							P		
Instruction centers for academic and fine arts purposes				S	P	P	P	S	P
Light industrial uses						S			
Mobile food vending, temporary							P		
Mortuaries and funeral homes					P	P			P
Multiple family dwellings		P					P	P	
Nursing homes & convalescent centers						P			
Outdoor cafes						P	P	P	P
Pawn shops						S			

Continued on next page

4. USE MATRIX (Continued)

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

P = Principal Permitted Use

S = Special Land Use

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

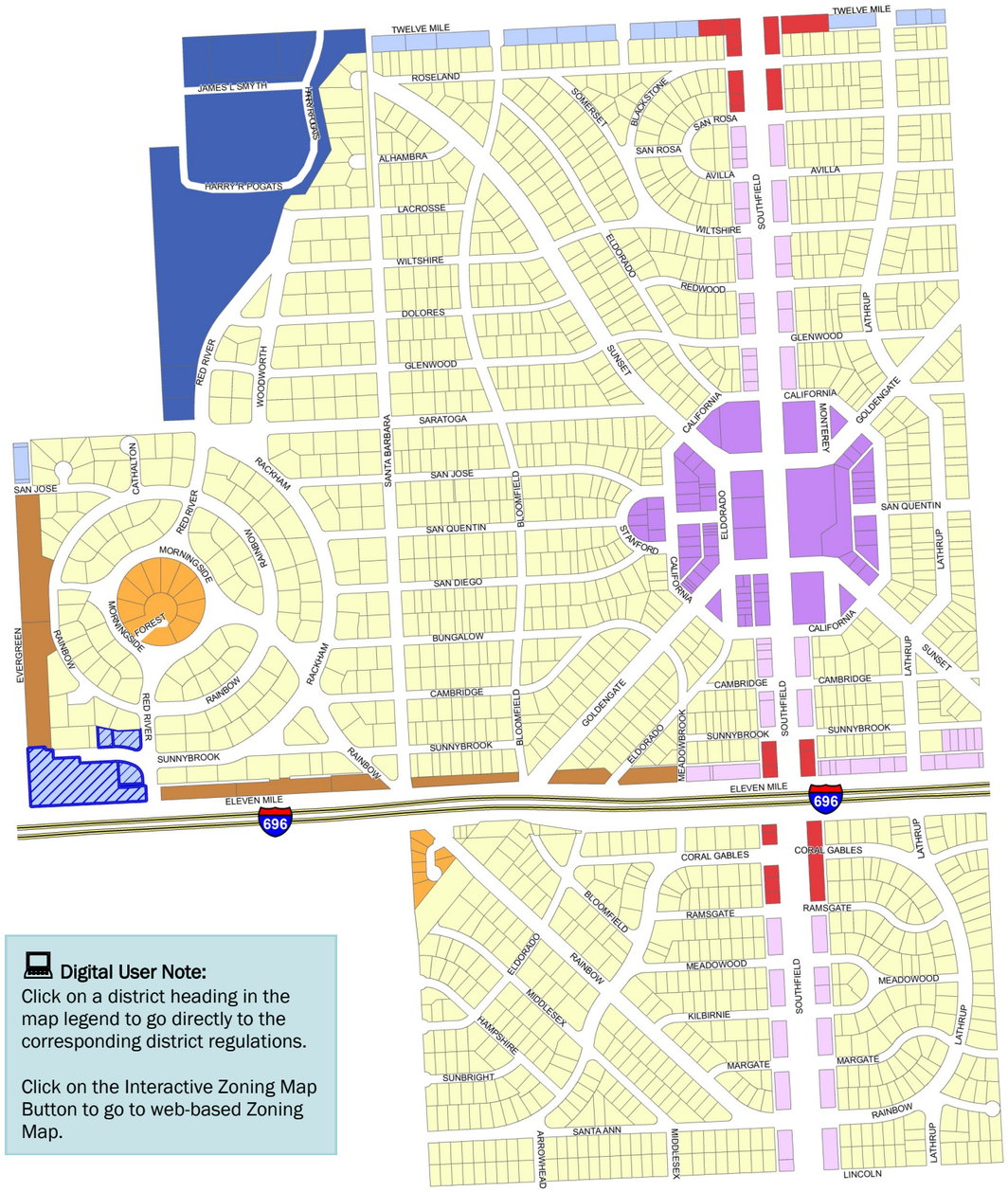
	R-1	R-2	R-3	PS	O	CV	VC	MX	GO
Personal service uses					P	P	P	P	P
Places of worship					S	P	S	S	
Pool halls and arcades						S			
Professional/Administrative Offices 🕮				S	P	P	P	P	P
Public schools				P					
Public utility substations					S			S	
Publicly owned parks and parkways	P	P	P	P	P	P	P	P	P
Restaurants						P	P	P	
Retail commercial uses 🕮				S		P	P	P	
Sales & service of boats and vehicles						P			
Single family dwellings	P	P	P				P	P	
Temporary outdoor display and sales							A		A
Theater							S		
Veterinary clinics					P	P			P
Wireless telecommunication towers and antennas 🕮 on public property				P					

5. DISTRICT SUMMARY TABLE

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

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 One-Family Residential	9,000 sq ft	—	40	15	35
R-2 Multiple-Family Residential	21,780 sq ft	—	15	15	15
R-3 Single-Family Cluster Housing	9,000 sq ft/dwelling unit	—	40	15	35
PS Public Service	33,000 sq ft	—	40	40	40
O Office	5,000 sq ft	—	10	15	20
CV Commercial Vehicular	5,000 sq ft	—	3	15	20
VC Village Center	5,000 sq ft	—	3	5	20
MX Mixed Use	5,000 sq ft	—	0	0	25
GO Gateway Overlay	4.5 acres	50	50	50	50

6. ZONING MAP



Interactive Zoning Map
GIS Mapping Layer
http://bit.ly/LVMap14

Zoning Map

Lathrup Village
Oakland County, Michigan

- Single Family
- Cluster Housing
- Multiple Family
- Public Service
- Office
- Commercial - Vehicular
- Mixed Use
- Village Center
- Gateway Overlay

0 550 1,100 Feet

N W E S

Base Map Data Source: Oakland County Planning
June 8, 2016

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

Click on the Interactive Zoning Map Button to go to web-based Zoning Map.

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Article 1.0
Purpose and Introduction

Article 1.0 Purpose and Introduction

1.1 Purpose
1.2 Legislative Findings
1.3 Sources of Authority
1.4 Spirit and Intent
1.5 Conflicting Regulations
1.6 Essential Services

1.0 Purpose and Introduction

1.1 PURPOSE

The purpose of this ordinance is to implement the city's plan designated to promote and accomplish the objectives of the Michigan Zoning Enabling Act (Public Act No. 110) of 2006 as amended from time to time.

1.2 LEGISLATIVE FINDINGS

Approximately 85 percent of the city's land area is restricted by building and use restrictions to single-family dwellings of specified types. Such areas are almost fully built upon and have been put to use as owner-occupied dwellings. The average resident of this city believes that contemporary community standards should be established and enforced which will put a high premium on protection of these residential areas from the intrusion of incompatible uses and potentially annoying conduct and that such protections are essential to the conservation of property values within the city.

The city's relatively unique history of land development as a residentially oriented community mandates that somewhat more restrictive regulations be imposed on uses and buildings in this city than in some other communities. This is particularly true of nonresidential areas which abut or are very close to residential buildings. Individual property owners' desires to maximize the value and freedom of use of their properties must be harmonized with the impacts on the remainder of the community for the good of all. Some uses are so incompatible with the residential character of this city that they cannot be appropriately located anywhere and must be excluded. Other uses have such a high probability of incompatibility that they may only be appropriately located anywhere and must be excluded. [sic] Other uses have such a high probability of incompatibility that they may only be appropriately located in specified districts and then subjected to special reviews before they may be permitted. Uses which are expressly permitted must nonetheless be carefully regulated to minimize their potential adverse impacts on their neighbors.

1.3 SOURCES OF AUTHORITY

Through the enactment of this ordinance, the city intends to exercise all the powers given to it under the Michigan Zoning Enabling Act (Act No. 110), the Home Rule Cities Act (Public Act No. 279 of 1909), as amended from time to time, the United States and Michigan Constitutions, its Charter and its inherit police powers and authority over public and private lands and persons within its boundaries.

1.4 SPIRIT AND INTENT

It is the express spirit and intent of this ordinance to permit and encourage the establishment and continuation of reasonable uses, to require municipal reviews of proposed new uses and changes in uses, to regulate (by conditions to approvals and as otherwise provided in this ordinance) uses which might, if left unregulated, tend to be or become unreasonable as and where conducted, and to discourage or to prohibit the establishment of uses which are unreasonable as and where established or proposed to be established to the fullest extent permissible under the statutory and common law of this state; but this ordinance should not be construed, applied, or administered in such fashion as to have the effect of totally excluding from this city any reasonable use for which there is a demonstrated need within either this city or the surrounding area within the state, and for which there is a location existing within this city where such use may be appropriately located.

1.5 CONFLICTING REGULATIONS

In interpreting and applying this ordinance, its provisions shall be held to be the minimum requirements adopted for the promotion of the public health, comfort, safety, convenience, and general welfare. It is not intended by this ordinance to interfere with, abrogate or annul any subdivision building and use restrictions, easements, covenants or other agreements between parties.

1.6 ESSENTIAL SERVICES

Except as otherwise expressly provided in this ordinance, 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 services from the generalized regulations of this ordinance.

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Article 2.0 Definitions

Article 2.0 Definitions

2.1 Construction of Language

2.2 Definitions

Accessory building
Accessory Use
Adequate supervision
Adult business uses*
Adult day care center
Aisleway
Alley
Basement
Berm
Board
Building
Building: front, rear and sides
Building: height
Building official
Building/zoning permit
Build-to zone
Business service uses
Child care center
City
Civic Uses
Conservation easement
Council
Day Spa
District
Driveway
Due care
Dwelling
Dwelling unit
Essential services
Family
Family day care home and group day care home
Floor area
Garage
Garage sale
Greenway
Home and building services
Home based business
Improvements
Intensity
Intensity of development
Lot
Lot, corner
Lot, interior
Lot line, front
Lot line, rear
Lot line, side
Lot, platted
Michigan Zoning Enabling Act
Mobile food vendor
Mobile food vending unit
Nonconforming use
Parking, off-street
Parking space
Person
Personal service uses
Plot plan
Population
Portable storage container
Primary road
Professional and administrative office uses
Public utility
Retail commercial uses
Sign
Site Plan
State licensed residential facility
Story
Story, half
Street
Structure
Temporary sign
Undeveloped state
Use
Use, accessory
Use, change in
Use, special
Use, reasonable
Wireless telecommunication towers and antennas*
Yard, front
Yard, rear
Yard, side

*Multiple terms are defined in this ordinance.

2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

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

1. All word used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
2. The word "building" includes the word "structure".
3. The word "dwelling" includes "residence".
4. The word "person" includes "corporation", "copartnership", "association", as well as an "individual".
5. The word "shall" is mandatory and the word "may" is permissive.
6. The word "lot" includes the words "plot" or "parcel".
7. The words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".

2.2 DEFINITIONS

Some of the words used in this ordinance which carry special meanings are listed in the following sections of this article with the special definition following the term defined. Words not specially defined in this article or elsewhere in this ordinance shall have the meanings customarily assigned to them by residents of the city who are knowledgeable in municipal affairs and zoning matters in this city. Where there is doubt as to meanings of words, they may be officially construed by the building official, subject to review by the board.

Accessory building. A building other than and separate from the main building, on the same lot as the main building, occupied by or devoted primarily to an accessory use, such as storage sheds, dog houses, playhouses, and the like.

Accessory use. A use which is traditionally and customarily incidental to, subordinate to, and devoted exclusively to, the main use or uses of the premises

Adequate supervision: Each facility shall have a minimum staff/participant ratio of one (1) direct care staff member to six (6) participants.

Adult business uses definitions.

1. **Adult business uses**.
   A. Adult motels. An establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a twelve (12) hour period of time or where rooms are rented at hourly rates, or both.
   B. Sexually-oriented businesses.
      i. Adult arcade. A place to which the public is permitted or invited to view motion pictures, movies, videos, pictures, or other products of image-producing devices, where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
      ii. Adult book store, adult novelty store, or adult video store. A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, movies, video cassettes or video reproductions, DVDs, other video discs, or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devises or paraphernalia which are designed for use in connection with "specified sexual activities".
      iii. Adult cabaret. A night club, restaurant, or similar commercial establishment which, as one of its principal purposes, features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

iv. Adult motion picture theater. A commercial establishment where, for any form of consideration, films, motion pictures, movies, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

v. Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

vi. Sexual encounter center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.

2. **Nudity and a state of nudity.** Knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.

3. **Principal Purpose, Primary Purpose, and Primarily.** The sale or display of regulated material that comprises thirty five percent (35%) or more of sales volume or occupies thirty five percent (35%) or more of the floor area or visible inventory within the establishment.

4. **Semi-nude and semi-nude condition.** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

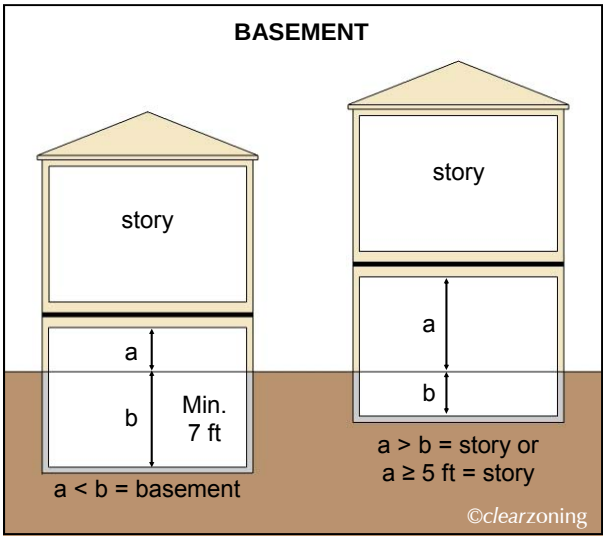
5. **Specified anatomical areas.** The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

6. **Specified sexual activities.** Any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

Adult day care center: A nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis for less than twenty-four (24) hours a day.

Aisleway. A clear space designed and designated to provide unobstructed motor vehicle access between one or more parking spaces and a driveway.

Alley. A right-of-way open to public travel or dedicated for future public travel when opened, usually not more than 20 feet wide, providing a secondary means of access to abutting property and not intended for general traffic circulation as are public streets.



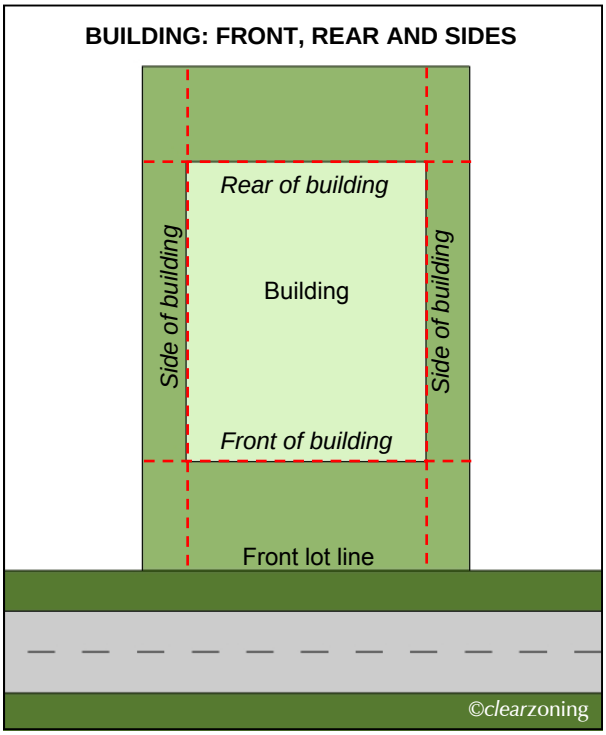
Basement. That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building is a basement when the height from the grade up to the first floor level above grade is less than the height from the grade level down to the floor of the level being classified. However, if the height from the grade level to the first floor level above grade is five feet or more, such area shall be considered a story. All basements required by this ordinance must have at least seven feet of headroom as measured from the floor to the bottom of the supporting beams or stringers above.✍

Berm. An elongated mound or hill of earth which rises from the level of the adjacent grade, the purpose is to present a visual and/or sound barrier.

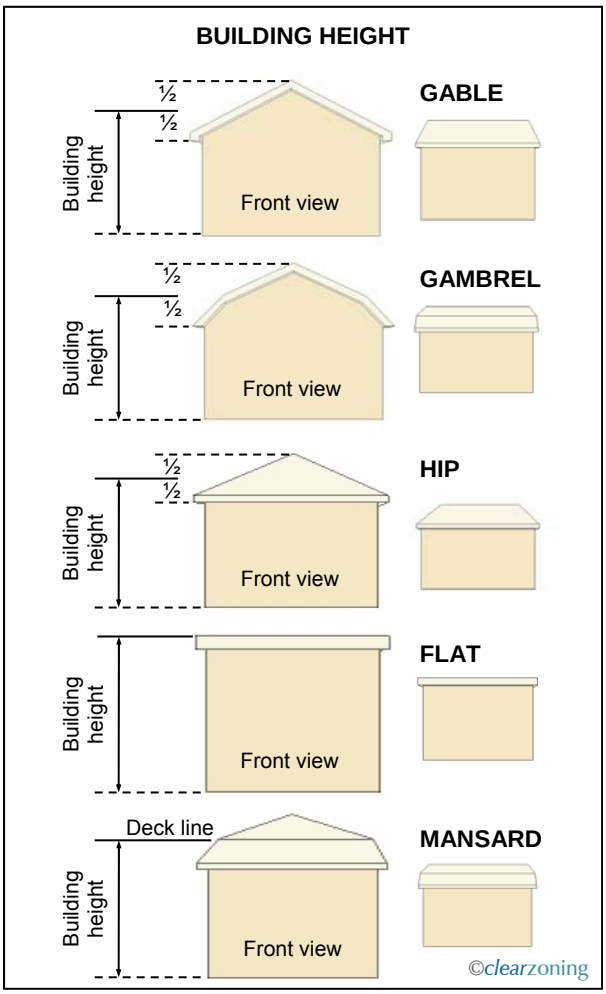
Board. The zoning board of appeals of this city.

Building. Any structure, either temporary or permanent having a roof, and used or built for the shelter or enclosure of persons, animals, or personal property of any kind. This shall include tents, awnings, and vehicles when used for storage or shelter purposes.

Building: front, rear and sides. The front of a building is the facade most nearly parallel and nearest to the front lot line. The rear of a building is the facade opposite the front. Sides of a building are the facades between the front and rear.✍



Building: height. The height of a building is the vertical distance from the average grade of the ground level adjoining the front of the building to the highest point of the roof surface for a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.



Building official. The person duly appointed by the city administrator and confirmed by the city council to be the chief administrator of this ordinance.

Building/zoning permit. A permit issued under Article 7 for new construction, and/or alteration of a building, and/or change in use without additional construction or alteration.

Build-to zone. An area of a specified depth, parallel to and touching a specified lot line or other setback line, within which the building façade shall be placed and may vary within the zone in order to encourage design flexibility.

Business services uses. Establishments providing services principally to other businesses, such as: photocopying and printing; photo finishing; business equipment and furniture rental and leasing; computer and telephone sales, software and support; advertising, mailing, marketing and promotions; business or office incubator; co-working center; and similar uses as determined by the approval authority.

Child care center: A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

City. The City of Lathrup Village.

Civic uses. A community use including but not limited to community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings, but not including public utility stations, maintenance facilities, or storage yards.

Conservation easement. That term as defined in section 2140 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, MCL 324.2140.

Council. The city council of this city.

Day Spa. A business that provides certified therapeutic and personal grooming services, including haircuts and styling, waxing, facial treatments, body therapies, and nail treatments by providers licensed by the State of Michigan.

District. An area of land so designated by the zoning map of the city and described in Article 3.

Driveway. A clear space designed and designated to provide unobstructed motor vehicle access between a public street or alley and a parking facility

Due care. The degree of care which a reasonable prudent person would use under the circumstances which exist in a particular case; a person whose acts or inaction would constitute "negligence" under the common law of this state has failed to exercise due care; "ordinary care" as defined by the common law of this state.

Dwelling. A building occupied or designed for occupancy by one or more persons as a residence or place of abode.

Dwelling unit. A building or part of a building designed for occupancy by one family as a residence or place of abode.

Essential services. The use of land without structures by a public utility or city agency or for the construction, alteration, maintenance and use by a public utility or city agency of underground, surface, or overhead structures where necessary for the furnishing of services by such public utilities or city agencies. In the case of public utilities, such essential service structures shall not include buildings. All new structures and uses by a public utility and by city agencies not otherwise in strict conformity with this ordinance proposed as an essential service exception shall be subject to site plan review and approval under Article 6.

Family. One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of bona fide household servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Family day care home and group day care home. Those terms as defined in section 1 of Public Act No. 116 of 1973, MCL 722.111, and only apply to the bonafide private residence of the operator of the family or group day care home.

Floor area. All floor area measured to the exterior face of the exterior walls at all levels. The floor area above the first floor must have not less than seven feet six inches headroom which is connected by a fixed stairway and which is or may be made usable for human habitation in order to be counted toward meeting minimum floor area requirements. The floor area of basements, garages, attics, breezeways, and porches shall not be counted toward meeting minimum floor area requirements. A different definition is used for off-street parking purposes.

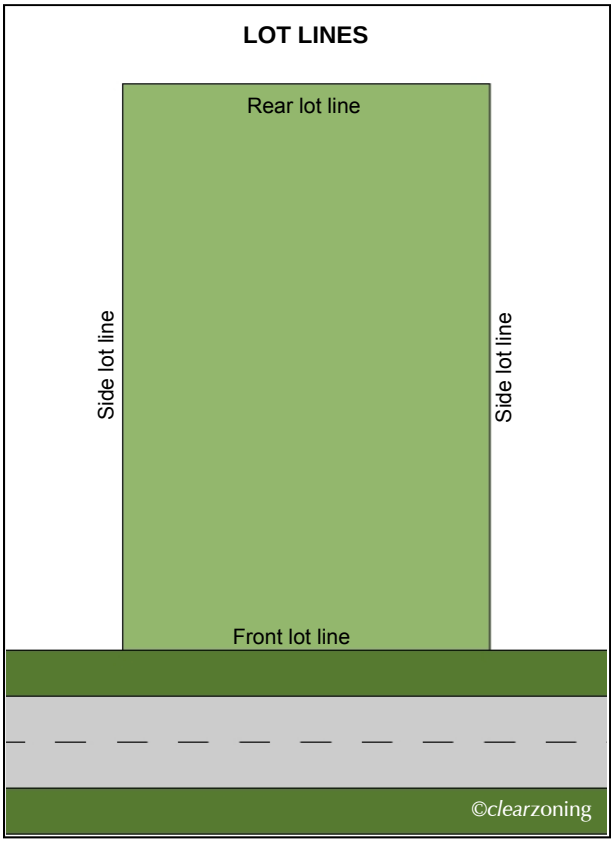
Garage. A building or portion of a building attached to or part of the main building having not more than 660 square feet of floor area designed to be used for the storage of vehicles and other personal property and not for human habitation and restricted to the private use solely of the occupants of the main building, provided, however, the board may grant a variance or deviation to a greater floor area if the garage is not disproportionate to the size of the main building.

Garage sale. The sale or offering for sale of three or more items of personal property in a manner and style commonly known as a "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "estate sale," or the like.

Greenway. A contiguous or linear open space, including habitats, wildlife corridors and trails, that links parks, nature reserves, cultural features, or historical sites with each other, for recreation and conservation purposes.

Home and building services. Businesses which offer limited goods and services related to homes and buildings, including plumbing supply stores, locksmiths, exterminators, rental shops, electricians offices and the like.

Home based business. Home Based Business means an occupation or business activity that results in a product or service that is conducted by a resident and that is incidental and ancillary to the permitted principal residential use.

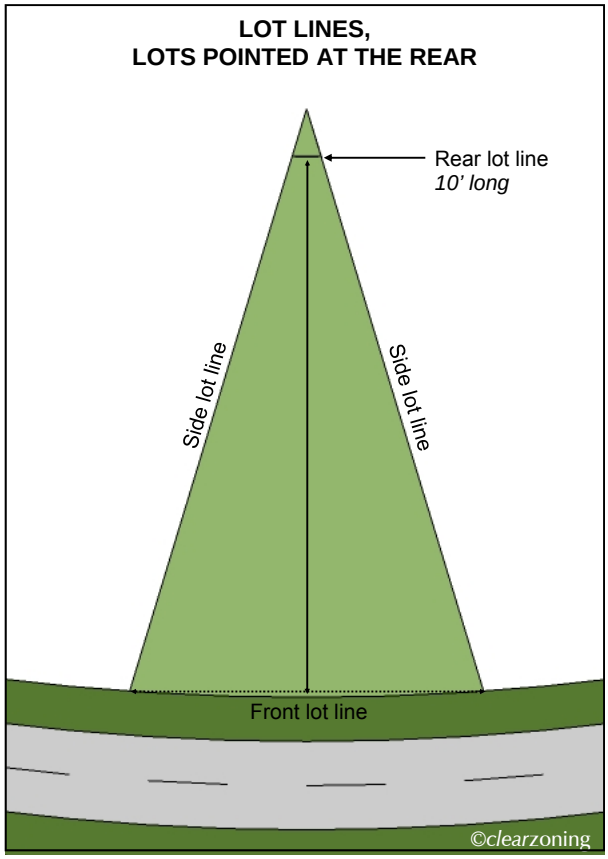


Improvements. Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Intensity. The degree to which a use causes, creates, or attracts pedestrian and/or vehicular traffic, lights, sounds, odors, litter and other phenomena discernable to the senses which an average, prudent resident of this community would find undesirable, annoying, or offensive.

Intensity of development. The height, bulk, area, density, setback, use and other similar characteristics of development.

Lot. A parcel of land occupied or eligible to be occupied under the regulations of this ordinance by a dwelling or other main building and including the open spaces required under this ordinance. A lot may consist of one or more "platted lots" which are under common ownership or use.



Lot, corner. A lot of which at least two adjacent sides abut for their full length upon a street.

Lot, interior. A lot other than a corner lot.

Lot line, front. In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of any other lot, the owner shall select one such line to be the front lot line for the purposes of this ordinance and shall designate same on any application for a building permit.✍

Lot line, rear. That boundary which is 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 that assumed line parallel to the front lot line, not less than ten feet long, lying most distant from the front lot line and wholly within the lot.✍

Lot line, side. Any lot boundary not a front lot line or a rear lot line. A side lot line separating a lot from the street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.✍

Lot, platted. A lot, the dimensions of which are shown on a plat recorded in the office of the register of deeds of Oakland County.

Michigan Zoning Enabling Act. Public Act 110 of 2006, as amended to date of this ordinance, and as hereafter amended and/or construed and applied by courts of competent jurisdiction.

Mobile food vendor. Person(s) selling foods from a mobile vendor unit. This definition shall not include peddlers and transient merchants as defined in sections 18-26 and 50-1, of the City of Lathrup Village code of ordinances.

Mobile food vending unit. A self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment used for the preparation and/or sale of food products and is closed up when not in operation.

Nonconforming use. Any lot or parcel of land which is used in a fashion which does not conform to the regulations, requirements, and provisions of this ordinance and also any lot or parcel upon which any structures or land improvements have been installed otherwise than in conformity with the regulations, requirements and provisions of this ordinance. The term thus includes nonconforming land uses and also nonconforming buildings and land improvements of all kinds.

Parking, off-street. A parking space or facility off the public streets and alleys except as otherwise specified in this ordinance.

Parking space. A clear unenclosed area nine feet in width and 20 feet in length.

Person. An individual and also every firm, association, partnership, trust, corporation, estate, and other legal entities capable of suing or being sued under the laws of this state.

Personal service uses. Businesses which perform personal services on the premises including, but not limited to, barber shops, beauty shops, tailor shops, photographic studios.

Plot plan. A diagram or plan of the layout of a lot with appropriate, relevant dimensions shown for the lot and any buildings, other structures, or land improvements existing or proposed and (where applicable) the abutting or surrounding area, drawn in sufficient detail to enable the building official to determine (by reference to the plan) whether the proposed development or use will conform to this ordinance. A plot plan is intended to be more informal and less elaborate than a site plan.

Population. The population according to the most federal decennial census or according to a special census, whichever is the most recent.

Portable storage container. A container which is movable or which may be fixed and which can be of any size or material which is used to store, retain, hold, or secure any personal property within said container.

Primary road. In the Village Center District, primary roads function as the main streets and include Southfield Road and a new east-west road to be constructed from Southfield Road to El Dorado Place, between Sunset Drive and Goldengate Drive. The effect of the Primary Road is to encourage an environment where continuous building walls create an engaging street for pedestrians.

Professional and administrative office uses. Businesses which serve as offices for professional, executive, administrative, and medical uses, including the offices of architects, accountants, insurance, doctors, dentists, government and financial institutions.

Public utility. Any person authorized to furnish or furnishing to the public, under state or municipal regulation, electricity, gas, steam, water, transportation, or communication service, including cable TV.

Retail commercial uses. Businesses that supply commodities on the premises including, but not limited to clothing shops, shoe shops, pharmacy shops, flower shops, office supply and stationery shops, gift shops.

Sign. Any combination of letters and/or symbols displayed so as to be legible to an average person of average eyesight from an adjoining public street, the apparent purpose of which is to convey information concerning the identity or use of a lot, or building or its occupants, or the conduct of any trade, business, or occupation.

Site plan. A plan conforming to the requirements of Article 6.

State licensed residential facility. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979, MCL 400.701 to 400.737 or Public Act No. 116 of 1973, MCL 722.111 to 722.128, and provides residential services for six or fewer persons under 24 hour supervision or care.

Story. That portion of a building, excluding the basement, which is included between the surface of any floor and the surface of the floor next above, or if there should be no floor above, then the space between the surface or [of] any floor and the ceiling next above.

Story, half. An uppermost space lying under a sloping roof, the floor area of which does not exceed 50 percent of the floor area of the story immediately below it.

Street. Any thoroughfare or right-of-way, usually 50 feet or more in width dedicated to the use of the public or open to the public travel whether designated as a road, avenue, highway, boulevard, drive, land, circle, place, court, terrace, or any similar designation. A public street is a dedicated street accepted by the city.

Structure. A constructed or erected combination of materials, including (but not limited to) buildings, the use of which requires connection with the ground and including (but not limited to) signs and fences. Sidewalks, driveways, and living plantings are not deemed to be structures.

Temporary sign. A display, sign, banner, or advertising device, with or without a structural frame, intended for a limited period of display, including displays for holidays, public demonstrations, special events, business grand openings or local historical events.

Undeveloped state. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use. A use means the purpose for which land, a building, or structures thereon is designed, arranged, maintained, occupied, or used, both currently and in the future. This term has evolved over the years in this city to include all trades and industries as well as all businesses, occupations, and professions which utilize land or buildings. Many land uses involve a combination of activities which may fall into multiple use classifications, either as a principal or accessory use. Whenever any person shall have any reasonable doubt as to the use classification to be applied to a specific activity, he may apply to the board for a ruling or interpretation.

Use, accessory. See Accessory Use.

Use, change in. A "change in use" occurs whenever a described use within any district alters its activities in such fashion as to fall within any other use described in this ordinance which is separately or differently treated or dealt with so that different or other regulations apply.

Use, special. A use which is expressly permitted, expressly excluded, or specially regulated as a "special use" is expressed generally in layman's terms descriptive of how an average resident of this city would view the activities conducted or occurring on a subject parcel or land.

Use, reasonable. A proposed use is "reasonable" when it would be harmonious, compatible, appropriate, would not impinge unreasonably on the value or use of nearby properties, and would not impair sound communal development as and where proposed to be established. An existing use is "reasonable" when it is harmonious, compatible, and appropriate as and where established, does not impinge unreasonably on the value or use of nearby properties, and does not impair sound communal development. Uses which are not "reasonable" are "unreasonable." No use shall be deemed "reasonable" if its establishment or actual conduct is unlawful under the statutory or common law of this state.

Wireless telecommunication towers and antennas.

A. Alternative tower structure. Man-made trees, clock towers, bell steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

B. Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

C. Backhaul network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

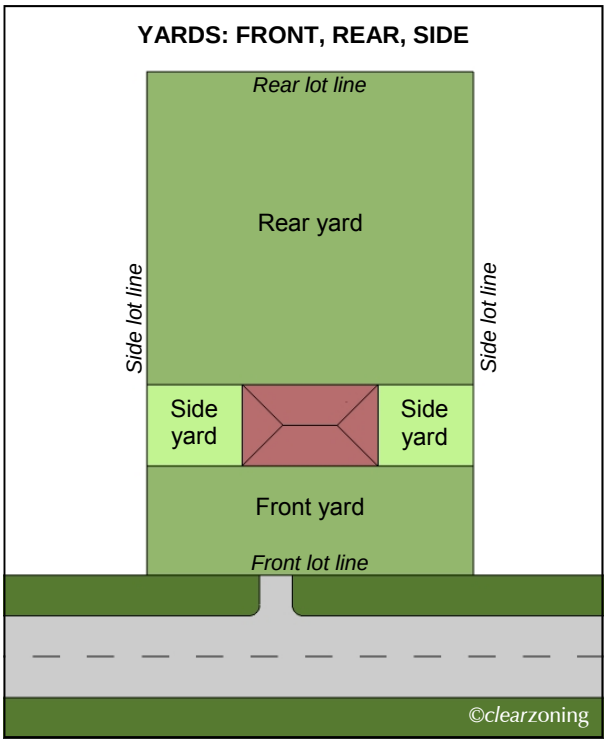
D. FAA. The Federal Aviation Administration.

E. FCC. The Federal Communications Commission

F. Height. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

G. Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

H. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.



Yard, front. An open space extending the full width of the lot, between the front lot line and the front of the main building, and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot the front yard shall be the minimum depth specified adjacent to an abutting street.✍

Yard, rear. An open space extending the full width of the lot, between the rear lot line and the rear of the main building, and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot, the rear yard shall be the minimum depth specified measured inward from the rear lot line.✍

Yard, side. An open space extending along the side lot lines between the front yard and the rear yards from the side lot lines to the sides of the main building and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot, the side yards shall be the minimum depth specified measured inward from the side lot lines.✍

Article 3.0
Zoning Districts

Article 3.0 Zoning Districts

3.1 Districts Established
3.2 Lots: Use for Yards; Etc.
3.3 Special Cluster Housing Provisions
3.4 Dwelling Units in the Residential Districts
3.5 R-2 District Provisions
3.6 Dwelling Units in the R-3 Districts
3.7 Residential Buildings in Residential Districts
3.8 CV District
3.9 Zoning Map
3.10 Districting of Vacated Streets
3.11 General Exceptions

3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Lathrup Village is hereby divided into the following districts:

1. R-1 Single-Family Residential District
2. R-2 Multiple-Family Residential District
3. R-3 Single-Family Cluster Housing District
4. PS Public Service District
5. O Office District
6. CV Commercial Vehicular District
7. VC Village Center District
8. MX Mixed Use District
9. GO Gateway Overlay District

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

3.1.2 R-1 Single-Family Residential

A. INTENT

The R1 district is intended to be limited exclusively to single-family dwelling units for use as a residence by one family per dwelling unit under regulations specially tailored to preserve the quality of life that appeals to the average resident of this city. The regulations in this article apply everywhere within an R1 district in addition to the other applicable regulations of this ordinance.

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

B. PRINCIPAL PERMITTED USES

i. **Single family dwellings** §36-3.4

ii. **Accessory buildings** and uses customarily incident to any of the above permitted uses §36-3.7

iii. Publicly owned and operated parks and parkways

iv. **Home based business** §36-4.11

C. SPECIAL LAND USES

i. Reserved

R-1 Single-Family Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	9,000 sq ft

Setbacks

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	5 ft one side 15 ft total 15 ft between houses

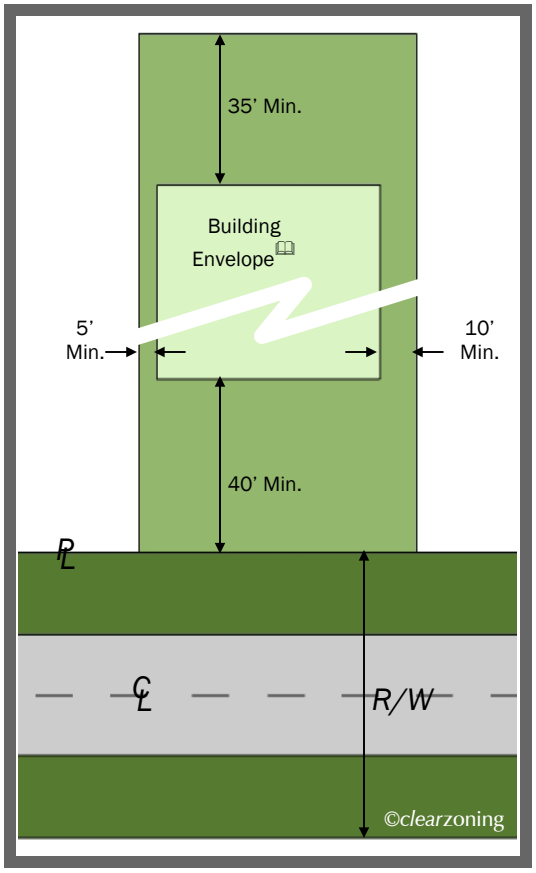
Building Height

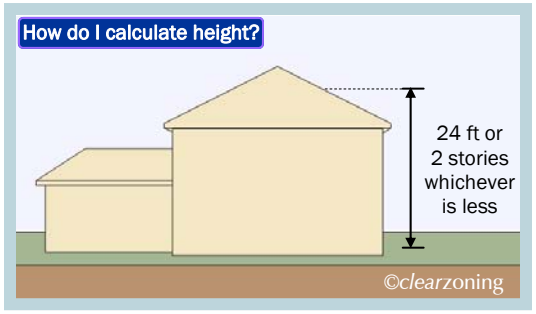
Maximum building height:	24 ft or 2 stories, whichever is less

Floor Area

Minimum floor area per one-family dwelling:

1 story	1.250 sq ft
1+ stories	900 sq ft (first floor) 400 sq ft (second floor)
Basement	50% of the first floor area





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Lots, Use for Yards §36-3.2
- Dwelling Units in the R-1 district §36-3.4

4. Use Standards

- Basketball Backboards §36-4.3
- Garage Sales §36-4.2
- Outside storage §36-4.1

5. Site Standards

- Building Materials §36-5.4
- Grades and Drainage §36-5.9

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.3 R-2 Multiple-Family Residential

A. INTENT

The R2 district is intended to allow for the grouping of housing units into multiple-unit buildings under regulations which will allow variety in types of housing units, but on a basis which will be harmonious and compatible with the established characteristics of single-family detached housing within this city. The regulations in this article apply everywhere within an R2 district in addition to the other applicable general regulations of this ordinance.

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

B. PRINCIPAL PERMITTED USES

i. **Single family dwellings** §36-3.4
ii. **Duplex dwelling units** §36-3.4
iii. **Multiple-family dwellings** §36-3.5
iv. **Accessory buildings** and uses customarily incident to any of the above permitted uses §36-3.7
v. Publicly owned and operated parks and parkways
vi. **Home based business** §36-4.11

C. SPECIAL LAND USES

i. Reserved

R-2 Multiple-Family Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	21,780 sq ft
One-bedroom unit:	3,630 sq ft
Two-bedroom unit:	3,960 sq ft
Three-bedroom unit:	4,356 sq ft
Minimum lot width:	none

Setbacks

Minimum front yard setback:	15 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	15 ft
Minimum distance between buildings:	30 ft

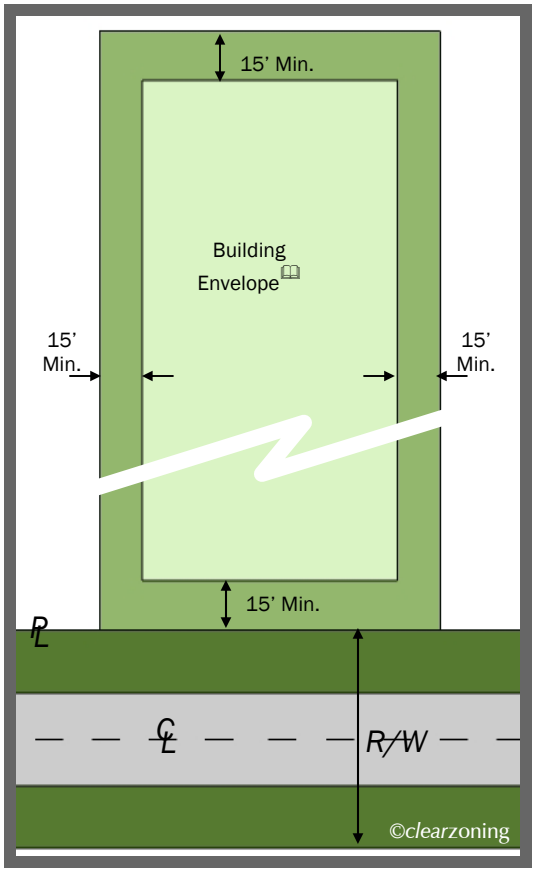
Building Height and Length

Maximum building height:	24 ft or 2 stories, whichever is less
Maximum building length:	180 ft

Floor Area

Minimum floor area per one-family dwelling:

One-bedroom unit	900 sq ft
Two-bedroom unit	1,075 sq ft
Three-bedroom unit	1,250 sq ft
Basement	50% of the first floor area
Maximum building size:	8 units



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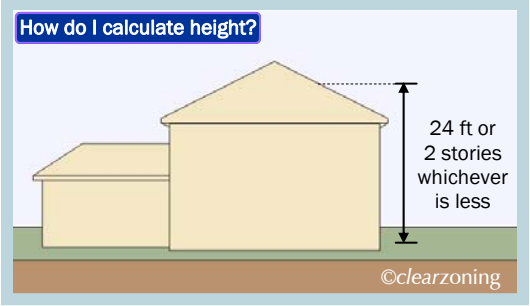


The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Single Family Residential §36-3.4
- Duplex units §36-3.5
- Lots, Use for Yards §36-3.2

4. Use Standards
- Garage Sales §36-4.2
- Outside storage §36-4.1

5. Site Standards
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Barrier Walls §36-5.5
- Waste & Rubbish §36-5.3

6. Development Procedures
- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.4 R-3 Single-Family Cluster Housing

A. INTENT

The R3 district is intended to allow single-family dwelling units to be developed with varied yard setback requirements and/or design innovations so as to (a) facilitate development of parcels that are difficult to develop under the usual standards, (b) allow for a single-family detached residential development without increasing the permitted appropriate conventional lot-by-lot subdivision density, and/or (c) enhance useful open space and preserve significant trees and other natural features through the proper utilization of density transfer techniques.

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

B. PRINCIPAL PERMITTED USES

i. **Single family dwellings** §36-3.4

ii. **Accessory buildings** and uses customarily incident to any of the above permitted uses §36-3.7

iii. Publicly owned and operated parks and parkways

iv. **Home based business** §36-4.11

C. SPECIAL LAND USES

i. Reserved

R-3 Single-Family Cluster Housing

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 9,000 sq ft/dwelling unit

Setbacks

Minimum front yard setback: 40 ft
Minimum rear yard setback: 35 ft
Minimum side yard setback: 5 ft one side
15 ft total
15 ft between houses

Building Height

Maximum building height: 24 ft or 2 stories, whichever is less

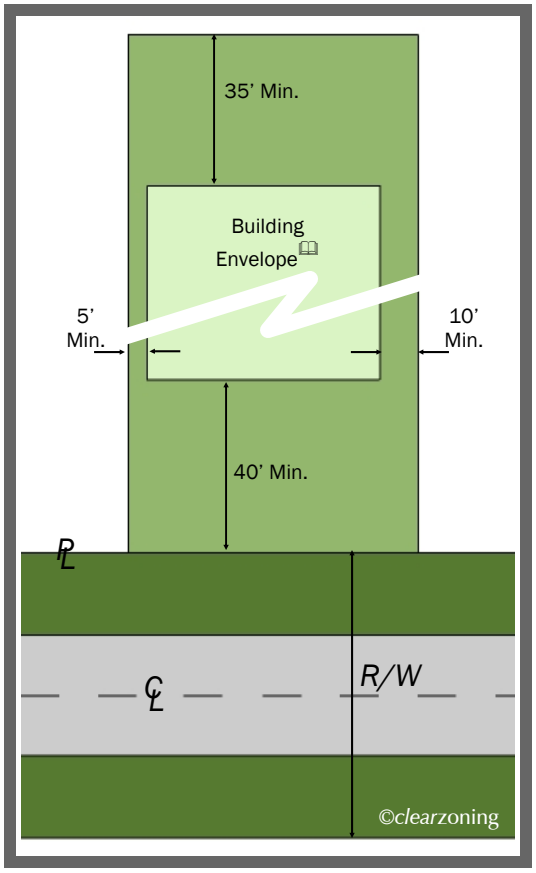
Floor Area

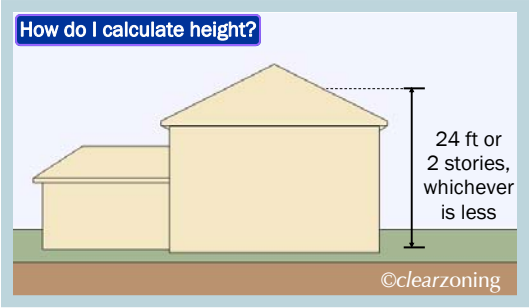
Where the minimum buildable lot size is less than 18,000 sq ft:
Minimum floor area per one-family dwelling:
1 story 1,250 sq ft
1+ stories 900 sq ft (first floor)
400 sq ft (second floor)

Where the minimum buildable lot size is more than 18,000 sq ft:
Minimum floor area per one-family dwelling:
1 story 2,000 sq ft
1+ stories 1,000 sq ft (first floor)

NOTES

- A dwelling unit may be erected on any lot in Louise Lathrup's California Bungalow Subdivision No. 6 having an area of 22,000 sq ft or more.





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Lots, Use for Yards §36-3.2
- Cluster Housing Options §36-3.3

4. Use Standards

- Garage sales §36-4.2
- Outside storage §36-4.1

5. Site Standards

- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.5 PS Public Service District

A. INTENT

The PS Public Service district is intended to allow uses of medium intensities which have moderately adverse impacts upon neighboring residential areas. The district is limited to areas which have lots which have sufficient size and depth to make it feasible to provide additional landscaping or other buffer treatment which can reduce such impacts to an acceptable level for this city.

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

B. PRINCIPAL PERMITTED USES

i. **Public schools** §36-3.8
ii. Publicly owned and operated parks and parkways
iii. Wireless telecommunication towers and antennas on municipal property
iv. Uses similar to any principal permitted use, as determined by the Planning Commission

C. SPECIAL LAND USES

i. Professional and administrative offices
ii. Retail commercial uses
iii. Drive-in or drive-through services
iv. **Child care centers** §36-4.15
v. Instruction centers for academic and fine arts purposes
vi. **Adult day care centers** §36-4.15
vii. Uses similar to any special land use in the district, as determined by the Planning Commission, and subject to reasonable conditions to address impacts of similar special land uses.

PS Public Service District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	33,000 sq ft
Minimum lot width:	none

Setbacks

Minimum front yard setback:	40 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	40 ft

Building Height

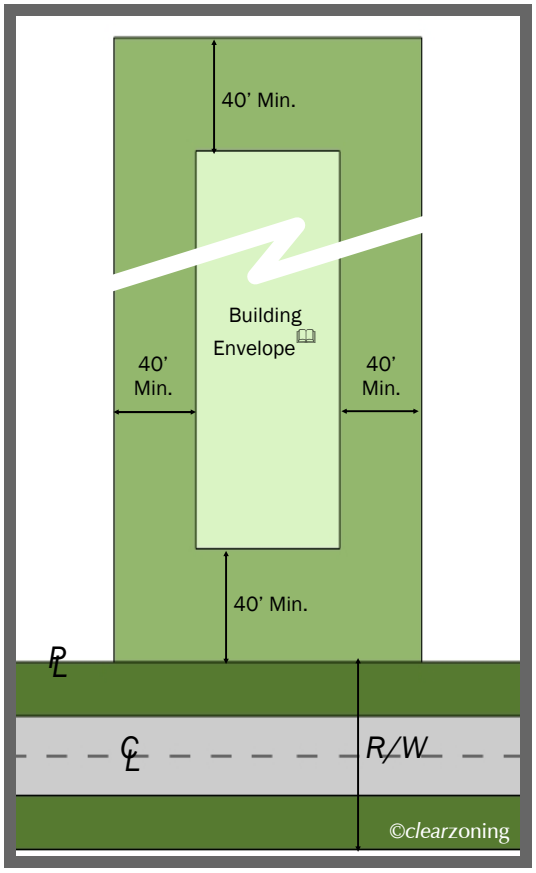
Maximum building height:	30 feet or 2 stories, whichever is less

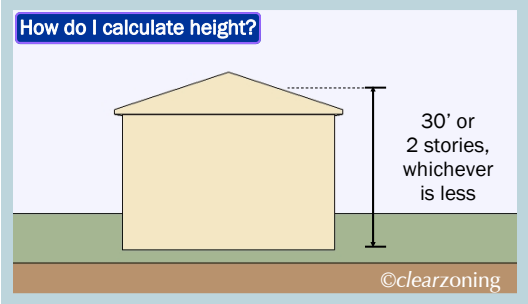
Floor Area

First floor:	1,250 sq ft

NOTES

- For lots that abut an R-1 or R-2 district, see Section 3.8.1.B





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- PS District Provisions §36-3.8
- Lots, Use for Yards §36-3.2

4. Use Standards
- Mixed Use Building §36-4.13
- Public high school athletic field lighting §36-4.5

5. Site Standards
- Off-street parking §36-5.13
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures
- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.6 O Office District

A. INTENT

The Office District is designed to provide sites for professional office uses and commercial activities that support those users. These districts are located in areas which abut and have direct access to freeways and major thoroughfares so as to provide for off-street parking, somewhat more intense land use activity adjacent to residential areas. This district is designed to encourage innovation, variety, and quality design. Attractive landscaping is desired so as to be in harmony with such adjacent residential uses.

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

B. PRINCIPAL PERMITTED USES

i. Professional and administrative offices
ii. Veterinary clinics
iii. Personal services
iv. **Child care centers** §36-4.15
v. Instruction centers for academic and fine arts purposes
vi. Publicly owned and operated parks and parkways
vii. Business service uses
viii. Civic uses, except those with outdoor storage of vehicles and materials
ix. Mortuaries & funeral homes
x. Banks and other financial institutions
xi. Accessory buildings and uses customarily incident to any of the above permitted uses
xii. Uses similar to any principal permitted use, as determined by the Planning Commission

C. SPECIAL LAND USES

i. **Drive-through or Drive-in service for financial institutions** §36-4.4
ii. **Public utility substations** §36-4.9
iii. **Places of worship** §36-6.2
iv. **Assembly and meeting halls** §36-6.2
v. **Adult day care centers** §36-4.15
vi. Uses similar to any special land use in the district, as determined by the Planning Commission, and subject to reasonable conditions to address impacts of similar special land uses.

O Office District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	5,000 sq ft
Minimum lot width:	50 ft

Lot Coverage

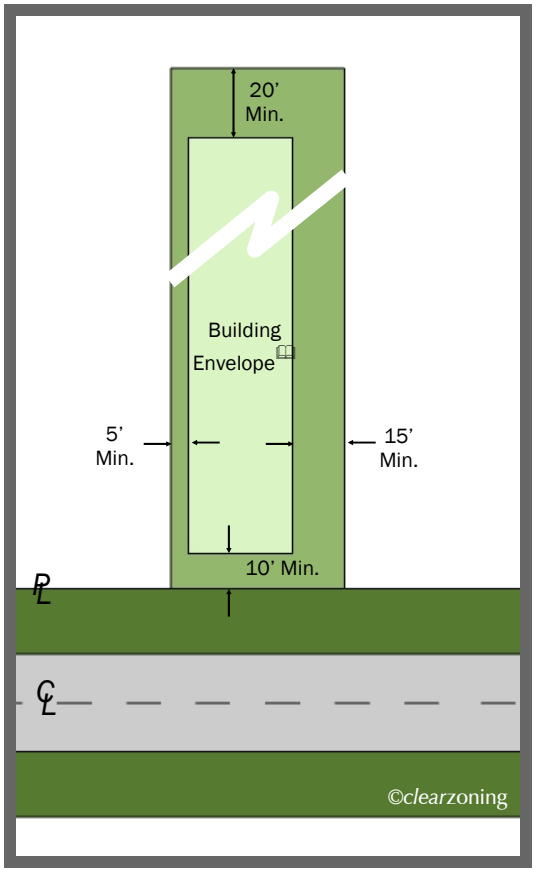
Maximum lot coverage:	none

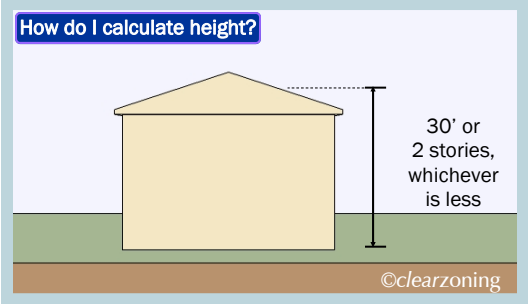
Setbacks

Minimum front yard setback:	10 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	5 ft one side 15 ft total

Building Height

Maximum building height:	30 feet or 2 stories, whichever is less





The above drawings are not to scale.

NOTES

- See *Selected References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- Lots, Use for Yards §36-3.2

4. Use Standards

- Drive-through or Drive-in Service for financial institutions §36-4.4
- Hours of operation for businesses §36-4.7
- Mixed Use Building §36-4.13

5. Site Standards

- Off-street parking §36-5.13
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.7 CV Commercial Vehicular District

A. INTENT

To provide automobile-oriented commercial uses that typically create higher trip generation along major intersections within the City, where potential adverse impacts on adjacent uses may be minimized.

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

B. PRINCIPAL PERMITTED USES

i. Professional and administrative offices
ii. Veterinary clinics
iii. Retail commercial uses
iv. Personal services
v. Home and building services
vi. Health and fitness facilities
vii. **Child care centers** §36-4.15
viii. Instruction centers for academic and fine arts purposes
ix. Publicly owned and operated parks and parkways
x. Business service uses
xi. Civic uses, except those with outdoor storage of vehicles and materials
xii. Mortuaries & funeral homes
xiii. Sales & service of boats, automobiles, motorcycles and recreational vehicles
xiv. Places of worship
xv. Assembly and meeting halls
xvi. Restaurants
xvii. Nursing homes and convalescent centers
xviii. Bar, tavern, live entertainment
xix. Banks and other financial institutions
xx. Outdoor cafes
xxi. Accessory buildings and uses customarily incidental to any of the above permitted uses
xxii. Uses similar to any principal permitted use, as determined by the Planning Commission
xxiii. **Adult business uses** §36-4.10

C. SPECIAL LAND USES

i. **Animal kennels** §36-6.2
ii. **Automobile washracks** §36-6.2
iii. **Pawn shops** §36-6.2
iv. **Pool halls and arcades** §36-6.2
v. **Gasoline stations** §36-6.2
vi. **Light industrial uses** §36-6.2
vii. Drive-through or drive-in service for a principal permitted use
viii. **Adult day care centers** §36-4.15
ix. Uses similar to any special land use in the district, as determined by the Planning Commission, and subject to reasonable conditions to address impacts of similar special land uses.
x. Establishments involving the manufacture or sale of any alcoholic beverages regulated by the Michigan Liquor Control Act, MCL 436.1101 et seq.

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	5,000 sq ft
Minimum lot width:	50 ft

Lot Coverage

Maximum lot coverage:	none

Setbacks

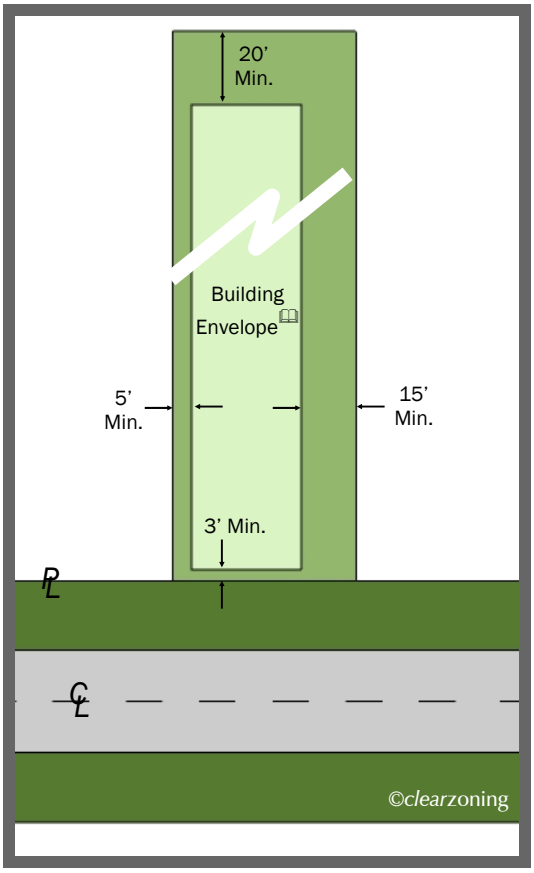
Minimum front yard setback:	3 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	5 ft one side 15 ft total

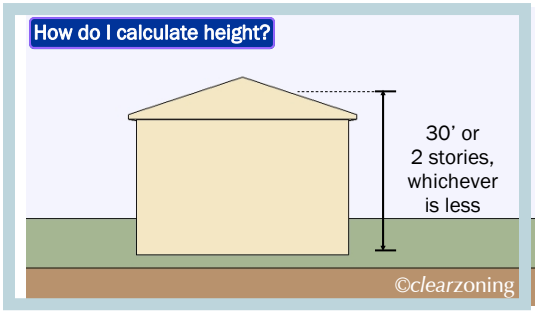
Building Height

Maximum building height:	30 feet or 2 stories, whichever is less

NOTES

- See *Selected References* below for applicability
-





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Lots, Use for Yards §36-3.2
- CV District §36-3.8

4. Use Standards

- Outside storage §36-4.1
- Hours of operation for businesses §36-4.7
- Wireless Communication Facilities §36-4.6
- Mixed Use Building §36-4.13

5. Site Standards

- Off-street parking §36-5.13
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.8 VC Village Center District

A. INTENT

The intent of the VC Village Center District is to create a compact and unique downtown district for the City by encouraging the redevelopment of property where buildings feature a mix of residential, retail and office uses and are laid out in a pedestrian-oriented manner that reflects a traditional small town urban form. There will be two types of roads in the VC District: Primary roads that function as the main streets and other roads that support the grid network. Parking will be provided on-street and in shared parking areas. Alleys will provide service and parking access.

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

B. VILLAGE CENTER DISTRICT USES

Use	Floor	
	Ground Floor	Upper Floor
Commercial Uses		
Restaurant, bar, tavern, live entertainment	P	P
Personal Services	P	P
Bed & Breakfast, inn, hotel	P	P
Retail commercial uses up to 6,000 sq. ft.	P	S
Grocery store up to 10,000 sq. ft.	P	
Post office and other government services	P	P
Professional & administrative offices		P
Business service uses	P	P
Establishments involving the manufacture or sale of any alcoholic beverages regulated by the Michigan Liquor Control Act, MCL 436.1101 et seq.	S	S
Banks and other financial institutions	P	P
Outdoor cafes	P	P
Temporary outdoor display and sales §36-4.14	A	A
Adult day care centers §36-4.15	S	S
Recreation, Education & Assembly		
Library, museum	S	P
Child care centers §36-4.15	S	S
Theater, cinema, performing arts, places of worship §36-6.2	S	S
Instruction centers for academic and fine arts purposes	P	P
Health/Fitness facility	P	P
Residential Uses		
Home occupations/Live-Work	P	A
Single family attached		P
Multiple family		P
Accessory uses, customarily incidental to permitted uses	A	A
Uses similar to the above uses, as determined by the Planning Commission	P*/S**	P*/S**
Publicly owned and operated parks and parkways		

P = Permitted S = Special Land Use A = Accessory use
* If similar to a permitted use on this level, as determined by the Planning Commission
** If similar to a special land use permitted on this level, as determined by the Planning Commission, and subject to reasonable conditions to address impacts of similar special land uses.

VC Village Center District

C. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	5,000 sq ft
Minimum lot width:	20 ft

Setbacks

Minimum front yard setback:	0 ft
Minimum rear yard setback:	5 ft
Buildings w/ rear façade on California Drive	20 ft
Minimum side yard setback:	0 ft
Build-to-line coverage:	
Primary Roads:	90%
All other roads	75%

Building Height

Maximum building height:

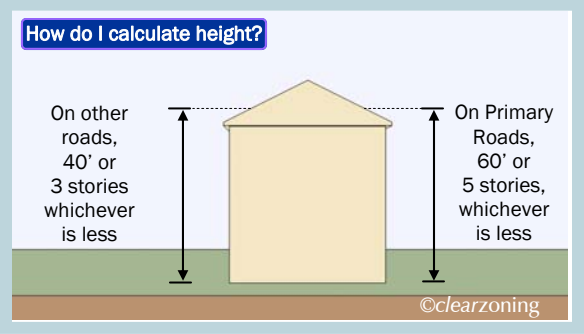
Primary Roads:	5 stories, 60 ft, whichever is less, when setback ten (10) ft from all building sides
All other roads:	3 stories, 40 ft, whichever is less

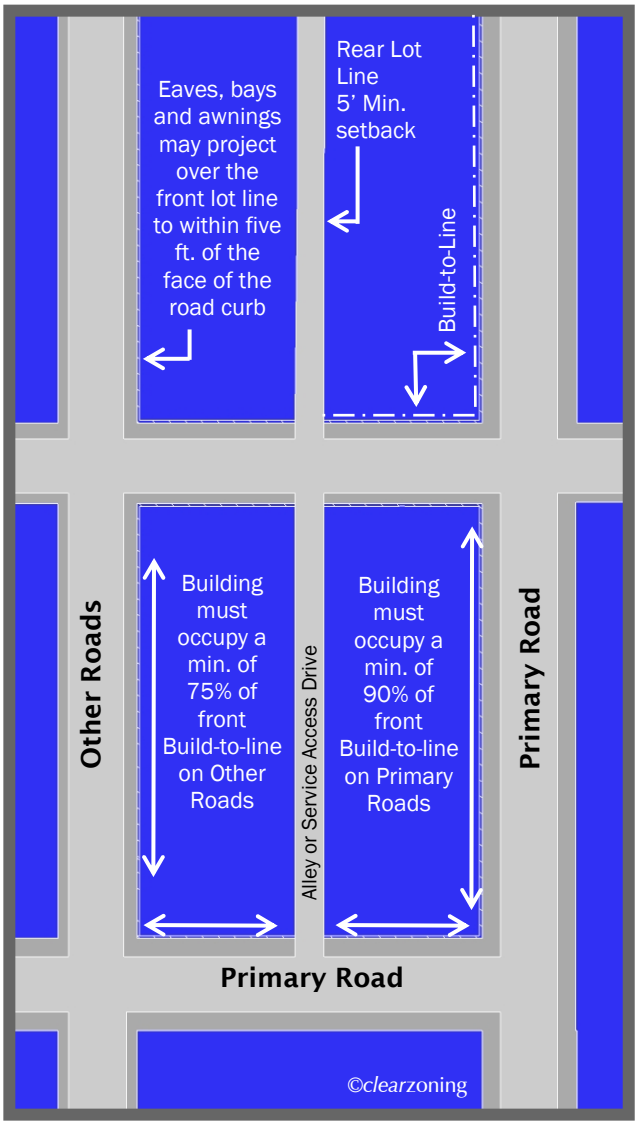
Minimum Floor Height

First/ground floor:	14 ft
Upper floors:	10 ft

Parking Setbacks

Minimum setback:	5 ft; 0 ft from interior lot line





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Standards for the VC District §36-3.1.8

4. Use Standards

- Hours of operation for businesses §36-4.7
- Wireless Communication Facilities §36-4.6
- Mixed Use Building §36-4.13

5. Site Standards

- Off-street parking §36-5.13
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Mobile Food Vending §36-6.1.1.B.xii
- Special Land Uses §36-6.2

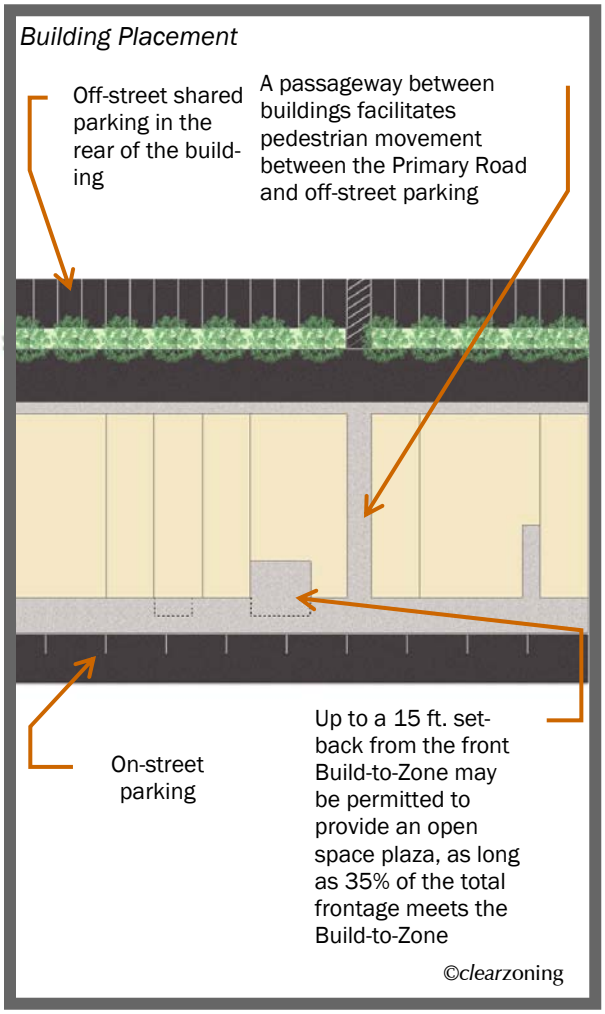
3.1.8 VC Village Center District

D. BUILDING PLACEMENT

1. Primary Roads: Buildings shall be constructed to the Build-to-Line and occupy 90 percent or more of the full width of the parcel, subject to the following:
   A. Build-to-Zone: To allow variation and design flexibility, portions of the building façade may include jogs up to five (5') feet from the property line. Additional variations in setback for architectural features that meet the intent and spirit of this ordinance may be permitted at the discretion of the Planning Commission.
   B. Building Entrances: Recessed areas from three (3) to five (5) feet from the Build-to-Zone shall be provided for primary building entrances.
   C. Forecourts: The Planning Commission may grant an exception for a building façade to retreat up to fifteen (15') feet from to the Build-to-Zone, into the building mass, to provide an open space plaza or courtyard provided that at least thirty-five percent (35%) of the total frontage meets the Build-to Zone.
   D. Paved areas: All areas located between the building and the street shall be paved for pedestrians unless specific landscaped areas within the paved sections are approved.
2. Other Roads: Buildings that abut other roads shall be constructed to the Build-to-Zone and occupy 75% or more of the full frontage of the parcel and must meet 3.1.8.E.1 above. The Planning Commission may reduce the 75% frontage requirement to 50% when it determines that development of the site will be phased and that it is not reasonable to meet the 75% requirement at the time of site plan approval.
3. Interior Side Setbacks—None required

E. BUILDING ELEMENTS

The requirements listed in this subsection, shall apply to all front-facing and exterior-side facing facades as well as facades that directly face a park or plaza. Walls shall not be blank. Walls shall include windows and architectural features customarily found on the front of a building in a traditional downtown setting such as awnings, edge detailing, cornice work, decorative materials, and decorative lighting. The following additional requirements shall apply:



1. Building Composition: Building facades shall be comprised of three distinct components: a base or ground floor, a middle, and a top.
   A. Base: The base of a building shall be designed to clearly define where the building begins. It shall enhance the pedestrian experience by providing quality durable materials as well as ample windows that encourage views into a ground floor space. Frontage base types shall be one of the following on Primary Roads:
      i. Arcade: A façade featuring a series of arches and columns.
      ii. Storefront: The front façade build-to line is at or near the edge of the right-of-way (within the build-to-zone). The entrance to the building, which may be recessed, is at the grade of the sidewalk.

B. Middle: For buildings with more than one story, the middle of a building, which begins above the ground floor, shall be separated from the ground floor by a visible break that may include a change of color, material, or window pattern. This break may include the sign band area. Upper floor windows shall be inset and grouped to reflect the rhythm of the ground floor openings.

C. Top: The top of the building will distinguish the building with a cornice or noticeable roof edge. Flat roofs shall be enclosed with parapets.

i. Equipment: Rooftop mechanical and other equipment shall be positioned and screened to minimize views from adjacent properties and obscure views from the public rights-of-way.

ii. Accessibility: Roofs may be accessible and may be used as balconies or terraces. Vegetated roofs are encouraged to cool buildings and limit stormwater runoff.

2. Windows and Doors

A. Generally

i. Materials: Structural elements to support canopies or signage, along with mullion and frame systems for windows and doors shall be painted, powder-coated or stained (or the equivalent). Glass shall be clear or lightly tinted. Reflective glass is not permitted. Glass block windows shall not be permitted unless the Planning Commission grants an exception for use as an accent.

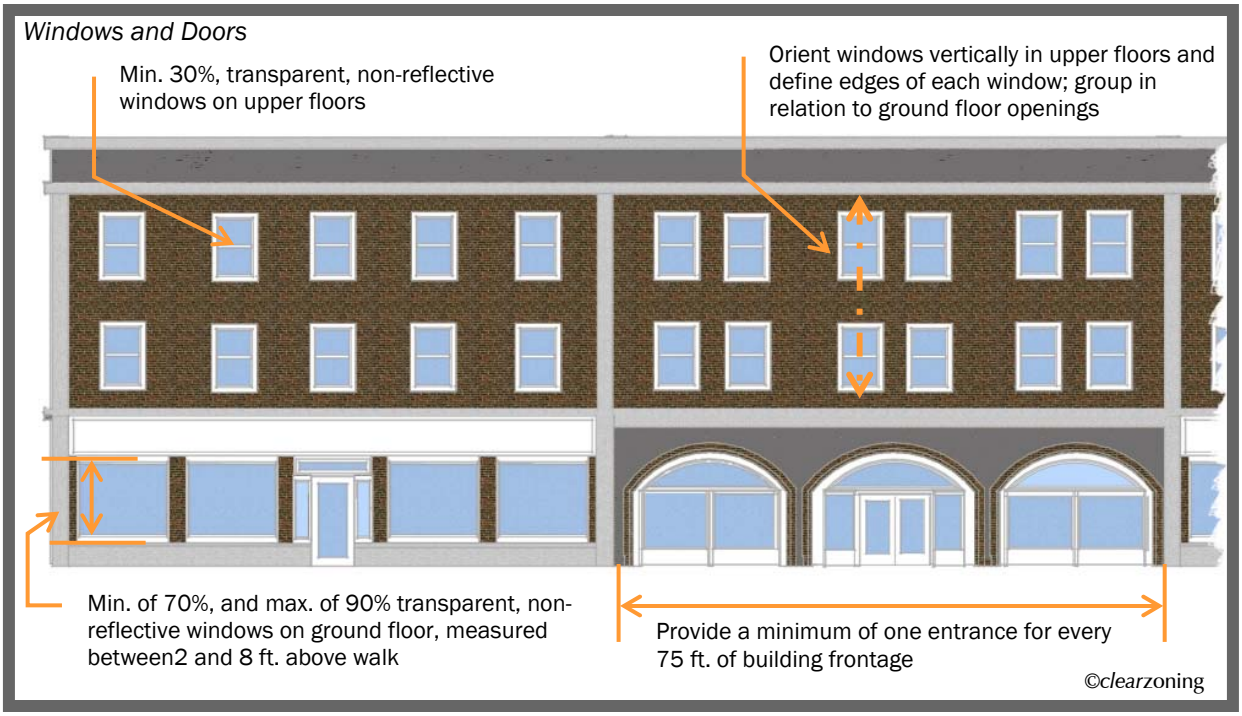
ii. Shutters: When shutters are used, whether operating or decorative, they shall be equal to the width of one half of the adjacent window opening

iii. Façade Openings: All porches, doors, colonnades, and upper floor windows, shall be vertically proportioned.

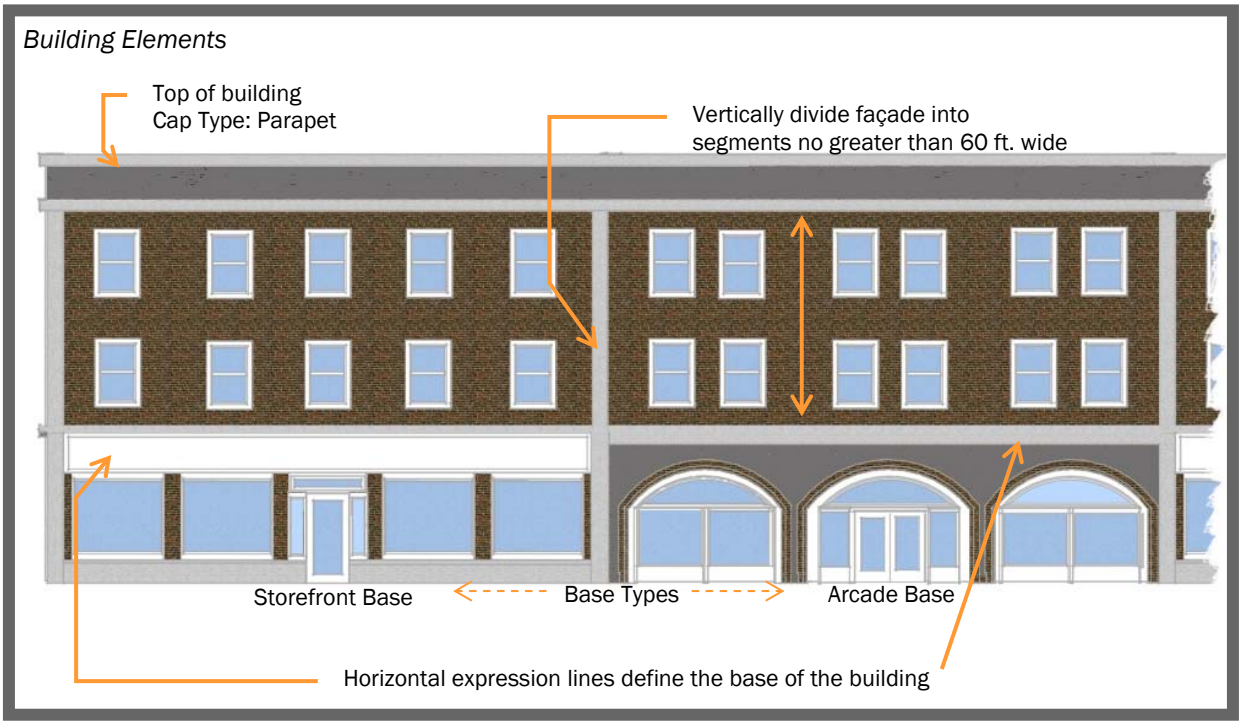
B. Ground Floor windows and doors:

i. Integral Design: All storefronts shall have doorways, windows, and signage that are integrally designed.

ii. Transparency: Each storefront shall have transparent or lightly tinted areas, equal to at least 70 percent, but not more than 90 percent of its portion of the façade, between two (2) and eight (8) feet from the ground. These required window areas shall be either windows that allow views into retail space, dining areas, office work areas, lobbies, pedestrian entrances, merchandise display windows or other windows consistent with encouraging



VC Village Center District



an active pedestrian environment along the storefront.

iii. Entry: At least one functioning doorway shall be provided for every street-facing storefront, with the primary entrance on the street. As applicable for a single ground floor use, one doorway shall be provided for every 75 feet in horizontal building length.

C. Upper Floor windows and doors—Glazing: The glazed area of a façade above the first floor shall be between 30 and 50 percent, with each façade being calculated separately, floor to floor. Sill height: All windows shall maintain a consistent sill height, unless the Planning Commission grants an exception for a decorative window element or similar feature.

3. Building Materials

A. Facing Street, park or plaza: At least 90% of all exterior building façades facing a street, park, or plaza shall be finished with a combination of two or more of the following: Glass, brick, cut or cast stone, wood, cementitious board (e.g., Hardie Plank), integrally colored concrete units with brick proportions (e.g., half-high "C" brick), and textured stucco.

B. Facing other buildings: at least 70%of the exterior façade shall consist of the materials specified in 3.A. above and may also include split-faced, scored, or fluted block.

C. Variation: There shall be a change in the vertical or horizontal building plane when there is a change in color or material. Street facing facades shall be divided vertically into segments no greater than sixty (60) feet wide.

4. Corner Buildings. Buildings located at a street corner shall have appropriate architectural features and details that accentuate its prominent corner location through additional building height and /or adding a building peak or tower element at the corner. Other creative techniques may be used, subject to the acceptance of the Planning Commission. Special architectural corner features may be permitted to exceed the maximum building height by up to ten (10) feet if deemed appropriate by the Planning Commission.

5. Canopies and Awnings**:** Facades may be supplemented with awnings that do not serve as signage, but meet the following:

A. Style & Height: Straight sheds shall be used. Awnings shall be at least 8 feet above sidewalk grade at the lower drip edge.

B. Encroachment: Awnings may encroach beyond the Front or Street-side Build-to-Zone and into the street right-of-way or easement, but must avoid the canopy area of street trees (based on tree maturity); and be set back a minimum of five (5) feet from the face of the road curb. Awnings shall be positioned immediately above the ground floor window, in scale with the window and overall building façade.

C. Colors: Awnings shall be complementary to the building façade.

D. Materials: Awnings shall be constructed of a durable material such as canvas or other material approved by the Building Official that will not fade or tear easily. Plastic and vinyl awnings are not permitted.

E. Signage: The vertical drip of an awning may be stenciled with signage a maximum of 8 inches by a horizontal length not to exceed 80 percent of the awning width.

6. Balconies and Overhangs: Balconies and overhangs may be added to facades with the following conditions:

A. Balconies and overhangs shall not extend more than six feet from the building face.

B. Materials shall be compatible with the building and be integrally designed.

8. Building Lighting

A. Height: For building fronts, exterior lights must be mounted between six and fourteen feet above adjacent grade.

B. Alley lighting: Fixtures in alleys shall illuminate the alley, be between 9 and 14 feet in height, have a shield to prevent uplighting, and not cause glare onto adjacent lots.

C. Floodllights or directional lights: Such lighting may be used to illuminate alleys or parking garages, but must be shielded to prevent light spills upward, or into adjacent lots, the street, or area outside of the District. Floodlights shall not be used for uplighting.

D. Contained illumination: Site lighting shall be of a design and height and shall be located so as to illuminate only the lot. An exterior lighting plan must be submitted and approved with each site plan.

E. Flashing, traveling, animated or intermittent lighting: Such lighting is not permitted, whether of a permanent or temporary nature.

F. OFF-STREET PARKING

1. Location:

A. Primary Roads: Surface parking lots shall have a minimum setback of 60 feet from the sidewalk and be located behind a building. Structured parking is permitted internally, but must be located behind occupied uses on the ground floor.

B. Other Roads: Surface parking lots are permitted in the rear or side of any lot and in structures and shall be setback a minimum of 5 feet from the sidewalk. Off-street parking is not permitted in front of a building.

2. Driveways and Access: Driveway access shall not be permitted off a Primary Road.

3. Screening and Landscaping: Parking lots adjacent to public or private streets shall be screened by a combination of landscaping (e.g., hedge row), brick walls, and ornamental metal fencing, with the design intent of screening an area 2.5 feet high adjacent to parking lots. Unless otherwise specified here, other parking requirements found in Section 5.16.4 also apply.

4. Shared Parking: see section 5.13.5

5. Bicycle Parking: Secure, visible, and accessible parking for bicycles shall be provided.

G. FUNCTIONAL ELEMENTS:

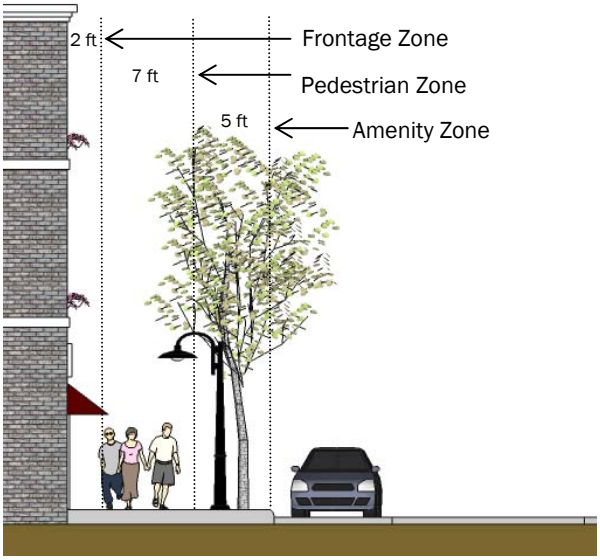
1. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of buildings and landscaping.

2. Areas for truck parking, trash collection and/or compaction, loading and other such uses shall not be visible from public or private rights-of-way and shall be located at least 20 feet from all street and sidewalks.

H. LANDSCAPING

1. Generally: Sites should include landscaping as an integral part of site design and should give

3.1.8 VC Village Center District



consideration as to the use of landscaping for stormwater management.

2. Mechanical equipment: Mechanical equipment, including, but not limited to, HVAC equipment, electrical transformers, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins) and storage tanks may not be stored at ground level on a front or exterior side of a building and if provided in the rear, must be screened from public view. Rooftop mechanical equipment must be screened from public view, using materials that are complementary to the overall building design.
3. Buildings, Fronts & Backs
   A. Street opportunities: Building facades are the public 'face' of the VC district. The use of well-maintained, quality plant materials attract and engage pedestrians and shall be permitted subject to administrative review of a sidewalk permit.
   B. Rear yards: The private, back yard portions of lots may provide opportunities for businesses to provide a semi-private space for patrons to enjoy, or allow residents to have private or semi-private (for apartments or condominiums) open spaces, gardens and courtyards.
5. Street Trees & Plantings
   A. Spacing: Trees must be provided along the Primary Road streetscape, with a typical spacing of fifty (50) feet on center.
   B. Tree wells: Tree wells in sidewalks must be 5 ft. by 5 feet with a 3.5 ft. minimum depth. Perimeter fencing shall not be permitted.
   C. Clear vision: Trees shall not be placed closer than thirty feet (30') from intersections, nor be placed in the clear vision triangle.
   D. Irrigation: Irrigation systems must be installed at the time of development.
   E. Maintenance of public realm: The owner shall maintain the portion of the street between the lot line and back-of-curb and, if applicable, the portion of the alley between the lot line and the edge of pavement.
   F. Plant Selections: Plants should be chosen for specific locations based on size and mass at maturation as well as ease of maintenance.
6. Street Lighting
   A. Pedestrian-scaled lighting shall provide a minimum of one foot candle of warm light between the building face and the curb.
   B. Street lights are required with any new development or redevelopment and must be of the type identified by The City.
7. Street Furniture
   A. Street furnishings must be placed within the Amenity Zone, which is defined as the five (5) feet between the curb face and the pedestrian zone.
   B. Street furnishing shall be placed at least 2.5 feet from the curb face where on-street parking occurs, and 5 feet where travel lanes adjoin the curb, subject to road commission approval, where required.
   C. Planter walls, where proposed, shall be a minimum width of ten inches (10") and two and one-half feet (2.5') in height, and brick to match pavers. Planter walls shall be located at intersections and placed at evenly spaced intervals along the block.
   D. Street furnishings must be those identified by The City.
8. Open Space Standards: Public spaces are meant to provide a means for social interaction. There are two general classifications of public spaces in the VC district: those that are part of a development and those that are to be developed by The City. Generally:

A. Location: Public open spaces should be practically located so that the public is aware of their location

B. Function: All open spaces should be functional and purposeful, yet flexible to provide for a variety of uses.

C. Amenities: Outdoor furniture (benches and tables), art or sculptures, landscaping, change in the type of pavement, semi-enclosure to define the space, drinking fountains, trash receptacles should be added to defined open spaces.

D. Awareness: Wayfinding signs should be used to direct the public to the location of open spaces, municipal parks or trailheads.

E. Security: Open spaces shall be well-lit, well-maintained and allow for clear views to create a safe environment.

I. FIRST FLOOE USES ON PRIMARY STREETS

The following regulations apply to all first floor uses:

1. Retail and restaurant uses facing a primary street shall be at least twenty (20') feet deep, as measured from the street-facing facade.
2. In order to promote a walkable downtown area as described in the intent of this zoning district and the City's Master Plan, Banks, financial institutions, professional, medical, administrative offices, and day care centers shall not comprise more than twenty-five (25%) percent of the street facing façade of the same side of a single block along a primary street.

3.1.9 MX Mixed Use

A. INTENT

The MX Mixed Use district is intended to allow flexibility in the redevelopment of property along Southfield Road, where frontage lots limit the availability of parking and compliance with buildings setbacks. This district will encourage pedestrian-oriented design, and will compliment the Village Center district.

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

B. PRINCIPAL PERMITTED USES

i. Single-family attached dwellings
ii. Duplex dwelling units
iii. Multiple-family dwellings
iv. Professional and administrative offices
v. Personal services
vi. Restaurants
vii. Health and fitness facilities
viii. Business service uses
ix. Banks and other financial institutions
x. Outdoor cafes
xi. Retail commercial uses
xii. Accessory buildings and uses customarily incident to any of the above permitted uses
xiii. Publicly owned and operated parks and parkways
xiv. Uses similar to any principal permitted use, as determined by the Planning Commission

C. SPECIAL LAND USES

i. **Drive-through or Drive-in service** §36-6.2 only when located in the side or rear of a building
ii. **Public utility substations** §36-4.9
iii. **Places of worship** §36-6.2
iv. **Assembly and meeting halls** §36-6.2
v. **Child care centers** §36-4.15
vi. **Instruction centers for academic and fine arts purposes** §36-6.2
vii. **Adult day care centers** §36-4.15
viii. Uses similar to any special land use in the district, as determined by the Planning Commission, and subject to reasonable conditions to address impacts of similar special land uses.
ix. Establishments involving the manufacture or sale of any alcoholic beverages regulated by the Michigan Liquor Control Act, MCL 436.1101 et seq.

MX Mixed Use

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	5,000 sq ft
Minimum lot width:	Not specified

Lot Coverage

Maximum lot coverage:	Governed by setbacks

Setbacks

Minimum front yard setback:	0 ft
Maximum front setback:	10 ft
Minimum rear yard setback:	
Adjacent to alley/service drive:	5 ft
No alley/service drive:	25 ft
Minimum side yard setback:	0 ft
Build-to-line coverage:	60%

Building Height

Maximum building height:	40 feet or 3 stories, whichever is less

Minimum Floor Height

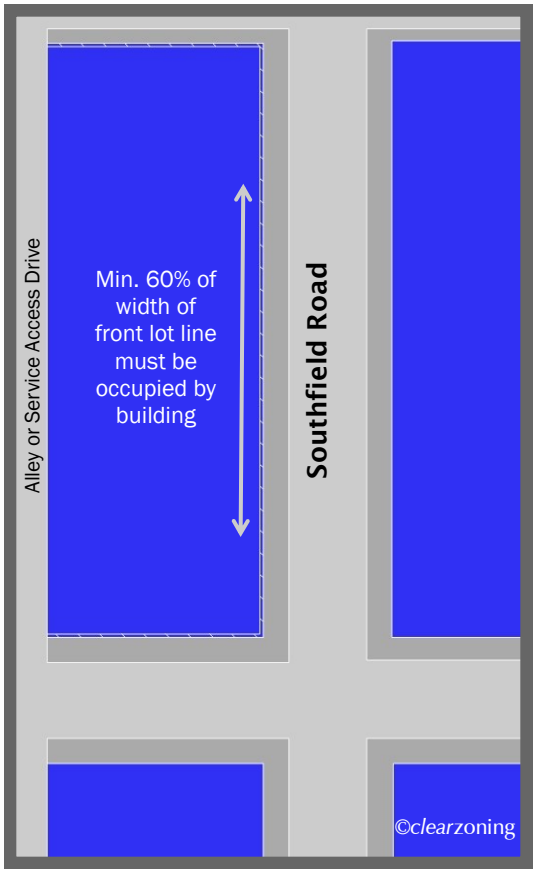
First/ground floor:	14 ft
Upper floors:	10 ft

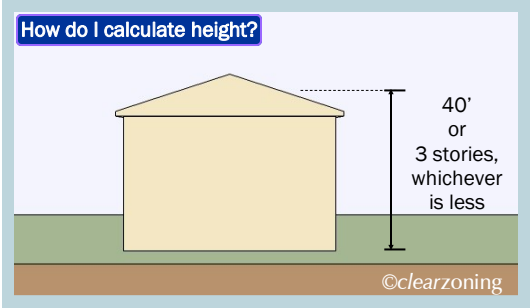
Parking Setbacks

Minimum setback:	5 ft

NOTES

■





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Lots, Use for Yards §36-3.2

4. Use Standards

- Hours of operation for businesses §36-4.7
- Outdoor dining §36-4.8
- Mixed Use Building §36-4.13

5. Site Standards

- Off-street parking §36-5.13
- Building Materials §36-5.4
- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

3.1.10 GO Gateway Overlay

A. INTENT

The GO Gateway Overlay District recognizes that a limited office district located adjacent to the interstate highway may accommodate greater height and more intense land activity in an otherwise low density community. This district may accommodate a large office building with related retail and service uses which may serve the area beyond the confines of the office building.

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

B. PRINCIPAL PERMITTED USES

i. Professional and administrative offices
ii. Veterinary clinics
iii. Personal services
iv. **Child care centers** §36-4.15
v. Instruction centers for academic and fine arts purposes
vi. Publicly owned and operated parks and parkways
vii. Business service uses
viii. Civic uses, except those with outdoor storage of vehicles and materials
ix. Mortuaries & funeral homes
x. Banks and other financial institutions
xi. Outdoor cafes
xii. Accessory buildings and uses customarily incident to any of the above permitted uses, including Drive-through or Drive-in service
xiii. Uses similar to any principal permitted use, as determined by the Planning Commission

C. SPECIAL LAND USES

i. **Adult day care centers** §36-4.15

D. ACCESSORY USES

i. **Temporary outdoor display and sales** §36-4.14

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	4.5 acres
Minimum lot width:	50 ft

Setbacks

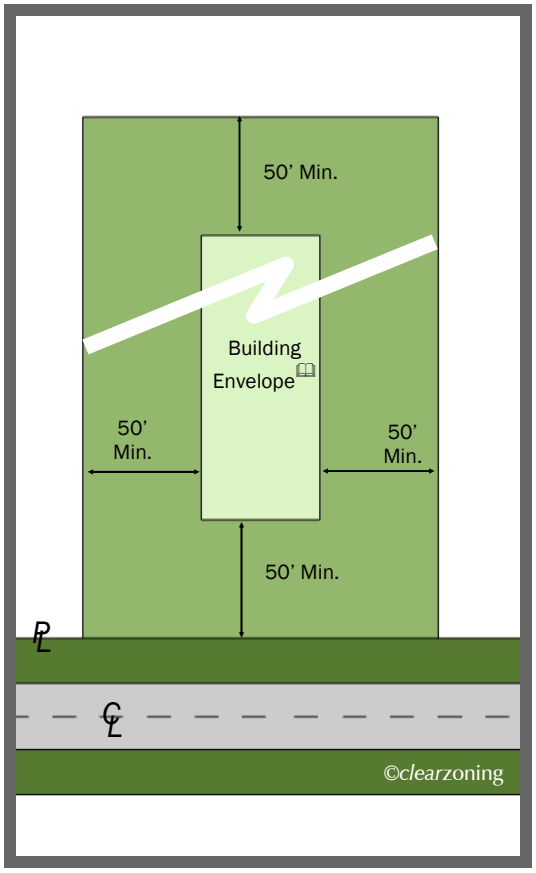
Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	50 ft

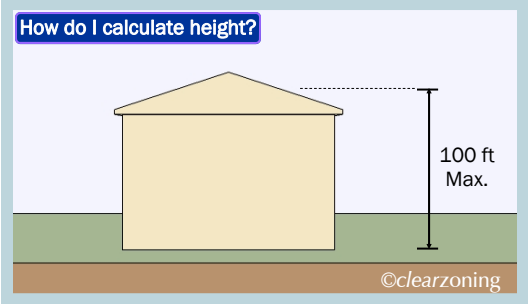
Building Height

Maximum building height:	100 ft

NOTES

- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- GO District standards §36-3.1.10

4. Use Standards

- Hours of operation for businesses §36-4.7
- Wireless Communication Facilities §36-4.6
- Mixed Use Building §36-4.13

5. Site Standards

- Grades and Drainage §36-5.9
- Waste & Rubbish §36-5.3

6. Development Procedures

- Site Plan Review §36-6.1
- Special Land Uses §36-6.2

F. SPECIAL CONDITIONS OF THE GATEWAY OVERLAY DISTRICT

1. All such uses shall be contained within the office building footprint or connected to the principal building by a covered walkway or pedestrian enclosure.
2. Such uses shall not be permitted in a building of less than 60,000 square feet of floor area.
3. All such secondary uses shall provide all street parking spaces as required by this article.
4. Appropriate floor plans shall be submitted at time of site plan review.
5. All uses, except for off street parking or loading space shall be conducted within a completely enclosed building. Outdoor storage of any commodities or storage containers, vehicles or other uses shall be expressly prohibited other than a building trash receptacle(s) and a generator which shall be screened by a masonry wall and a decorative entrance gate.
6. The proposed building shall provide for a minimum of one lobby entranceway atrium, a minimum of two floors high, or other interior public gathering places.
7. No interior display shall be visible from the exterior of the building.
8. Open space. A minimum of ten percent of the gross site area of the development shall be devoted to permanently landscape open spaces and pedestrian plaza areas accessible to the public. All landscaped open areas and pedestrian plaza areas shall be maintained by the owner of the commercial office.

G. PARKING AND BUILDING SETBACKS

1. Parking setbacks. Off street parking areas shall be set back a minimum of five feet from the right-of-way line of any major arterial roadway (such as Eleven Mile Road or Evergreen Road) and zero setback from the property boundary line on interior subdivision road frontage. Surface parking lots shall be screened from all public rights-of-way by a minimum of either a 2 1/2-foot: (1) ornamental brick on brick wall, or (2) a landscaped area with sufficient plantings to adequately screen vehicles to the minimum height.
2. For any development in the Gateway Overlay district, a reduction in lot setbacks may be requested but such reduction may only be made by the city council if a reduction and set back will not impair the health, safety or general welfare of the city as related to the use of the premises or adjacent premises.

H. SPECIAL FINDINGS AND REQUIREMENTS

The city council may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for sound proofing, the shielding of flood lights and surfacing of all access roads or driveways.

I. ARCHITECTURE, PEDESTRIAN ORIENTATION

1. Proposed uses, through innovative architecture, shall create a significant pedestrian orientation in keeping with the intent and propose of the district. Each building shall be required to have a minimum of one main pedestrian entrance.
2. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entrance ways and focal points of the development (e.g., arch, gateway, bell tower, fountain).
3. Architectural design and facade material are to be complimentary to existing buildings within the site and the surrounding area. It is not intended that contrasts and architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrast will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
4. Facades. All exterior walls of any main or accessory buildings shall be composed of the same architectural building facade materials. Exterior building facades shall be primarily of brick, stone or other masonry material and which may be augmented by materials complimentary to brick or stone. When facade materials other than brick or stone are

proposed from a building within the district, the city council may permit such alternative facade materials provided it finds that all of the following conditions are satisfied:

A. The selected facade materials and material combinations will be consistent with and enhance the building design concept.

B. The selected facade materials and material combinations will be complimentary to existing or proposed buildings within the site and the surrounding area.

C. The request is accompanied by a written design statement describing how the selected facade materials will satisfy the above requirements and samples of the facade material must be submitted.

J. OFF-STREET PARKING REQUIREMENTS

Off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use within this zoning district.

3.2 LOTS: USE FOR YARDS; ETC.

1. Open porches at first floor building entrances, and any projections not exceeding 36 inches, the whole of which are at least five feet above the grade line, shall not be construed as part of the building for the purpose of calculating yard widths.
2. Except as otherwise provided in Section 5.16.5, no portion of a lot used in complying with the provisions of this ordinance for the required yards, percentage of lot coverage, off-street parking, landscaping, buffer zone, or the like, in connection with an existing structure, shall again be used as part of the lot required in connection with any other building or structure existing or planned to exist at the same time.
3. Deviation from lot area requirements in the R-1 District. The board may and shall permit deviations from area requirements in appropriate cases, provided however, the board shall be expressly empowered to deny permission if either of the following factors are present in a case:
   A. If the proposed building site has been created, caused, or permitted to become less than the required area by the actions or inactions of any of the owners of the land subsequent to September 22, 1978, the effective date of a prior amendatory ordinance which increased the size of buildable lots.
   B. If any portion of the proposed building site has been acquired subsequent to September 22, 1978 from the owner(s) of any adjacent lot upon which a house has been constructed and still stands.

3.3 SPECIAL CLUSTER HOUSING PROVISIONS

In the R-3 district, dwelling units may be developed with varied yard and setback requirements, and with innovative design and layout configurations; to permit the enhancement of open space vistas, and/or the preservation of natural features, including vegetation and trees. A property owner may elect to develop his/her parcel(s) under any of the following options:

1. R-1 option: In strict conformity with the provisions of this article without cluster housing approvals after approval of a site plan under the provisions of Section 6.1 and in full compliance with the Subdivision Control Act of 1967 [now land division act (Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430 (263) et seq.))].
2. Site condominium option. A property owner may elect to develop two or more contiguous lots in a condominium form of ownership under either of the foregoing options when permitted under the Subdivision Control Act of 1967 [now land division act (Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(263) et seq.))], but the master deed and all amendments must conform to this article and the terms and conditions of and site plan approvals for development of the subject parcel.
3. Cluster option:
   A. In conformity with the regulations of this article with such deviations as may be approved by the city council under approval procedures and criteria listed in the following sections and after approval of a site plan under the provisions of Section 6 and in full compliance with the Subdivision Control Act of 1967 [now land division act (Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(263) et seq.))].
   B. A person desiring to obtain cluster housing approval from the council shall simultaneously apply for site plan review under Section 6 and council approval of any needed deviations from the regulations of this article. The council may (but need not) hold an additional public hearing with such notice as it deems appropriate to allow for review and comment from the owners and occupants of neighboring properties.
   C. The council shall approve a cluster housing option plan only if and when, in the exercise of its sound discretion, such plan is clearly in the public interest and meets the other standards enumerated in Section 7.7.14 (d), (e), (f), and (g).

3.4 DWELLING UNITS IN THE RESIDENTIAL DISTRICTS

1. In the R-1 district, a garage is required and it must be attached to or be part of the house but its floor area shall not be counted as part of the minimum floor area of the house.
2. A basement is required in the R-1 and R-2 districts.

3. Building materials must conform to Section 5.4, except that the materials may be shingles or siding above the first floor ceiling joists.
4. Every dwelling unit must have and maintain in operable condition a garbage grinder or disposer capable of grinding and disposing of the units' garbage through the city sanitary sewer system.
5. In the front yard of the R-1 and R-2 District,, only the following structures are permitted:
   A. Signs conforming to the other provisions of this ordinance.
   B. Decorative structures not exceeding three feet in height.
   C. Lamp and identification posts.
   D. Open porches and steps located at first floor entrances.
   E. Poles not exceeding 22 feet in height used only for display of noncommercial flags
6. Additional uses and structures prohibited in the R-1, R-2, and R-3 districts. In addition to the other provisions of Section 3.1.2, the following structures and uses are prohibited in the R-1, R -2 and R-3 districts:
   A. The landing and taking off of "aircraft" (as defined in this city's aircraft regulation ordinances).
   B. The outside storage of garden trailers, snowmobiles, all-terrain vehicles, trailers for the aforementioned, or the like, unless they are stored in the rear or side yards and screened from the view of persons on public streets. The aforementioned shall not be stored closer than five feet to any building or within five feet of the rear or side yard property line, nor shall they be more than six feet in height above the surface upon which the aforementioned are parked or stored. All such storage shall be upon a parking surface of concrete, asphalt or brick pavers and the driveway access to the parking surface shall be of the same or similar material. A violation of this subsection shall be a civil infraction.
   C. "Roominghouses," defined as dwellings where lodgings or sleeping accommodations are provided for hire, either with or without provisions for meals, to three or more persons not related to the owner or tenant in possession by consanguinity, marriage, or legal adoption.
   D. "Animal kennels," defined as using a lot or premises in this district to harbor, keep or possess a greater number of animals than is permitted by the animal control ordinances of this city.

3.5 PROVISIONS FOR THE R-2 DISTRICT

1. R-1 Option. Buildings and lots may, at the option of the owner, be constructed and used in conformity with the regulations of Section 3.1..2 in lieu of the further regulations of Section 3.1.3.
2. Duplex Option. At the option of the owner, buildings may be constructed in conformity with the buildings now existing on lots 150-166 of Louise Lathrup's California Bungalow Subdivision and used in conformity with the regulations of Section 3.1.2 in lieu of the further regulations of Section 3.1.3.
3. Multiple Family dwelling units. Multiple-unit buildings and accessory structures may also be constructed as townhouses, garden apartments, terraces, or other clustered housing units, pursuant to the following:
   A. Each dwelling unit shall contain at least one living room, one bedroom, one kitchen, and one full bath.
   B. Ownership. Each dwelling unit shall be separately owned or be of a cooperative or condominium type of ownership.
   C. Number of bedrooms. If a unit has a room designated as a den, sewing room, library, sitting room, study, or the like, such room shall be counted as a bedroom for purposes of this section.
   D. Buildings and other structures. All buildings and other structures shall be such that the exterior, architectural character, and functional plans thereof will be as harmonious and compatible with R1 housing now existing within this city as may be economically feasible. The building official shall make a determination as to whether this requirement has been met as part of his site plan review and his determination may be appealed to the board.
   E. Distance between buildings. No building or structure (except car shelters) shall be constructed within 30 feet of any R1 district or any adjacent building. The board may and shall grant deviations from these requirements in appropriate cases.
   F. Acoustical isolation of units. All privacy barriers between adjacent units of

occupancy or between units of occupancy and adjacent public space within the building shall have a minimum sound transmission class (STC) of 50 for airborne noise in accordance with ASTM designation E413-70T.

i. All privacy barriers consisting of walls, ceiling and floor assemblies and their appurtenances, that have been tested in accordance with ASTM designation E90-70 and meet the requirements for a 50 STC rating will be considered as meeting the requirements of this section, if installed substantially as tested and not altered by piercing, flanking or compromising air space in any way that would lower the STC rating.

ii. Where conditions indicate that the installed construction or appurtenances do not meet the noise control prescribed in this section, measurements shall be made by an independent approved sound testing expert to determine conformance or nonconformance to this section. For conformance to this section, measurements conducted in accordance with ASTM designation E336-71 shall indicate attainment of a minimum noise isolation class (NIC) of 45 under conditions of furnished occupancy or a minimum field sound transmission class (FSCT) of 50 under unfurnished conditions before occupancy.

iii. The need for such testing shall be determined by the building official and all costs incurred in said testing shall be paid by the holder of the building permit for the dwelling to be tested.

G. Firewalls. All dwelling units shall be isolated from each other by a firewall, ceiling or floor of at least two-hour fire resistance rating. If the basement is used for underground parking, the ceiling of the basement shall have a two-hour fire rating and the parking area shall have sprinkler heads installed and maintained in good working order.

H. Waste storage space.

i. Space shall be provided for storage of waste and refuse inside each building until the time for collection thereof. This shall be a fire protected waste and refuse storage space measuring four cubic feet in area for each 100 square feet of gross building area, provided however, no such space shall be required for any unit which has an attached garage.

ii. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.

I. Other storage provisions. Additional storage area of at least 192 cubic feet for each unit shall be provided in the basements. Open storage (including overnight parking) outside of a garage or other permitted building of any vehicles or personal property shall be subject to the provisions of Section 4.1.

4. Accessory Buildings and Structures. No accessory buildings or structures shall be permitted except as follows:

A. A protective wall specified in Section 5.5 shall be permitted and may be used as part of a covered car shelter structure so long as such shelters do not exceed eight feet in height at their highest point.

B. A protective wall otherwise conforming to the specifications of Section 5.5 shall be permitted and may be used as part of a covered car shelter structure provided such shelters do not exceed ten feet in height at their highest and such wall and shelters are located in the front yard to act as a buffer between the dwelling units and major thoroughfares such as Evergreen Road and Eleven Mile Road.

3.6 DWELLING UNITS IN THE R-3 DISTRICT

1. All dwelling units constructed, altered or used as a house on lots where the minimum buildable lot size is less than 18,000 square feet shall conform to the following requirements:

A. A garage is required and it must be attached to or be part of the house but its floor area shall not be counted as part of the minimum floor area of the house.

B. A basement equal in floor area to at least 50 percent of the first story floor area is required.

2. All dwelling units constructed, altered or used as a house on lots where the minimum buildable lot size is 18,000 square feet or more shall conform to the following requirements:

   A. A garage with a capacity to house at least two cars (minimum size 20' × 20' is required and it must be attached to or be part of the house but its floor area shall not be counted as part of the minimum floor area of the house.

   B. A basement is required under at least 75 percent of the first floor area unless modified by an approval issued in Section 3.3.3 but its floor area shall not be counted as part of the minimum floor area of the house.

3. Underground utilities. All public utility lines on the site must be installed underground unless the public utility in question refuses to permit such an installation or an alternate is approved by provisions of this section.

3.7 RESIDENTIAL BUILDINGS IN RESIDENTIAL DISTRICTS

1. Side yards and corner lots: In side yards, no structures shall be permitted; provided however, where the side yard abuts a street, structures permitted in the front yard by Section 3.6 shall be permitted and a fence shall be permitted if it complies with Section 5.5. In cases involving corner lots, a side yard is required abutting on the side street which shall not be less than 40 feet or such lesser distance as has been provided for any existing house on an adjoining lot.

2. Rear Yard structures in the R-1 & R-3 Districts

   A. Small temporary "dog house" type accessory building not exceeding four feet in height and having less than 20 feet of floor area.

   B. Permanent "tool shed" type accessory buildings, the exterior of which are constructed of the same materials as used in the main residential building and of a design conforming to the main building when approved by the board as a deviation under article 17.

   C. Semipermanent "tool shed" type accessory buildings conforming to the following provisions:

      i. One temporary accessory building appurtenant to each house may be erected on a special permit basis and used for purposes other than human occupancy in accordance with the following provisions

         a. They shall be well constructed of durable materials appropriate to their projected useful lives, assembled in a workmanlike manner, safe for their intended use, and designed and constructed so as to minimize probabilities of accelerated deterioration or attraction of vermin.

         b. Insofar as same may be reasonably possible, they shall be compatible to the size, design, and appearance of the main building, and they shall measure not more than 140 square feet of floor area (as measured on the exterior dimensions) and they shall not exceed eight feet in height.

         c. They must be erected, placed, or installed on a four-inch thick concrete foundation slab at least as large as the building.

         d. They shall be placed in the rear yard, not within any easement, and in such location and so sheltered or screened by shrubs or evergreen or pine trees on all sides except the entrance door, as to minimize their view from the public streets and adjacent properties to the extent reasonably possible.

   D. Fences conforming to the provisions of Section 5.1

   E. Structures other than buildings and fences (but including patio screens) which are accessory to the recreational, decorative, or residential use of the property, not exceeding seven feet in height. However, none of such structures may be placed in such close proximity to the perimeter lot lines as to evade or conflict with the regulations of Section 5.1 relating to fences.

3.8 CV DISTRICT

1. Building limitations:
   A. Every lot shall have required front, rear, and side yards at least 75 feet deep whenever the lot abuts an R1 or R2 district
   B. No accessory structures are permitted.
2. Landscaping and buffer walls. Every lot shall provide and maintain landscaping as specified in Section 5 within the following areas:
   A. Minimum perimeter landscaping at least three feet wide on any portion of the lot lying within 100 feet of Southfield Road or Eleven Mile Road.
   B. Buffer strip landscaping at least 12 feet wide along the perimeter of the lot which does not lie within 100 feet of Southfield Road or Eleven Mile Road, provided however, two or more contiguous lots may be jointly developed to provide a continuous buffer strip between the CV district and an adjoining R1 or R2 district, in which case the buffer strip shall not be required between CV lots.
   C. A solid wall constructed of face brick, masonry, or stone, three feet in height as measured from the ground on the building side of the wall as finally graded shall be provided and maintained along the interior edge of the buffer strip landscaping. The wall shall be at least eight inches thick and be reinforced with steel, pilasters, or the equivalent.
   D. Where permission is received from the governmental unit having jurisdiction over any adjacent public right-of-way, the owner of the CV lot may provide and maintain all or a portion of the required buffer strip and wall on the right-of-way under such terms and conditions as may be approved by such governmental unit.
3. Outdoor storage. Except as otherwise permitted herein, the open storage (including overnight parking) outside of a garage or other permitted building of the following enumerated vehicles and other personalty are prohibited:
   A. All motor vehicles and trailers except as permitted in Section 5.13 governing use of off-street parking facilities.
   B. Outside refuse containers unless pursuant to a permit issued in conformity with the relevant provisions of this ordinance, including Section 5.3.3.
4. Open Air Activities. All business shall be transacted within a permitted building. The open air storage or display of merchandise or equipment and the rendering of service outside of a building are all prohibited.

3.9 ZONING MAP

The boundaries of the various districts shall be as marked upon the map of the city appended hereto and they may be altered from time to time and new districts created as provided in this ordinance.

3.10 DISTRICTING OF VACATED STREETS

Where a street or alley shown on the zoning map of the city is hereafter vacated, the land formerly in such street or alley shall be included within the district of the adjoining property on either side of said vacated street or alley, and in the event such street or alley was a district boundary, the new district boundary shall be the former centerline of such vacated street or alley unless specifically provided otherwise in an ordinance describing the district.

3.11 GENERAL EXCEPTIONS

The regulations in this Chapter shall be subject to the following interpretations and exceptions:

1. Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City; it being the intention hereof to exempt such essential services from the application of this Chapter.
2. Voting place. The provisions of this Chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
3. Height limit. The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however that the Zoning Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special land use; provided further, that no structure in any district shall be constructed or altered to such a height as will constitute an aircraft safety hazard in the judgment of the Zoning Board of Appeals.
4. Yard regulations. When yard regulations cannot be complied with, as in the case of a planned development in the multifamily district,

or where their application cannot be determined on lots existing and of record at the time the ordinance from which this Chapter is derived became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

5. Terrace. An open, unenclosed paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

6. Projections into yards.

   A. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

   B. In the MX district, balconies and overhangs may be added to facades provided that the balconies and overhangs shall not extend more than six (6') feet from the building face.

7. Height exceptions, roof top equipment. Penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment, and other similar apparatus may be erected above the height limits of the zoning district in which located after the Planning Commission upon review of the plans, finds that the plans meet the following conditions:

   A. All rooftop equipment and apparatus shall be housed in a penthouse or structure constructed of the same type of building material used in the principal structure, or a material determined to be architecturally compatible by the approving body.

   B. Penthouses and structures shall be set back from the outermost vertical walls or parapet of the principal structure a distance equal to at least two (2) times the height of such penthouse or structure. The height of such penthouse or structure shall in no instance exceed fifteen (15) feet.

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Article 4.0
Use Standards

Article 4.0 Use Standards

4.1	Outside storage and parking regulations, vehicles, etc.
4.2	Garage Sale Regulations
4.3	Basketball Backboards in the R-1 and R-2 Districts
4.4	Financial Institutions in the Office District
4.5	Schools
4.6	Wireless Telecommunications Towers and Antennas
4.7	Hours of Operation for All Places of Business, Trade of Commerce
4.8	Outdoor Dining
4.9	Utility Substations, Transformer Stations or Gas Regulator Stations (Without Storage Yards)
4.10	Adult Business Uses
4.11	Home Based Business
4.12	Permanent Power Generators
4.13	Mixed Use Buildings
4.14	Outdoor Sales and Display
4.15	Adult and Child Day Care Centers

4.1 OUTSIDE STORAGE AND PARKING REGULATIONS, VEHICLES, ETC.

Except as otherwise permitted in this section, the open storage (including overnight parking) outside of a garage or other permitted building, and/or the use as a dwelling, of the following vehicles and other personalty are all prohibited upon any lot (including driveways and off-street parking spaces) within this district and also prohibited upon any public street adjacent to this district.

1. All trucks, buses, taxis and other automobiles bearing readily observable commercial signs or commercial advertising or obvious business identification, semitractors, tractors, mobile machinery and equipment (including trailers) commonly used for purposes other than transporting persons, pickup trucks, vans and all similar motor vehicles commonly associated with trades, industries, and commercial activities as opposed to residential activities, provided however, this prohibition shall not apply to the following vehicles so long as they bear no readily observable commercial signs, commercial advertising, or obvious business identification: automobiles, pickup trucks, jeeps, small vans, and similar motor vehicles in common use in this city for private passenger automobile purposes.
2. All boats and all camping trailers of every kind, provided, however, one boat 16 feet or less in length, no more than seven feet in width and no more than eight feet in height (with or without a boat trailer) or one camping trailer, each under seven feet wide, under ten feet long and under eight feet in height, may be parked or stored in the rear yard of a lot when screened from public view, when parked upon a parking pad, and with a driveway access to the parking pad. The parking pad and the driveway access shall be constructed of concrete, asphalt or brick pavers. The boat or camping trailer may not be stored closer than 10 feet to any building and no closer than five feet to a side or rear property line. A violation of this subsection shall be a civil infraction.
3. All house trailers, trailer coaches, mobile homes, motor homes, and other vehicles constructed, equipped, or altered to provide cooking and overnight sleeping facilities, provided however, "overnight parking and storage" shall be liberally construed and applied as to such vehicles to permit same to be brought to and kept on a lot for up to 48 consecutive hours during a calendar week beginning 12:01 a.m. of every Sunday for the purpose of loading or unloading, but not for the purpose of rebuilding, remodeling, or effecting mechanical repairs. The above described vehicles shall not be connected to electricity, water, gas or sanitary sewer facilities. The previously described vehicles shall not be parked within ten feet of any building, within seven feet of a sidewalk or within seven feet from the front lot line, if there is not a sidewalk, and the vehicle shall not create a site distance/ traffic safety hazard.
   A. A violation of Sec. 4.2.3 shall be a civil infraction.
   B. There is hereby created a rebuttable presumption creating a violation of Sec. 4.2.3 if any of the above described vehicles are viewed, parked or stored, in the same or similar location, more than four times within a 48 hour consecutive time period. (At least one viewing every 12 hours is required).
   C. The rebuttable presumption may not be defeated by a showing that the vehicle has been merely moved within the property, that it has been driven off the property and returned merely to defeat the purposes of this section, or by merely making a trip to a service station and returning to the property.
4. The Zoning Board of Appeals may and shall grant deviations under Section 7 from the prohibitions and regulations hereof in appropriate cases if, after a hearing, the ZBA determines that the prohibition or regulation creates an unusual personal or financial hardship to the applicant, that the applicant has no other feasible manner of providing for the storage or overnight parking elsewhere, and that the storage or parking area is so well screened or hidden from public view that the activity will not have any substantial adverse impact on the value or use of neighboring properties or residential property values of the city as a whole.
5. The outside storage of garden trailers, snowmobiles, all-terrain vehicles, trailers for the aforementioned, or the like, unless they are stored in the rear or side yards and screened from the view of persons on public streets. The aforementioned shall not be stored closer than five feet to any building or within five feet of the rear or side yard property line, nor shall they be

more than six feet in height above the surface upon which the aforementioned are parked or stored. All such storage shall be upon a parking surface of concrete, asphalt or brick pavers and the driveway access to the parking surface shall be of the same or similar material. A violation of this subsection shall be a civil infraction.

4.2 GARAGE SALE REGULATIONS.

Garage sales are permitted in residential districts in accordance with the following provisions: except in conformity with the conditions and limitations of this section and pursuant to a special permit issued therefore under the provisions of Section 7.

1. Garage sales shall not be conducted for longer than three consecutive days on each occasion and then only between the hours of 8:00 a.m. and 8:00 p.m.
2. Goods may be displayed on the driveway (but not on the public right-of-way), in the rear yard, and within the confines of a lawful, permitted structure.
3. No sign by which a prospective buyer could become aware of the existence of the garage sale shall be utilized except the official signs provided in subsection (5) and such signs shall not be utilized or exposed to public view anywhere within the city limits except for one sign on the lot from which the sale is being conducted and at one or more places which are under the jurisdictional control of the city council as and where the council may permit. All such signs may be displayed only for such periods of time within which the sale may lawfully be conducted and shall be removed from public view by the person conducting the sale as soon as and when the sale is concluded.
4. No lot shall be utilized for a garage sale on more than three occasions within any 12-month period and no goods shall be offered for sale which have been acquired by the seller for resale purposes or are part of any trade or business.
5. Upon the issuance of a special permit for a garage sale, the applicant may purchase up to three official signs for use in connection with that garage sale. The building official shall provide and maintain an appropriate supply of official signs.

4.3 BASKETBALL BACKBOARDS IN THE R-1 AND R-3 DISTRICTS

The installation and/or maintenance of outdoor basketball backboards are permitted subject to the following provisions:

1. A basketball backboard may be affixed to the wall and/or roof of any permitted building.
2. A freestanding pole- or post-mounted basketball backboard may be placed anywhere in the rear yard or in the one-third of the required open space at the front or side of a dwelling which is nearest to the dwelling, but not within seven feet of any side lot line.
3. No more than one basketball backboard may be maintained on any one lot.
4. Lawful prior nonconforming structures and structures conforming to the revised regulations of this section shall be registered by the building official without charge and may be maintained without any change. All other basketball backboards must be removed or relocated to conform to these regulations by August 1, 1990 unless its continued nonconformity is approved as a variance or deviation by the Zoning Board of Appeals.
5. No person shall hereafter install or relocate a basketball backboard without first obtaining a special permit.

4.4 FINANCIAL INSTITUTIONS IN THE OFFICE DISTRICT

Such uses may include drive-in facilities only as an accessory use, subject to the provision of back up or waiting space, apart from the required off street parking areas at the rate of four car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

4.5 SCHOOLS

1. Fencing. The premises of every school shall be surrounded by a continuous chainlink-type fence not less than six feet high and wherever the premises shall be adjacent to any alley separating the school premises from property zoned R1, there shall be erected and maintained along the entire line of such premises adjacent to said alley (including the extension of such alley line across any vacated street) opposite to said R1 district, a continuous chainlink-type fence not less than eight feet in height; provided, however, that by resolution of the council, a gate or gates may

be placed in said fences at such place or places, and constructed in such manner as the council shall from time to time determine, and provided, further, that any such resolution shall provide that wherever a gate may be placed, the hours during which it shall be unlocked and open shall be expressed and determined by such resolution, and at all other times they must be closed and locked, and that the responsibility of unlocking and locking the same shall be that of the school.

2. Athletic fields and events

   A. Any public address system shall be directed toward the athletic or playfield or audience in such manner, and each speaker and microphone of that public address system shall be so regulated as not to disturb the adjacent neighborhood by being noisy, raucous and annoying. Events held on any athletic field or playfield shall be conducted, controlled, or supervised in such a manner as not to create or permit a loud and improper noise, disorder or tumultuous disturbance contrary to the police power ordinances of this city. A continuous greenbelt at least eight feet high of growing evergreens shall be planted and maintained along the perimeter of the school property between the athletic or playfield and all adjacent residential districts. Every event held, either in the school or on the athletic or playfield connected therewith which shall have an attendance of 3000 or more shall have present for the control of the people, the prevention of disturbances, the evacuation and parking of cars, at least five security guards furnished at the expense of and paid for by the school. No event held at any school athletic field or playfield at which the public is invited or permitted to attend shall be held without the school first having notified the city police department in writing at least five days prior to the day of the event.

   B. Public high school athletic field lighting. The lighting of any athletic field or playfield of any public high school within the city, if lighted, shall be lighted under the following regulations and conditions in addition to the regulations of Section 5.8.

      i. The lighting shall be turned off not later than 11:30 p.m.

      ii. The athletic field or playfield may have not more than two light poles not to exceed 90 feet in height and four light poles not to exceed 70 feet in height on the athletic field or playfield, and three light poles not to exceed 40 feet in height on the parking area.

4.6 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

No antenna structure of any kind shall be constructed, installed or maintained in any district otherwise than in conformity with the provisions of this section, the applicable provisions of the ordinances of this city, and all state and federal laws and regulations.

1. Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to:

   A. Protect residential areas and land uses from potential adverse impacts of tower and antennas;

   B. Encourage the location of towers in nonresidential areas;

   C. Minimize the total number of towers throughout the community;

   D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

   E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

   F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

   G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

   H. Consider the public health and safety of communication towers; and

   I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Lathrup Village shall give due consideration to the City of Lathrup Village's master plan, zoning map, existing

land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. Applicability.

   A. New towers and antennas. All new towers or antennas in the City of Lathrup Village shall be subject to these regulations, except as provided in sections 4.20.2 B through D, inclusive;

   B. Amateur radio station operators/receive only antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

   C. Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of sections 4.20.3 F and G

   D. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

3. General requirements.

   A. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

   B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

   C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the building official for an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Lathrup Village or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The building official may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Lathrup Village, provided, however that the building official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

   D. Aesthetics. Towers and antennas shall meet the following requirements:

      i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

      ii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

      iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or loosely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

   E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and approved by the building official.

   F. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such

towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Lathrup Village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Lathrup Village irrespective of municipal and county jurisdictional boundaries.

I. Not essential services. Tower and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lathrup Village have been obtained and shall file a copy of all required franchises with the building official.

K. Public notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners who are entitled to notice under article 16 of Zoning Ordinance No. 230.

L. Signs. No signs shall be allowed on an antenna or tower.

M. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 4.20.7

N. Multiple antenna/tower plan. The City of Lathrup Village encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

4. Permitted uses. The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit: Antennas or towers located on property owned, leased, or otherwise controlled by the City of Lathrup Village provided a license or lease authorizing such antenna or tower has been approved by the City of Lathrup Village.

5. Administrative approved uses

A. The building official may administratively approve the uses listed in this section.

B. Each applicant for administrative approval shall apply to the building official providing the information set forth in sections g(2)(A) and g(2)(C) of this ordinance and a nonrefundable fee of $500.00 to reimburse the City of Lathrup Village for the costs of reviewing the application.

C. The building official shall review the application for administrative approval and determine if the proposed use complies with sections d, g(2)(D) and g(2)(E) of this ordinance.

D. The building official shall respond to each such fully completed application within 60 days after receiving it by either approving or denying the fully completed application. If the building official fails to respond to the applicant within said 60 days, then the fully completed application shall be deemed to be approved.

E. In connection with any such administrative approval, the building official may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 4.7.6.B.iv or separation distances between towers in Section 4.7.6.B.v by up to 50 percent.

F. In connection with any such administrative approval, the building official may, in order to encourage the use of monopoles, administratively allow the reconstructing of an existing tower to monopole construction.

G. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to section g prior to filing any appeal that may be available under the zoning ordinance.

H. List of administratively approved uses. The following uses may be approved by the building official after conducting an administrative review:

i. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the building official as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:

a. The antenna does not extend more than 30 feet above the highest point of structure;

b. The antenna complies with all applicable FCC and FAA regulations; and

c. The antenna complies with all applicable building codes

d. Only one such antenna per structure can be approved administratively.

ii. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the building official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

a. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building official allows reconstruction as a monopole.

b. Height.

(1) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of one additional antenna.

(2) The height change referred to in subsection (III)(a) may only occur one time per communication tower.

(3) The additional height referred to in subsection (III)(a) shall not require an additional distance separation as set forth in section g. The tower's remodification height shall be used to calculate such distance separations.

c. Onsite location.

(1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.

(2) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(3) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section g (2)(E). The relocation of a tower hereunder shall in no way be deemed to cause a violation of section g(2)(E).

(4) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section g(2)(E) shall only be permitted when approved by the building official.

iii. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or

telephone wires, or similar technology that does not require the use of towers.

6. Special use permits.

A. General. The following provisions shall govern the issuance of special use permits for towers or antennas by the city council:

i. If the tower or antenna is not a permitted use under section e of this ordinance or permitted to be approved administratively pursuant to section f of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

ii. Applications for special use permits under this section shall be subject to the procedures and requirements of article 16 of Zoning Ordinance No. 230, except as modified in this section.

iii. In granting a special use permit, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

iv. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

v. An applicant for a special use permit shall submit the information described in this section and nonrefundable fee in the amount of $500.00 to reimburse the City of Lathrup Village for the costs of reviewing the application.

B. Towers.

i. Information required. In addition to any information required for applicants for special use permits pursuant to article 16 of Zoning Ordinance No. 230, applicants for a special use permit for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in section g(2)(E), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the building official to be necessary to assess compliance with this ordinance.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to section d(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower (s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with sections d(3), (4), (5), (6), (7), (10), (12), and (13), g(2)(D), g(2)(E) and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users. If the tower will not, then additionally the applicant must make the statement that it will, in good faith, consider future

collocation if the subsequent applicant will bear the cost of reconfiguring the tower for collocation.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

j. A description of the suitability of the use of existing towers, other structures or current alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the City of Lathrup Village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

ii. Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to article 16 of Zoning Ordinance No. 230, the city council shall consider the following factors in determining whether to issue a special use permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this ordinance are better served thereby:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or current alternative technologies not requiring the use of towers or structures, as discussed in section g(2)(C) of this ordinance.

iii. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing tower, structure or current alternative technology that does not require the use of towers or structures can accommodate the applicant's a [sic] proposed antenna. An applicant shall submit information requested by the city council related to the availability of suitable existing towers, other structures or current alternative technology. Evidence submitted to demonstrate that no existing tower, structure or current alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are

unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrate that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that a current alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of current alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

iv. Setbacks. The following setback requirements apply to all towers for which a special use is required; provided, however, that the council may reduce the standard requirements if the goals of this ordinance be better served thereby:

a. Towers should be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. However, if the tower is constructed in such a manner so that it will "crimp-in" on itself in the event of a structural collapse, then the setback shall be established at a safe distance as determined by the city.

b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

v. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the city council may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

a. Separation from off-site uses/ designated areas. Distances shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas. Tower separation shall be 100 ft or 100% of the height of the tower, whichever is greater for the following:

(1) Single Family or duplex residential units, includes modular homes and mobile home used for living purposes

(2) Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision play approval which is not expired. In this case, the separation shall be measured from the base of the tower to the closest building setback line.

(3) Vacant unplatted residentially zoned lands, including any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

(4) Existing multifamily residential units greater than duplex units.

(5) For nonresidential zoned lands or nonresidential uses, there is no separation requirement; only setbacks apply.

b. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the table that follows.

vi. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided,

Separation Distance between Towers				
	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole less than 75 feet in height
Lattice	5,000 ft	2,500 ft	1,000 ft	500 ft
Guyed	2,500 ft	2,500 ft	1,000 ft	500 ft
Monopole 75 feet in height or greater	1,000 ft	1,000 ft	1,000 ft	500 ft
Monopole less than 75 feet in height	500 ft	500 ft	500 ft	500 ft

however, that the city council may waive such requirements, as it deems appropriate.

vii. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the city council may waive such requirements if the goals of this ordinance would be better served thereby:

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

7. Buildings or other equipment storage.

A. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas mounted on rooftops shall be contained within the building upon which the antenna is mounted.

B. Antennas mounted on utility poles, light poles or flag poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

i. In residential district, the equipment cabinet or structure may be located:

a. In a side yard provided the cabinet or structure is no greater than eight feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least eight feet and a planted height of at least 48 inches.

b. In a rear yard, provided the cabinet or structure is no greater than eight feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches.

ii. In high intensity commercial or industrial districts the equipment cabinet or structure shall be no greater than eight feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches.

iii. Antennas located on towers. The related unmanned equipment structure shall not contain more than 300 square feet of gross floor area or be more than nine feet in height, and shall be located in accordance with the

minimum yard requirements of the zoning district in which located.

8. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City of Lathrup Village notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

9. Nonconforming uses.

   A. Not expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

   B. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

   C. Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding section h, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 4.7.6.B.iv and 4.7.6.B.v. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section h.

4.7 HOURS OF OPERATION FOR ALL PLACES OF BUSINESS, TRADE OR COMMERCE

It is the express policy and intent of the city to preserve and protect its essence and character as a fine residential community (see Craig v. Kelley, 311 Mich. 167 (1945); Highland Oil Corp. v. Lathrup Village, 349 Mich. 650 (1957) and Walkers Amusements v. City of Lathrup Village, 100 Mich. App. 36 (1980)) by placing reasonable limitations on the uses of property where such uses will, or may be likely to, intrude upon the peaceful and quiet enjoyment of adjacent residential areas to an unreasonable degree or to be or become a legal nuisance in fact as defined by the common law of this state. To this end, no place of business, trade or commerce shall be open for the transaction of business with the general public between the hours of 11:00 p.m. and 7:00 a.m. the following day except with the express prior approval of the Zoning Board of Appeals as a deviation under the provisions of Section 7.

4.8 OUTDOOR DINING

1. The Planning Commission shall review requests for outdoor dining through the site plan review process.
2. Outside seating area shall be enclosed by masonry walls or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Planning Commission. Restaurants and food services establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
3. Setbacks for such outside areas involving the construction of “structures” as defined by the building code shall be at least equal to those required for conventional buildings within this district.
4. Outdoor dining areas shall not occupy required sidewalk or landscaped areas, unless adequate sidewalk width is provided for barrier-free access and projected pedestrian flow. In considering requests for such outside activity areas, the Planning Commission shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the outside dining area.
5. Where pedestrian entry to such outdoor dining areas is limited to access from the interior of the main building, direct emergency egress shall be provided from these enclosed outdoor dining areas per the current building codes.

6. Provision of such outdoor dining areas shall not impair emergency vehicle access to the subject property.
7. Parking shall be provided for the uses in such outdoor dining areas, in addition to that required for uses in the main building. The Planning Commission may require modification or re-arrangement of inside and outside seating areas in order to assure that adequate parking is available.
8. Applications for outdoor dining shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineations method proposed.

4.9 UTILITY SUBSTATIONS, TRANSFORMER STATIONS OR GAS REGULATOR STATIONS (WITHOUT STORAGE YARDS)

1. The city council shall determine the operating requirements necessary for the location of such uses within the district in order to serve the immediate facility.
2. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical offices areas.
3. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

4.10 ADULT BUSINESS USES

1. Intent and purpose.

   A. In the development and execution of this Section, it is recognized that there are some uses which, because of their adult-oriented nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone or other sensitive land uses, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this Section. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of nearby residential neighborhoods and other sensitive land uses. These controls do not legitimize activities, which are prohibited in other Sections of the City Code.

   B. The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by City ordinance or state or federal law. If any portion of this Section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. Findings and rationale.

   Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of California, et al v LaRue, et al (1972)(U.S. Supreme Court); City of Renton v Playtime Theatres, Inc. (1986)(U.S. Supreme Court); Coleman Young (Detroit) v American Mini Theatres, Inc. (1976)(U.S. Supreme Court); Michael Barnes, Prosecuting Attorney for St. Joseph County, Indiana, et al v Glen Theatre, Inc., et al (1991)(U.S. Supreme Court); City of Erie, et al v Pap's A.M., TDBA "Kandyland" (2000)(U.S. Supreme Court); Caren Cronk Thomas and Windy City Hemp Development Board v Chicago Park District (2002) (U.S. Supreme Court); Dennis O'Connor and United Theatres Incorporated v The City and County of Denver, et al (1990) (10th Circuit); Z.J. Gifts D-2, L.L.C. v City of Aurora (1998) (10th Circuit); Sundance Associates, Inc. v Janet Reno; United States Department of Justice (1998) (10th Circuit); American Target

Advertising, Inc. v Francine A. Giani, et al (2000) (10th Circuit); ILQ Investments, Inc.; Excalibur Group, Inc. v City of Rochester (1994) (8th Circuit); Bamon Corporation v City of Dayton, et al (1991) (6th Circuit); East Brooks Books, Inc., et al v City of Memphis, et al (1995) (6th Circuit); DLS, Inc. d/b/a Diamonds and Lace Showbar, et al v City of Chattanooga, et al (1997) (6th Circuit); Triplett Grille, Inc., d/b/a The Back Door v City of Akron (1994) (6th Circuit); Richland Bookmart, Inc. d/b/a Town and Country v Randall E. Nichols (1998) (6th Circuit); Connection Distributing Co. v The Honorable Janet Reno (1998) (6th Circuit); In Re: State of Tennessee Public Indecency Statute. Déjà vu, et al v Metro Government (1999) (6th Circuit); Déjà vu of Nashville, Inc., et al v The Metropolitan Government of Nashville and Davidson County, Tennessee, et al (2001) (6th Circuit); Greyson Currence v City of Cincinnati (2002) (6th Circuit); Bronco's Entertainment, Ltd v Charter Township of Van Buren (2005) (6th Circuit); Sensations, Inc., et al v City of Grand Rapids, et al (2008) (6th Circuit); Richland Bookmart, Inc. v Knox County, Tennessee (2009) (6th Circuit); Grand Brittain, Inc., et al v The City of Amarillo, Texas (1994) (5th Circuit); Mom n Pops, Inc., et al v City of Charlotte, North Carolina (1998) (4th Circuit); American Library Association, et al v Janet Reno, et al (1994) (District of Columbia Circuit); Bright Lights, Inc., et al v City of Newport, et al (1993) (U.S. District Court, Eastern District Kentucky); Bigg Wolf Discount Video Movie Sales, Inc. v Montgomery County, Maryland (2002) (U.S. District Court, District of Maryland); Threesome Entertainment, et al v Jack Strittmather, et al (1998) (USDC, Northern District of Ohio, Eastern Division); J.L. Spoons, Inc. v City of Brunswick (1999) (USDC Northern District of Ohio, Eastern Division); Broadway Books, Inc. et al v Gene Roberts, as Mayor for the City of Chattanooga, et al (1986) (USDC Eastern District of Tennessee, Southern Division); Truckor v Erie Township (2009) (MI Court of Appeals); Charter Township of Van Buren v Garter Belt, Inc. (2003) (MI Court of Appeals); City of Los Angeles v Alameda Books, Inc. (2002);and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Adult Business Study – Town and Village of Ellicottville, Cattaraugus County, New York (1998); Why and How our City Organized a Joint County-Wide Sexually Oriented Businesses Task Force – Cleburne, Texas (1997); The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard – Garden Grove, California (1991); Traverse City Ad Hoc Committee Report on SOBs (1996); Minnesota Attorney General's Report on SOBs (1989); Crime-Related Secondary Effects of Sexually-Oriented Businesses, Report to the County Attorney, Palm Beach County, Florida (2007); Report on Adult Oriented Businesses in Austin (1986); Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles (1977); Houston City Council, Sexually Oriented Business Ordinance Revision Committee Legislative Report (1997); City of Phoenix Planning Department Adult Business Study (1979); City of Amarillo, Texas, Planning Department – A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo (1977); Whittier City Planning Commission Staff Report – Amendment to Zoning Regulations – Adult Businesses in C-2 Zone with Conditional Use Permit (1978); Seattle, Washington, Department of Construction and Land Use Director's Report and Recommendation – Proposed Land Use Code Amendment – Adult Cabarets (1989); Cleveland, Ohio, Police Department, "The Impact of Obscenity Upon the Total Community" (1977); St. Croix County Planning Department Regulation of Adult Entertainment Establishments in St. Croix County (1993); Newport News Department of Planning and Development Adult Use Study (1996); Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area (1994); An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas (1997); City of Bellevue Memorandum – Location of Adult Entertainment Uses – Background Material (1988); Quality of Life: A Look at Successful Abatement of Adult Oriented Business Nuisances in Oklahoma City, Oklahoma (1984 – 1989); and the National Law Center Summaries of "SOB Land Use Studies" in 43 U.S. Cities (2005),as well as the following articles on adult regulated uses: "Local Regulation of Sexually Oriented Businesses" (2006); "Protecting Communities from Sexually Oriented Businesses" (Chapter 6, Appendices C and D) (2002); "Zoning and Free Speech: A Review of Adult Entertainment Case Law" (1991); "Local Regulation of Lawful Sex Businesses" (1999); "Zoning Ordinances and Free Speech" (2000); "Regulating Sexually Oriented Businesses (1997); "Everything You Wanted to Know About Regulating Sex

Businesses" (Chapters 2, 4 and 6); "Regulating Sex Businesses" (1996); "Sexually Oriented Businesses An Insider's View" (2002); and "Stripclubs According to Strippers: Exposing Workplace Sexual Violence" (1998),the City Council finds:

A. Sexually oriented businesses and other adult business uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

B. Sexually oriented businesses and other adult business uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one area.

C. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses and other adult business uses extends to preventing future secondary effects of either current or future adult business uses that may locate in the City. The City finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.

D. This Section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the purpose or intent of this Section to restrict or deny lawful access by adults to sexually-oriented materials, nor to deny access by the distributors and exhibitors of sexually-oriented materials to their intended markets. It is not the purpose or intent of this Section to impose judgment on the content or merits of any constitutionally-protected form of speech or expression.

3. Locational requirements. In addition to compliance with the other provisions of this Section, the following separation and distancing requirements apply to adult business uses:

A. No adult business use may be located within one thousand (1,000') feet from the property line of another adult business use. For purposes of this subsection, the distance between any two adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.

B. No adult business use may be located within one thousand (1,000') feet from the property line of a massage establishment; provided, however, that this limitation shall not apply to establishments in which massage services are in conjunction with services provided by:

i. Physicians, surgeons, chiropractors, osteopaths, podiatrists, massage therapists, and physical therapists who are duly licensed to practice their respective professions in the state;

ii. Nurses who are registered under the laws of this state;

iii. Barbers, cosmetologists and manicurists who are duly licensed by the State of Michigan, but only to the extent they are performing functions permitted pursuant to their licensing by the State of Michigan;

iv. Trainers for any amateur or professional athlete or athletic team or school athletic program.

For the purpose of this subsection, measurement shall be made in a straight line, without regard to the City's boundary lines or intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel on which the massage establishment is located.

C. No adult business use may be located within one thousand (1,000') feet from the property line of any residential zoning

district except where it is allowed by a variance, or court order, or of any lot or parcel in residential use, school property, church or other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool or other use that is primarily oriented to youth (less than 18 years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the City's boundary lines or intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.

D. No adult business use shall be located in any principal or accessory structure already containing an adult business use.

4. Parking. All off-street parking areas for any adult business use shall comply with the Zoning Ordinance. Additionally, parking areas for any adult business use shall be illuminated from one hour before dusk until one hour after the close of operation as required in sub-paragraph 4.10.5 below.

5. Other Requirements.

A. The hours of operation of any adult cabaret shall be limited to 8:00 a.m. to 11:00 p.m. The hours of operation for all other sexually -oriented businesses shall be 8:00 a.m. to 11:00 p.m.

B. No person operating an adult business use shall permit any person under the age of 18 years of age to be on the premises.

C. Alcohol is prohibited on the premises of any adult business use.

D. Entrances to a proposed adult business use must be posted on both the exterior and interior walls, in a location clearly visible to those entering and existing the business, and using lettering no less than two (2) inches in height that: a) "persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises."

E. Adult business uses shall be permitted in the City of Lathrup Village CV zoning district only, and shall be subject to, in all respects, the standards and use provisions applicable to the district in which it is located or proposed to be located.

F. All adult business uses shall be contained in a free-standing single-use building. Enclosed malls, shopping centers, common wall buildings, and multi-uses within the same building do not constitute a free-standing building.

G. Adult business uses shall comply with all other laws and ordinances applicable to the particular type of use, including without limitation, certification and licensing laws.

4.11 HOME BASED BUSINESS

1. A Home Based Business is subject to the following provisions:

A. Home Based Business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

B. No one other than the resident(s) of the dwelling shall be employed in the on site conduct of the home based business.

C. The home based business shall not require external alterations or construction features on the dwelling, or external equipment or machinery not customary in residential areas. No interior alterations shall be made which are not customarily and reasonably consistent with single family homes in residential areas.

D. There shall be no exterior indication by sign or otherwise of the home based business. All business activity shall be totally within the principal dwelling.

E. There shall be no noise, vibration, odor or other nuisance as a result of the home based business detectible beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.

F. The home based business shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood. Further, there shall be no deliveries to the premises other than by United States mail, similar parcel delivery service, or by private vehicle with a gross vehicle weight not to exceed 12,000 pounds.

G. Any parking generated by the conduct of the home based business shall be met off the street, in the existing driveway and shall not be met in a landscaped area.

H. The home based business shall not include the direct sales of products off display shelves or racks.

I. The home based business shall be subject to periodic inspection by city officials upon reasonable notification provided to the owner.

J. No accessory building or area outside of the principal dwelling shall be used for such purposes.

K. The home based business shall not operate earlier than 7:00 a.m. nor later than 9:00 p.m.

L. No more than 25% of the gross area of the dwelling shall be used for such home based business.

M. There shall be no use of utilities or community facilities beyond that typical to the use of property for residential purposes.

N. The home based business shall not involve the sale, storage or use of any firearms or any ignitable, toxic or explosive material.

O. The home based business shall not involve the sale, keeping, boarding or care of animals, birds, reptiles or fish.

2. Home based businesses are specifically allowed in the following Zoning Districts: R1, R2 and R3.

3. Home based businesses shall be required to register with the City, on a form approved by resolution of the City Council, and pay the appropriate registration fee, if applicable.

4. Non-compliance with this ordinance, or the operation of a Registered business within the R1, R2 or R3 Zoning Districts, which is not a registered home based business, shall be a civil infraction.

4.12 PERMANENT POWER GENERATORS

1. Power generators may be used for standby conveyance or for medical emergency purposes, whenever they occur, as a source of interim power, subject to the following regulations.

A. Noise shall be limited to 70 dB (A) at the point of measurement.

B. When the ambient noise is greater than 65 dB (A) at the property line, the noise generated from the generator in combination with the ambient noise shall not exceed more than 10 dB(A) above the ambient noise.

C. Periodic cycling, e.g. testing or maintenance, shall be permitted only between 9:00 a.m. to 5:00 p.m. Monday through Saturday.

D. Power generators that are installed as a permanent fixture or structure connected to the electrical system of a building shall require permits issued by the Building Department in addition to permits required under the applicable construction codes; a permit for installation; and, a permit for operation. Following installation, no operation shall be permitted until a use permit is issued, which shall require a noise test administered by the City with the generator operation under load for the purposes of insuring that the noise requirements of this section are met.

E. To the extent necessary for compliance with this section, walls, and/or an enclosure, and/or landscaping to screen the power generator 365 days per year shall be necessary, and, it shall be the duty of the owner of the generator, and not the duty of the City, to determine the abatement measures needed, to secure all permits required under applicable codes and ordinances and to conform with this section.

F. All power generators must be located in the rear yard.

2. Power generators are allowed in all Zoning Districts as an accessory use and structure, anything to the contrary notwithstanding.

4.13 MIXED USE BUILDINGS

No commercial uses shall be located on a floor above any residential uses in any mixed use building.

4.14 OUTDOOR SALES AND DISPLAY

1. Outdoor Display. When permitted, outdoor display shall meet the following conditions:

A. In the Village Center and Mixed Use Districts, temporary outdoor display of merchandise may occur within the

adjacent public right-of-way, along the front lot line or in the front yard, up to a depth of three (3') feet provided the display area is not greater than forty (40%) percent of the frontage of the building, up to one hundred (100) sq. ft. A minimum clear area of four (4') feet shall be maintained along all pedestrian walks (wider where required by ADA requirements).

B. All outdoor display, including all merchandise, display units, and similar material, shall be limited to the regular operating hours of the business and shall be brought indoors each day during non business hours.

C. Except for the limited street-facing display permitted in A and B above, outdoor display shall not otherwise be located within any required yard in the corresponding zoning district on which it is located and shall not be located in a front yard. Outdoor display shall be located in a designated area immediately abutting the associated building(s).

D. The outdoor display of merchandise shall not exceed a maximum height of eight (8') feet.

2. Temporary Outdoor Sales. When temporary outdoor sales are permitted, the following conditions apply:

A. Storage of goods in or sale of goods from trailer(s), trucks or other storage containers on the site is prohibited. A farmers market may have temporary on-site parking of trucks during active sales hours (including two hours prior to and after sales hours). Unenclosed structures, such as tents, are also permitted.

B. Outdoor display and the surrounding premises shall be maintained in an orderly manner, free of litter and other debris. Display of goods for sale shall be no more than eight (8') feet in height. Outdoor displays shall not obstruct required access to buildings or parking spaces on the site or to adjoining property.

C. Sufficient off-street parking shall be provided and shall be located to the rear or the side of the temporary outdoor use, but not in front. On-site parking may be provided on a dust-free, pervious surface area.

D. Signs on the premises of a temporary use shall meet the same standards as for similar uses permitted in the district.

4.15 ADULT AND CHILD DAY CARE CENTERS

Adult and child day care centers, subject to the following conditions:

1. When permitted as a special land use, the Planning Commission shall find that the facility does not result in an excessive number of such facilities in the City in relation to the evidence of need.
2. Adequate off-street parking shall be provided per Section 5.13. All such uses shall provide adequate drop-off and waiting space so that pickup vehicles are not required to stand in a public right-of-way.
3. The site layout shall be designed to insure pedestrian safety by separating outdoor activity or play areas from parking and driveways.
4. Area requirements for child care facilities, provided that such spaces are sufficiently secure to ensure adequate supervision of clients:

A. Required indoor areas: A minimum of fifty (50) square feet of indoor play area shall be provided per child between 2 weeks to 2 ½ years old, and a minimum of thirty-five (35) square feet of indoor play area shall be provided per child over 2 ½ years old. Indoor play areas shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.

B. Required outdoor areas: A minimum of one hundred (100) square feet of outdoor play area shall be provided per child/minor utilizing the outdoor play area at any given time. The total outdoor play area shall not be less than one thousand two hundred (1,200) square feet, unless a greater amount is required by the State. Outdoor play areas shall be in the rear or side yard, fenced and screened in accordance with Section 5.3.

5. Area requirements for adult day care facilities, provided that such spaces are sufficiently secure to ensure adequate supervision of clients. In addition to the following standards, day care providers are encouraged to meet the

standards outlined by the National Adult Day Services Association.

A. Required indoor areas: A minimum of sixty (60) square feet of multipurpose space shall be provided for each participant, exclusive of office space, storage, restrooms, hallways, and other service areas unless they are commonly used by participants. The facility shall also provide a supervised rest area for participants, separate from activities areas.

B. A minimum of fifty (50) square feet of supervised outdoor recreation space shall be provided for each participant utilizing the outdoor recreation area at any given time. Such outdoor space shall offer sufficient seating areas and shade for participants.

6. Indoor living area and sanitary facilities shall be adequate to accommodate the number of persons intended to occupy the facility.

7. All such uses shall comply with the City's hours of operation as identified in Section 4.7

Article 5.0
Site Standards

Article 5.0 Site Standards

5.1 Vision Clearance and Fences
5.2 Removal of Soil
5.3 Waste and Rubbish
5.4 Building Materials
5.5 Protective or Barrier Walls Required
5.6 Inoperable and Abandoned Motor Vehicles
5.7 Blight: Property Maintenance and Repair
5.8 Outside Illumination
5.9 Grades and Drains
5.10 Used Building Materials
5.11 Temporary Dwellings
5.12 Sidewalks
5.13 Off-street Parking
5.14 Nuisances Prohibited
5.15 Landscaping Regulations

5.1 VISION CLEARANCE AND FENCES.

No wall, fence, shrubbery, trees, or other landscaping shall be erected, maintained, or planted which shall obstruct or interfere with pedestrian or vehicular traffic visibility on a curve of any street or at the intersection of any streets or any sidewalk. Fences shall be of ornamental iron, wooden or vinyl construction, not over six feet in height, and shall not be erected in any required front yard. Separate fence regulations apply in the PS district as specified in Section 4.6.

5.2 REMOVAL OF SOIL

The wholesale or commercial removal of soil from the land in the city is prohibited. However, surplus earth created by the course of construction may be removed.

5.3 WASTE AND RUBBISH

1. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, wastepaper, cartons, boxes, crates, inoperable machinery, discarded building materials, discarded household goods, or any offensive or obnoxious matter, shall be kept in open containers or piled, placed or stored on the open ground. The owners and occupants of every building shall provide proper receptacles for said waste and keep receptacles clean and not exposed on the grounds outside of a building. Rubbish may, however, be placed at roadside for pickup on designated days in conformity with the city's ordinances regulating rubbish collections.
2. Every building in every district other than R1 and R2 shall provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.
3. In all districts other than R1, commercial refuse containers of a capacity not to exceed eight cubic yards in size (with or without compactor attached) shall be permitted on a special permit basis in accordance with the following provisions:

A. Condition. They must be maintained in a clean, well painted, and structurally solid condition. They must be kept covered or closed at all times except when a person is in attendance for the purpose of depositing or emptying refuse. No refuse shall be caused or permitted to spill over from the container or to litter the surrounding area or neighboring properties. They shall be emptied at sufficiently frequent intervals to prevent their being filled beyond the capacity with the lid or cover closed, but they shall not be dumped or emptied before 8:00 a.m. nor after 9:00 p.m.

B. Odors. No odors shall be permitted to emit therefrom which are discernable to the human senses more than ten (10) feet away from the container.

C. Location. Dumpsters shall be permitted in the side or rear yard, provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.

D. Concrete pad. Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

E. Screening. All refuse bins located in the city must be enclosed or screened from public view. Such screening shall consist of a wall or fence not less than one (1) foot higher than the height of the refuse bins placed therein, which completely conceals its contents from public view, but in no instance shall such screening be less than six (6) feet in height on three (3) sides. The fourth side of the dumpster screening shall be equipped with an opaque, lockable gate that is the same height as the enclosure around the other three sides. The inside dimensions of the enclosure shall be such as will permit adequate access for refuse collection vehicles as well as completely

enclose refuse bins within the three (3) sides so that no refuse bin projects outside of the open side.

Screening materials shall consist of any of the following:

i. Masonry, consisting of those materials permitted under the building material standards contained in, "Zoning Ordinance," section 5.4

ii. Wood, provided the wood is cedar, redwood, or equivalent of at least five-eighths-inch (1.5875 centimeters) thickness or other types of wood which have been pressure treated with preservatives. If cedar or redwood are used in the screening, it shall be protected from possible rot or decay by the application of a preservative. Wood that has been pressure treated need not be further protected from possible rot or decay;

iii. Evergreen shrubbery consisting of permanent, living plant materials which shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests, and free of weeds, refuse and debris. The shrubbery shall be planted and maintained so as to create a continuous barrier.

F. Bollards. Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

G. Site plan requirements. The location and method of screening of dumpsters shall be shown on all site plans

H. Permit Requirements. No container shall be placed or permitted to remain on any lot unless there is in effect a special permit issued by the building official in conformity with the provisions of article 6.

I. Nonconforming enclosures existing on April 8th, 2014. Enclosures which were constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of is size, height, location, design, or construction is not in conformance with the requirements of this chapter, may be lawfully continued until April 1, 2019.

5.4 BUILDING MATERIALS

Except as otherwise provided in this ordinance, on all permanent buildings, exterior wall construction and exposed, exterior chimneys shall be either brick, natural stone, masonry materials other than brick, or a combination thereof, provided all such materials comply with the following specifications:

1. All brick made from clay, shale, fire clay, or mixtures thereof shall be hard burned facing brick meeting all the specifications contained in American Society for Testing and Materials Standard C216-65, for grade SW facing brick.
2. All other brick, stone and other masonry materials not included in the foregoing paragraphs shall nevertheless meet the durability, strength, and rate of absorption standards established in said above-mentioned specifications.
3. Architectural trim material may be wood, aluminum, or other material of equal strength and durability if the building walls proper are of fire resistant material. Such trim material shall not cover more than ten percent of the exterior wall construction.
4. All building materials must also conform to state and local building code requirements.

5.5 PROTECTIVE OR BARRIER WALLS REQUIRED

In districts R2, O, CV, VC and MX where a lot abuts an R1 district (or abuts an alley which abuts an R1 district), the owners of each lot in R2, O and CV districts who erect any building, structure, or parking facility on the lot, shall provide and thereafter maintain in good condition, a protective or barrier wall between R1 district and such lot in conformity with the following requirements:

1. It shall be a continuous and solid face brick, masonry, or stone wall at least five feet high (but not more than six feet high) as measured from the side of the wall farthest from the R1 district as finally and properly graded.
2. It shall be at least eight inches thick and reinforced with steel, pilasters, or the equivalent and shall provide for proper drainage to flow through or around the wall in accordance with sound engineering practice.
3. It shall extend the full length of the property being put to use by the provider of the wall; provided, however, it shall not be extended to within the front 20 feet of an abutting R1 lot and may be reduced to three feet high in the end 20 feet.

4. It shall be placed adjacent to and along the property line which abuts the R1 district where the two districts abut each other. It shall be placed on R1 side of any alley, in the alley, when there is an alley which runs between the two districts.
5. The building official, in the exercise of his sound discretion, may provide for minor deviations from the foregoing specifications as provided in Section 6.1.B

5.6 INOPERABLE AND ABANDONED MOTOR VEHICLES

No person shall cause or permit any inoperable or abandoned motor vehicles to be parked or stored in the open on any public or private property within the city for more than 48 consecutive hours or 48 hours in any calendar week and all such vehicles shall otherwise be kept, stored, and parked within a garage or other permitted building.

1. An "inoperable motor vehicle" within the meaning of this provision shall include all motor vehicles which do not have an operable engine, or do not have all of their wheels attached, or do have one or more flat tires, or are not currently licensed so as to be lawfully operated on public streets, or are otherwise so out of repair that they cannot be lawfully operated on public streets.
2. The police department is empowered to cause all violating motor vehicles found on public property to be impounded and disposed of in accordance with the applicable statutes and ordinances and also those found on private property upon a lawful request from the owner or occupant and advance payment of the reasonable cost of such impoundment and disposal.

5.7 BLIGHT: PROPERTY MAINTENANCE AND REPAIR

The owners and occupants of all lots and structures in this city shall exercise "due care" to maintain and repair their lands and structures to the minimum standards imposed by the statutes of this state and ordinances of this city governing property maintenance, weed control, and the like. No property owner or occupant shall cause of [or] permit, through the failure to exercise due care, his property to become so badly maintained or out of repair that it becomes a blighting influence upon any neighboring property or properties to the extent that the fair market value of such neighboring property or properties is impaired and depressed by $3,000.00 or more by reason of their proximity to the subject lot. All lots and structures which are or become blighting influences in violation of this provision shall be deemed to be nonconforming uses under article 7.

5.8 OUTSIDE ILLUMINATION

All lighting apparatus used for outside illumination shall direct all light downward and shall be so constructed as to prevent the directed light from extending beyond the lot being illuminated. Except as otherwise provided in this ordinance, no lighting apparatus shall be placed more than 18 feet above grade as measured to the point on the ground nearest the light. No light source shall cause or permit direct, indirect, or reflected light to extend beyond the lot upon which it is placed so as to be annoying to any occupant of a neighboring lot who is of ordinary sensibilities.

5.9 GRADES AND DRAINAGE

All lots and premises upon which any building or other land improvements are constructed shall be graded and drained in conformity with sound engineering principles to avoid the accumulation of standing surface waters. The normal drainage pattern for lots shall be from the rear or other portion farthest from a public stormwater system to the public system without flowing on or over any other lot or lots. When a building or other land improvement is constructed near or adjacent to an existing building or land improvement, the grade shall be adjusted to meet established grades and drainage patterns in the area so that the new improvement does not obstruct the established flow of surface waters from other lots or, in the alternative, the newly improved lot must provide for such drains as will accept and convey such waters to the public stormwater system.

1. In the R1 district, the grade at the front of a dwelling shall normally be 18 inches above the crown of the street in front.
2. In all other districts, the grade at the front of the main building shall normally be eight inches above the crown of the street in front.
3. Where there are existing or proposed sidewalks, the portion of the lot adjacent to the sidewalk shall be graded to meet the sidewalk grade.
4. Where a wall or other structure is required by this ordinance to be placed so as to obstruct the established flow of surface waters, it shall

be constructed so as to allow or permit such waters to flow or otherwise be conveyed to the public stormwater system.

In the event of unusual topographical conditions or circumstances, or an apparent conflict between the directives of these regulations, the building official may and shall approve an applicant's sound engineering solutions to problems in the course of approving site plans and issuing building permits, subject to appeal to the Zoning Board of Appeals. The ZBA may and shall grant variations and deviations from these regulations in appropriate cases.

5.10 USED BUILDING MATERIALS

No building shall be moved onto any lot. Repurposed and recycled materials, when equivalent to new materials in terms of durability and projected useful life, may be used in the construction of any building erected on any lot. Repairs, maintenance, and the construction of additions to existing buildings may utilize sound used or secondhand materials conforming and compatible with the existing structure.

5.11 TEMPORARY DWELLINGS

No temporary structure for dwelling purposes shall be maintained on any lot.

5.12 SIDEWALKS

Sidewalks are required in all developments which abut any street or an internal service road. All sidewalks shall comply with the City of Lathrup Village Design and Construction Standards and all other applicable ordinances and statutes.

5.13 OFF-STREET PARKING

In all districts, "adequate" off-street parking facilities for the parking of motor vehicles for the convenience and use of occupants, employees, patrons and other invitees of all land and building uses shall be provided and continuously maintained by the persons entitled to possession and use of the parcel in accordance with the provisions of this article as a condition to the issuance of a certificate of occupancy. Failure to continuously meet such parking requirements shall be grounds for suspending and revoking a certificate of occupancy.

Off-street parking facilities shall be adequate when the users and their invitees are able to park their motor vehicles in spaces provided while visiting the establishment without resort to the public right-of-way areas or the parking facilities of others except on rare and infrequent occasions or when otherwise permitted in this ordinance. Parking spaces shall comply with the minimum standards of this article.

1. Location. An off-street parking facility shall be located on private property adjacent to the building or premises it is intended to serve, on the same lot or parcel or within 500 feet of the building or premises it is intended to serve, measured without crossing a major thoroughfare, from the nearest point of the building or premises to the nearest point of the required off-street parking facility.
2. Floor Area. In this section, unless otherwise specified, "floor area" shall mean the actual occupied area not including unoccupied accessory areas such as corridors, stairways, restrooms, mechanical rooms and closets.
3. Increase of floor area or change in use. Whenever a use requiring off-street parking is increased in floor area and such uses are located in a building existing on or before the effective date of this article, and whenever a use of existing premises is changed to one requiring greater off-street parking, parking facilities for the total floor area and use shall first be provided and thereafter maintained in the amounts specified in this article.
   A. Whenever parking facilities are required pursuant to this ordinance as amended from time to time based upon areas of unit measurements, number of the employees and the like, such users shall not increase the intensity of use through the addition of additional space or numbers of employees or the like without first providing such additional parking facilities as they may be required as provided in this ordinance.
   B. In the event such changes do occur without provision for adequate parking, same shall be a violation of this ordinance and shall be grounds for suspension and revocation of the certificates of occupancy of the users of the parcel or portion thereof who shall be in violation.
4. Computation of parking spaces. When units or measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction shall require one full parking space.

5. Shared parking. The number of required parking spaces may be reduced for two or more buildings or uses, subject to the following:

   A. Parking requirements shall be determined based upon shared parking principles and methodologies found in the latest edition of Shared Parking, by the Urban Land Institute.

   B. Required parking shall be provided on site or within 500 feet of the uses.

   C. Cross-access and shared parking easements shall be recorded prior to the issuance of any certificate of occupancy for any new building.

   D. A shared parking study is submitted by the applicant and approved by the approving body. This requirement may be waived by the approving body for a reduction of five or fewer spaces from ordinance requirements.

6. Landscaping and beautification. All persons required to provide off-street parking facilities shall provide and maintain suitable and appropriate landscaping in a manner and fashion prescribed in Section 5.15, and such landscaping shall be included in any site plan submitted for review. Parking spaces abutting existing or proposed landscaping may be shortened to 18 feet to face of curb if the landscaping will permit parked vehicles to overhang the curb by at least two feet .

7. Limitation of parking facility use. No off-street parking facility shall be used for the repair or service of motor vehicles, for the display of vehicles or goods for sale, for display signs (whether attached to vehicles or otherwise) or for any commercial purpose other than the parking of passenger vehicles not exceeding a net weight of three tons for periods of less than 48 hours by occupants, employees, patrons and invitees of buildings and uses providing such parking. Any area once designated and developed for off-street parking shall not be changed to any other use unless or until equal facilities are provided elsewhere. Off-street parking existing at the effective date of this article in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

8. Off-street parking construction and maintenance standards. All off-street parking facilities and all abutting alleys forming part of the access to such facilities shall be constructed and maintained by the property owners and occupants of the lots specially benefited in accordance with the following standards:

   A. Parking areas shall be curbed, graded, and properly drained to remove surface water. Parking surfaces shall consist of asphalt, concrete, or another hard surface treatment approved by the City.

   B. All such parking facilities shall be repaired and maintained by the persons having the right to possess and use the parcel so as to be reasonably safe for vehicular and pedestrian travel. All persons required to provide off-street parking facilities shall use reasonable care and diligence to so maintain and repair the parking facility and shall effect repairs within 30 days after written notice to repair be given to the person whose parking facility is affected. Such maintenance shall include keeping the facility free of ice, snow, rubbish, and debris of all kinds with reasonable care and diligence and within five days after written notice to maintain be given to the person whose parking facility is affected.

   C. All persons who use portions of adjacent public rights-of-way (including both streets and alleys) for driveways or as a part of their required off-street parking facilities shall maintain and repair the abutting area between the main traveled portion of the street or roadway and their property line and the abutting portion also of the alley in the same fashion as they are required to maintain the portion of the off-street parking facility which is on private property.

   D. Failure to maintain and repair off-street parking facilities or adjacent driveways and rights-of-way used for the parking of invitees vehicles shall be grounds for revoking or suspending a certificate of occupancy and/or permission to continue to use such adjacent rights-of-way for such purposes.

9. Off-street parking layout standards.

The following are required except as modified for the R1 and R2 districts as provided in Section 5.13.16 and 5.13.17.

A. Parking facilities shall be sized to meet or exceed the requirements in the following table, except that the required total (module) width may be reduced by two feet per parking tier where a tier is abutted by a curb allowing a two-foot parking overhang (per Section 5.13.6). Parking spaces shall be a minimum of nine feet wide, referenced to the face of curb for end spaces, except where other widths are specified by Americans with Disabilities Act standards.

Off-Street Parking Layout Standards			
Angle of Parking Space (degrees)	Maneuvering Lane (feet)	Total Module Width of 1 Tier of Spaces Plus Maneuvering Lane (feet)	Total Module Width of 2 Tiers of Spaces Plus Maneuvering Lane (feet)
90	22	42	62
80-89	21	42	62
75-79	19	41	62
70-74	18	40	62
65-69	17	40	62
60-64	16	37	58
55-59	15	36	56
50-54	14	34	53
45-49	13	32	50
40-44	12	30	47
35-39	11	28	44
30-34	11	27	42
1-29	10	24	38
Parallel		24 one-way	33 one-way
Parallel		29 two-way	38 two-way

B. All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.

C. Where parking abuts a sidewalk or other pavement (seven foot minimum width), two feet may be credited toward the total required parking space dimension (except for parallel parking).

D. Parallel parking spaces shall be 20 feet in length with a six-foot maneuvering space for each two parking spaces.

E. All parking facilities shall have access to and from a public street or alley via one or more clearly delimited and defined driveways not less than 15 feet wide for a one-way and 22 feet wide for two-way traffic. Numbers and locations of driveways shall be planned in accordance with the principles of good traffic engineering and whenever feasible, driveways should be combined and jointly used to reduce their numbers to a minimum.

F. All parking spaces shall have access from an aisle, driveway or alley affording ultimate access to a public street .

G. Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.

H. The building official may require the posting of such traffic control signs as are necessary to promote vehicular and pedestrian safety in accordance with principles of sound traffic engineering.

I. Some form of wheel stop shall be provided to prevent a parking vehicle from damaging an adjacent wall or fence or overhanging an adjacent sidewalk by more than two feet. The preferred form of wheel stop is a four-inch-high curb and/or raised concrete slab in at least one wheel track of a parking vehicle. Bumper blocks may be permitted by the City if the applicant shows cause for doing so and the blocks to be used are durable and limited to four inches in height and six feet in length.

J. All lighting used to illuminate any off-street parking area shall conform to Section 5.8. Lighting may be required as a condition to approval of a site plan.

K. When required by the principles of sound traffic engineering in order to insure pedestrian safety, sidewalks, of not less than five feet in width, may be required to separate any driveway or parking area from a building.

L. Sidewalks, not less than five feet in width, shall be constructed in the right-of-way of all abutting streets in a location approved by the council.

M. All abutting and access streets and alleys shall have paved rights-of-way of a sufficient width to accommodate the

vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the site plan for such sufficient width of rights-of-way in accordance with the principles of sound traffic engineering. The right-of way provided to satisfy this condition shall conform with the right-of-way paving standards established by the governmental unit having jurisdiction over the right-of-way and, where reasonably required for traffic safety and convenience, deceleration lanes may be required for site plan approval.

N. Where access to the off-street parking facility is onto an unpaved street or alley, provisions shall be made for paving all of the alley and the abutting one-half of the street abutting the length of the property in accordance with the paving standards set by the council for city streets and alleys. Such provisions shall consist of a cash deposit, letter of credit or corporate surety bond in an amount equal to the estimated cost of said improvement.

O. Any lane, route, or path in which vehicles are directed expressly for the purposes or receiving or dispensing persons, goods, or services without the driver leaving the vehicles (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

i. Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, egress from, the property.

ii. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.

iii. Drive-through lanes shall have a minimum width of nine feet.

iv. Drive-through lanes shall have a minimum centerline radius of 25 feet.

v. Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.

10. Public right-of-way parking.

A. Any parking facilities now or hereafter created on public right-of-way under the jurisdiction of this City or any other governmental unit shall not be counted or computed in meeting the requirements of this article except as provided below in the VC, Village Center District and MX Mixed Use District. Any such facilities now or hereafter constructed may continue to be used, but only in accordance with the permission of the governmental unit having jurisdiction over such right-of-way. All persons who have integrated public right-of -way into their parking facilities shall repair and maintain same as provided in Section 5.13.8.

B. In the VC and MX Districts, a property owner may use or install, at the property owner's cost, on-street parking in the public right-of-way to satisfy up to twenty-five (25%) percent of the required number of parking spaces. The applicable road right-of- way owner retains all rights to activities within the right-of-way.

11. Signs. No signs shall be erected in any parking area other than directional signs at points of ingress and egress and governmental traffic control devices. Directional signs shall not be in excess of 36 inches wide and 18 inches high. They shall not extend more than eight feet above the sidewalk, shall be entirely within the parking area and may bear the name of the enterprise which the parking area is intended to serve.

12. Delivery vehicle space. On the premises of every building or use involving the frequent receipt or shipment of goods by motor, there shall be provide in addition to the otherwise-required parking spaces and access drives, an area reserved for standing, loading, and unloading sufficient to avoid undue interference with public use of streets, alleys, driveways, aisles, and other parking spaces. A delivery space shall be a clear area ten feet by 40 feet with 14-foot height clearance, and the minimum numbers of such spaces required is specified in the table that follows. The Board of Zoning Appeals may permit delivery spaces to be used for the overnight parking of vehicles prohibited in parking facilities under the provisions of 5.13.16.

Delivery Vehicle Space	
Floor Area of Building	Number of Spaces
0 to 3,000 sq ft	0
3,000 to 20,000 sq ft	1
20,000 to 100,000 sq ft	1 each 20,000 sq ft (or fraction thereof)

Minimum Spaces Required		
Use		Minimum Number of Parking Spaces per Unit of Measure
A. Residential		
i.	Residential	Two (2) per dwelling unit
ii.	Housing for elderly	One (1) per dwelling unit plus one (1) per employee
B. Institutional		
i.	Assisted living/convalescent (nursing) homes	One (1) per four (4) beds plus one (1) per employee
ii.	Day care centers	One (1) per 10 pupils plus one(1) per employee; also, one (1) drop-off/pick-up space per eight (8) pupils
iii	Places of worship, theaters, auditoriums and assembly halls	One (1) per three (3) seats or one (1) per three (3) persons by capacity
C. Business & Commercial		
i.	Professional and administrative offices	One (1) per 275 sq ft of gross leasable area (GLA)
ii.	Professional offices of doctors, dentists, or similar professions	One (1) per 175 sq ft GLA
iii.	Bank or credit union	One (1) per 200 sq ft gross floor area (GFA) plus 3-vehcle stacking spaces (60 ft) per drive-thru window or ATM
iv.	Personal services and retail uses	1 per 200 sq ft usable area, except where restaurant space comprises 25% or more of the GLA, in which case the restaurant parking requirement must be computed separately and added to the general retail parking requirement (or alternatively, a shared parking study establishes the total requirement)
v.	Restaurants and other establishments for sale and consumption *on the premises* of beverages, food or refreshments	Sit-down - 1 per 70 sq ft GFA *or* 1 per 2 employees plus 1 per 2 maximum customers; Fast-food - 1 per 2 employees plus 1 per 2 maximum customers plus 10-vehicle stacking spaces per drive-thru lane
vi.	Restaurants and other establishments for drive-through-only sale of beverages, food or refreshments	1 per 30 sq ft of usable floor area plus 15-vehicle stacking spaces per drive-thru lane
vii.	Restaurants and other establishments for carry-out-only sale of beverages, food or refreshments	Without advance ordering, 1 per 30 sq ft of usable floor area; when advance ordering is prevalent (e.g., of pizza), 1 per 100 sq ft of usable floor area
viii.	Vehicle washes (self-service)	1 per 5 stalls (1 min.) plus 1 per vacuum station plus 1 per employee; also, stack 3 before and 2 after each stall

Minimum Spaces Required (Continued)		
Use		Minimum Number of Parking Spaces per Unit of Measure
C. Business & Commercial (continued)		
ix.	Vehicle washes (automatic)	2 for non-wash visits plus 1 per vacuum station plus 1 per employee; also, stack 25 before tunnel (total in all lanes) plus 3 after
x.	Vehicle fueling stations (without service garage)	1 per employee plus parking required for any accessory uses (e.g., convenience store)
xi.	Vehicle fueling stations (with service garage)	1 per employee plus 2 per service bay plus 1 per station vehicle plus parking required for any accessory uses (e.g., convenience store)
xii.	Motels/hotels	1 per occupancy unit plus 1 per employee plus parking required for any accessory uses
xiii.	Motor vehicle sales and service establishments (including quick oil change facilities)	1 per 400 sq ft for interior sales plus 1 per 750 sq ft for exterior display space plus 3 per service bay
xiv.	Mini storage facilities	4 spaces at office plus sufficient loading/unloading space near units to avoid impeding through traffic

13. Minimum numbers of parking spaces required
    A. The minimum number of off-street parking spaces shall be determined in accordance with the preceding table unless a greater number is required elsewhere in this ordinance.
    B. Where the table refers to employees, it means the maximum number on the premises at any one time. For example, two part-time workers whose hours do not overlap shall be counted as only one worker for purposes of parking requirements. If the two such part-time workers have hours which do overlap, then they shall be counted as two workers.
    C. Parking spaces for those with physical disability shall be designed and provided as part of the minimum number of parking spaces required by this ordinance, and shall be designed, constructed and marked in accordance with Title III of the American's with Disabilities Act, Public Law 101-336 (ADA) and section of Act 230 of the Public Acts of 1972, as amended (Michigan Barrier Free Design Standards).
    D. Requirements for multiple-use buildings or areas within buildings shall be computed from the table after allocating the units of measure to each use. All uses listed assume that the establishment will be conducted in a manner customary for similar uses in the city in the past. If another or different type or manner of use is contemplated, the applicant shall detail any unusual features of the proposed use which shall bear upon the adequacy of parking. In the event the building official shall have reasonable doubt as to the application of the table to a use or application, he shall refer the matter to the Zoning Board of Appeals for determination.
    E. In the event all or a portion of a basement or other floor area is clearly and definitely set aside and restricted to dead storage, the housing of structural mechanical equipment such as furnaces and the like and not involving human occupancy, such area shall be excluded from floor area computations requiring parking to be provided, but such areas shall not be converted to human occupancy or use thereafter without first providing any additional parking which would be required upon recomputation. Storage shall not be

deemed "dead" if access to the stored materials occurs with a frequency greater than one time per week.

14. Relationship with other articles. The requirements of this article shall apply in all districts, except where specifically modified by a conflicting provision in a particular district. No provision in this article shall be construed to permit a use prohibited or separately regulated in a residential district.

15. Additional powers of the approving body. On a case-by-case basis, the City may determine that the requirements of this section are unduly stringent and that an alternative calculation or determination would result in sufficient parking spaces being provided under almost all conditions. Factors to be considered by the City in such cases shall include:

    A. The ability and willingness of the persons required to provide the spaces to effectively limit the numbers of spaces which will be utilized by the workers and other invitees to a maximum number or to close floor areas to uses which would create a need for parking facilities.

    B. The ability and willingness of the persons required to provide a lesser number of spaces to submit to periodic review and modification by the approving body in the event the reduced numbers of spaces prove to be inadequate in the future.

    C. The spirit, purpose, and intent of this ordinance, including the avoidance of undue hardship or difficulties on the part of anyone resulting in no significant benefits to others, and the intent that parking requirements be reasonable as defined by the courts.

    D. The criteria set forth in article 6 for the granting of special use approvals.

16. R1 district modification. In the R1 district, a driveway from the street to the front property line shall be a minimum of 22 feet wide. From the front property line to the entrance to a two- or more car garage, a driveway or aisle shall be provided at least 18 feet wide. Where only a one-car garage is provided, a driveway or aisle at least 15 feet wide shall be provided from the front property line to the garage entrance, but two off-street parking spaces conforming to the other specifications of this article must nonetheless be provided.

17. R-2 district modification. In the R2 district, a driveway from a public street to the property line shall be a minimum of 22 feet wide. Driveways and aisles within the property lines shall be a minimum of 20 feet wide.

18. Vehicle parking--Prohibited places. No person shall cause or permit any automobile, truck, or motor home to be parked or stored on any landscaped area or elsewhere than in an off-street facility, garage, or street.

19. MX and VC modification. In the MX and VC Districts, the Planning Commission may reduce the number of required parking spaces for non-residential uses by up to twenty-five (25%) percent, subject to documentation that such a reduction will not negatively impact adjacent properties or be contrary to the spirit of this Ordinance.

5.14 NUISANCES PROHIBITED

The occupancy or use of any lot or premises in such fashion as to constitute an actionable nuisance in fact, as defined by the common law of this state, which is injurious to two or more persons, is prohibited.

5.15 LANDSCAPING REULATIONS

Intent of article. It is legislatively determined that well landscaped lands and buildings have a greater functional appeal to their occupants, invitees, and neighbors which leads to the enhancement and preservation of property values. On the other hand, parcels which lack or neglect minimal standards of landscaping tend to act as a blighting influence on neighboring properties. Proper landscaping can also reduce or delay stormwater runoff, soil erosion, and downstream flooding which are frequent results of urbanization. Landscaping regulations are therefore imposed to set minimum standards for all properties in the city by this article and the other provisions of this ordinance. Property owners and occupants are encouraged to exceed these standards, to minimize paved and other quick runoff areas, and to maximize the areas devoted to attractively arranged and well maintained live plantings.

1. Landscape plan. Such plans shall be prepared and sealed by a landscape architect registered and in good standing in the State of Michigan and submitted to the City of Lathrup Village Building Department for review and approval prior to the installation of any required landscaping. Included on this landscape plan shall be: scale; north arrow; all permanent structures; names of all plant materials to be installed, both scientific and common; size and quantity of plant materials to be installed; existing plants on the site; ground cover to be used; hard-surfacing; other landscape materials as defined by this chapter; and name, address, and telephone number of the landscape designer.
2. Minimum landscaped area. All lots which are improved and put to use (but not vacant lots) shall have at least five percent of their gross area landscaped to the specifications of this article.
3. Buffer strip landscaping. Whenever a buffer strip is required or permitted, all portions of the buffer strip shall be planted and maintained with grass, ground cover, shrubbery, trees and other materials specified for use herein. See Section 6.1, site plan review, for administrative flexibility to these requirements.
   A. A minimum of one deciduous tree shall be planted for each 30 lineal feet of required buffer strip length and shall be planted at approximately 30-foot intervals.
   B. A minimum of one evergreen tree shall be planted for every ten lineal feet of required buffer strip length at approximately ten-foot intervals.
   C. A minimum of three shrubs shall be planted for every ten lineal feet of required buffer strip length, but they need not be planted at uniform intervals and may be located along the buffer strip as desired by the property owner or user.
   D. No landscaping shall be required where the strip is interrupted by driveways for vehicular access points shown on an approved site plan, but the buffer shall not otherwise be broken for pedestrian access.
   E. A berm may be incorporated and plantings may be clustered for effect.
   F. The planting strip will be no less than five feet in width.
   G. Plant materials shall not be placed closer than two feet from any property line but excluding sod and groundcover/perennials.
4. Parking facility landscaping.
   A. There must be provided and maintained a minimum of 15 square feet of landscaping conforming to the specifications of this article for each parking space provided in the parking facility area with a minimum of 150 square feet on any lot. Buffer strip landscaping and landscaping in the right-of-way shall not be counted in meeting parking facility requirements.
   B. Parking facility landscaping shall be not less than three feet in any single dimension and not less than 150 square feet in any single area and shall be protected from parking areas with curbing or other permanent means to prevent automobile encroachment onto the landscaping areas. Areas less than these minimum requirements will not be considered as part of the landscaping requirements.
   C. A minimum of one deciduous or large evergreen tree shall be planted for each 400 square feet or fraction thereof of required parking facility landscape area.
   D. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. In areas where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the city council may waive the requirement for an end island or may require painted islands only. The end islands shall generally be at least seven feet wide, and be constructed three feet shorter than the adjacent parking stall.
5. Existing plant material. On some sites, sound ecological management principles dictate that reasonable efforts be made to preserve mature trees, shrubs, and other live plant materials from heedless or needless destruction. In instances where healthy plant materials exist on a site prior to its development, the building official may adjust the application of landscaping standards to allow credit for preserved materials in keeping with the intent of this section so long as the functional or practical equivalent landscaping is provided.

6. Landscaping material specifications. The following materials are approved and disapproved for use within this city:
   A. Quality: Plant and grass materials used in compliance with the provisions of this ordinance and article shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections required under state regulations. Grass areas and sod shall be clean and free of weeds and noxious pests or diseases.
   B. Plastic materials: Plastic or other nonorganic plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this ordinance or meet the specifications herein.
   C. Sizes and varieties: For maximum survivability and quick effect, all plant materials should either conform to the requirements of Section 5.16.7 or be the functional equivalent. All trees shall (preferably) be balled and bagged at the time of planting--the city has had poor survival experience with the planting of bare-root trees.
7. Plant materials and sizes. The following suggests varieties of planting materials recommended for use within this city. All such materials should meet the recommended minimum sizes specified at the time first planted (whether initially or replaced) in all districts other than R1:
   A. Large Deciduous Trees: All tree plantings should be at least 1 3/4" caliper at a point on the trunk 6" above the ground
      i. Ash (Marshall seedless, summit)
      ii. Black tupelo
      iii. Locust (thornless, seedless, varieties only)
      iv. Maple (varieties including red schwedler, sugar, and Norway--not silver)
      v. Oak (varieties)
      vi. Sweet gum
   B. Small Flowering Deciduous Trees: All single stem tree-like planting should be at least 1 3/4" caliper at a point 6" above the ground
      i. Flowering cherry
      ii. Flowering crabapple (hybrid varieties)
      iii. Hawthorn (varieties)
      iv. Flowering dogwood (varieties)
      v. Eastern redbud
      vi. Allegheny serviceberry (varieties)
      vii. Linden
      viii. Purple leaf plum
   C. Large Evergreen Trees: All plantings should be at least 48" in height
      i. Fir (including Douglas and Colorado)
      ii. Yews (tall)
      iii. Spruce (varieties)
      iv. Pine (except white pine)
   D. Small Evergreen Trees: All plantings should be at least 36" in height
      i. Arborvitae (varieties)
      ii. Upright yews
      iii. Upright juniper
      iv. Upright juniper (varieties)
   E. Deciduous Shrubs: All deciduous shrubs should be at least 18" in height
      i. Forsythia
      ii. Honeysuckle (varieties)
      iii. Mock orange (varieties)
      iv. Ninebark
      v. Sargent crabapple
      vi. Spirea (varieties)
      vii. Tall hedge buckthorn
      viii. Viburnum (varieties)
      ix. Lilac
   F. Evergreen Shrubs: All evergreen shrubs should be at least 18" in height
      i. Spreading juniper
      ii. Euonymus (hardy varieties)
      iii. Ilex (holly) (hardy varieties)
      iv. Spreading yew
      v. Evergreen azaleas
      vi. Pyracantha
      vii. Rhododendron
      viii. Yucca
      ix. Pieris
   G. Ground Covers
      i. Pachysandra: 6--12 plants/square yard
      ii. Vinca: 9 plants/square yard
      iii. English, Baltic ivy: 3 plants/square yard

iv. Grass (varieties, but not obnoxious weeds): As needed for at least 75 percent coverage within one growing season and full coverage within two

v. Wood chips (but not gravel or stones)

8. Prohibited plant materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this city, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:

A. Silver maple (Acer dasycarpum)

B. Box elder (Acer negundo)

C. Tree of heaven (Ailanthus)

D. European barberry (Berberis vulgaris)

E. Northern catalpa (Catalpa specrosa)

F. Eastern red cedar (Juniperus virginiana)

G. Poplar (Populus)

H. Willow (Salix)

I. American elm (Ulmus americana)

J. Obnoxious weeds (as defined by the city's ordinances relating to weed control, mowing, and removal).

9. Landscaping construction and maintenance specifications. Landscaping in this city shall meet the following specifications:

A. Installation: All installations of plant materials shall be in accordance with the general planting specifications as set forth by the American Association of Nurseryman.

i. Landscaped areas must be protected from vehicular encroachment by wheel stops, curbing, or the equivalent.

ii. All plant materials will be installed within eight months of the date of issuance of a temporary certificate of occupancy. In the instance where such completions is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the city clerk to insure project completion.

B. Maintenance: Persons occupying parcels where landscaping is required to be installed shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or by the end of the next planting season (whichever comes first) with materials conforming to the specifications of this ordinance. The maintenance of such landscaping shall be in violation of this ordinance in the event it is found to be clearly and substantially less well maintained than the landscaping installed around the Municipal Building at 27400 Southfield Road.

10. Yard landscaping. All side, front, and rear yards not incorporated into a parking facility or occupied by sidewalks, driveways, and structures shall be landscaped with grass, ground cover, or other live plant materials, provided however, this requirement shall not apply to vacant lots.

11. Right-of-way landscaping. The owners and occupants of all lots shall cause the area between the paved or travelled portion of any street or alley which abuts their lot and their property lines to be landscaped with grass, ground cover, or other live plant materials, provided however, this requirement shall not apply to vacant lots or to areas occupied by sidewalks, driveways, or other permitted structures and improvements. One deciduous tree shall be provided in the right-of-way for each 50 feet of street frontage. All right-of-way landscaping shall conform to such further regulations as may be imposed by the governing body of the governmental unit having jurisdiction over the right-of-way.

12. Vacant lot maintenance. The owners of all vacant lots must cause them to control [conform] to the city's ordinances relating to weed control, mowing, and removal.

13. Permit required. In all districts other than R1, whenever a vacant lot is converted to use by the construction of land improvements or an existing developed lot is altered by the construction of a new building or addition to an existing building, the property owner must obtain a landscape special permit in addition to all other required permits, pursuant to Section 7.4.

14. Vehicle parking prohibited. No person shall cause or permit landscaped areas to be used for the parking or storage of automobiles, trucks, or motor homes.
15. Special landscaping requirements. When requested by the building official, all site plans submitted for approval shall include a landscape element which clearly shows all existing trees which are more than six inches in trunk caliper when measured three feet above ground level in height. The plans must clearly designate which of such trees are to be saved and which will be destroyed by the development. The landscape element must also show the landscape design features of the development. No site plan shall be approved unless the plan affirmatively shows that reasonable care and diligence has been exercised to preserve existing healthy trees and shrubs and other valuable mature plant materials on the site.

Article 6.0
Development Procedures

Article 6.0 Development Procedures

6.1 Site Plan Review
6.2 Special Use Procedures and Standards

6.1 SITE PLAN REVIEW

The site plan review requirements 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 of this article and other applicable ordinances and state and federal laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the city and the applicant to facilitate development in accordance with the city's land use objectives.

1. Site plan approval.

   A. Planning commission approval. Planning commission approval of a site plan is required prior to establishment, construction, expansion, or structural alteration of any structure or use, as follows:

      i. All special uses, conditional zoning, and planned development requests subject to the provisions of this article.

      ii. All residential uses, single- and multiple-family, except the following:

         a. Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structure by the homeowner. All necessary building permits are required.

         b. Family day care homes, as licensed by the State of Michigan and as defined in Section 2.2.

      iii. All office, commercial, and industrial uses, subject to the provisions of this article.

      iv. All other uses, not specifically mentioned in subsection B.

      v. Construction, expansion or alteration of a condominium, as defined by state law, shall be subject to the procedures and standards of this section.

      vi. Construction, expansion or alteration of a planned development (PD) project shall be subject to development plan approval in accordance with the procedures and standards of this Zoning Ordinance.

      vii. Essential services and public utilities and facilities.

      viii. Development of a non-single-family residential use in a single-family district.

      ix. Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified in subsection B., following.

      x. Any development that proposes a new means of ingress and egress onto a public or private road.

      xi. Vacation of a road easement.

   B. Administrative site plan review. Projects eligible for administrative approval include development projects, uses, and activities, which have been determined to be appropriate for an administrative site plan review and approval by the building official, city administrator, and city planner. In the case of reuse or expansion of an existing development, an approved site plan must be on file at the city to be eligible for administrative review. Projects eligible for administrative approval include the following:

      i. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan.

      ii. Minor building modifications that do not alter the facade beyond normal repairs, height or floor area of a multiple-family or nonresidential building.

      iii. For a multiple-family or nonresidential uses, construction of accessory structures or fences or construction of a wall around a waste receptacle, or installation of a fence around a mechanical unit or other similar equipment.

      iv. Changes to a site required by the building official to comply with state construction code requirements.

      v. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.

      vi. Construction of an addition to an existing building or expansion of an

existing, conforming use, subject to the following:

a. No variances to the requirements of this article are required.

b. The proposed addition or expansion shall not increase the total square footage of the building or area occupied by the use by more than 25 percent or 1,000 square feet, whichever is less, provided further that no other expansion has occurred within the past three years.

vii. Reuse or reoccupancy of an existing building that has been vacant for more than 90 days, subject to the following:

a. No variances to the requirements of this article are required.

b. The proposed use shall be conducted within a completely enclosed building.

c. The proposed use shall not require additional parking demands, access changes or other substantial modifications and improvements to the existing site or building.

viii. Any excavation, filling, soil removal, mining or creation of ponds not to exceed 2,500 square feet, provided that such activity is not related to a residential, office, commercial or industrial development project.

ix. Family day care homes (less than six children), as licensed by the State of Michigan.

x. Temporary construction building and uses.

xi. Accessory structures and uses specified in article 2 (accessory buildings, structures and uses).

xii. Mobile Food Vending, as a temporary land use, subject to the following conditions:

a. Location. Mobile food vending is permitted in the Village Center district on private property that is vacant or used for non-residential purposes. The vendor must provide approval of the property owners. Mobile food vending units shall be located and maintained on a dust-free surface and shall not be placed on existing landscaped areas.

b. Number of Vendors. There is no limit on the number of mobile food vendors allowed on a site, provided that all of the requirements of this section are met. However, if there are more than two mobile food vending units on a parcel at any one time, the following shall apply: 1) a designated on-site manager is required to direct traffic flow and maintain the site as described in this section, and 2) a restroom shall be provided within 200 ft of the vending area.

c. Duration. A mobile food vending unit may be allowed to park at an approved location for up to 3 days per year. The Zoning Administrator may grant two additional 3-day periods if the applicant has satisfied all of the requirements of this section. A vendor may seek a new approval for a location on a different property in the City within the same calendar year.

d. Goods available. Mobile food vending units may only sell food and non-alcoholic beverages. Sales of alcoholic beverages are prohibited. No others goods or services may be sold from a mobile food vending unit.

e. Trash and upkeep. Mobile food vending units and the area upon which they are temporarily located shall be kept in good repair and free of refuse and debris. A trash receptacle shall be provided and emptied daily, or more frequently to meet demand.

f. Hours of operation. Mobile food vending units shall not be in operation between the hours of 10 p.m. and 7 a.m. The Zoning Board of Appeals may extend operating hours upon finding that such extension will not negatively impact adjacent uses.

g. Parking. Mobile food vending units shall not occupy any parking spaces required for the existing use of the property. The City may

take into consideration seasonal variation in parking demand and building occupancy when making this determination. There shall be at least three parking spaces for the mobile food vending unit provided and maintained on a dust-free surface.

h. Site amenities permitted. Mobile food vending units may provide seating for up to twelve customers within 30 ft of the mobile food vending unit. Such seating shall not occupy any required parking spaces and shall be kept in good repair. One additional parking space shall be provided for every two seats.

i. Signage. Mobile food vending units may be painted with signage but shall not have any signs or otherwise objects that otherwise attract attention projecting from the unit. No additional site signage is permitted.

j. Sound. Sound amplifying equipment is prohibited. The decibel level of any equipment used in association with the mobile food vending unit, including generators, shall not exceed 70 decibels (dbA) as measured at the property lines.

k. Lighting. Mobile food vending units shall be lit with available site lighting. No additional exterior lighting is permitted unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line.

l. Temporary restroom facilities. Temporary restroom facilities, if provided, shall only placed on the subject property from one day before until one day after the approved mobile vending dates. Any temporary restroom facility shall be placed a minimum of 100 ft from a single family residential use, as measured from the property line.

m. Permits. Administrative approval is valid for the duration of the mobile food vending in the approved location, but in no case greater than 3 days, unless granted an extension of the site plan for two additional 3-day periods in one calendar year. The mobile food vendor shall comply with all additional required permits and licenses as applicable.

xiii. The city planner, city administrator, building official or applicant shall have the option to request planning commission review of a project otherwise eligible for administrative site plan approval.

A sketch plan, rather than a complete site plan package, shall be required for projects eligible for administrative approval involving a legally existing and conforming use and building, and where proposed alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards.

2. Site plan review applications and procedures.

A. Optional pre-application conference. In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the city planner and city administrator or designee. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The city planner's fee for any such pre-application conference shall be paid by the applicant if such charges are not covered by the city's monthly retainer.

B. Optional conceptual review by planning commission. An applicant may file a written request for conceptual review of a preliminary site plan by the planning commission, prior to submission of a site plan for formal review. A site plan

submitted for conceptual review shall be drawn to scale, and shall show site development features in sufficient detail to permit the planning commission to evaluate the following:

i. Relationship of the site to nearby properties;

ii. Density;

iii. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and

iv. Conformance with city development policies and standards.

v. Conceptual review fees shall be paid according to the fee schedule established by the city council. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the planning commission shall be bound by any comments or suggestions made during the course of the conceptual review.

C. Submission of site plan for final review. In order to initiate formal review by the planning commission, the applicant is required to submit the following material to the city hall:

i. Three completed and signed copies of the application for site plan review;

ii. Fourteen individually folded copies of the site plan;

iii. Proof that the plan has been submitted for review to governmental agencies that have jurisdiction over any aspect of the project, including, but not limited to; the county road commission, county drain commission, county health division, Michigan Department of Transportation, Department of Natural Resources and Environment, and other agencies deemed appropriate by the planning commission or city council; and

iv. The required review fee.

Site plan materials must be submitted in complete form to the city at least 21 days prior to the planning commission or city council at which the review is requested.

D. Distribution of plans. The site plans and application shall be distributed, as necessary, to the city planner, city engineer, city attorney and other city consultants and staff for review.

E. Determination of compliance. The city consultants and staff shall review the plans to determine compliance with city ordinances and regulations. The applicant may be required to complete revisions and submit the plans for further review prior to review of the plans by the planning commission or city council. All required revisions must be completed or the site plan may not be placed on the planning commission or city council agenda for review.

3. Review and action.

A. Planning commission final action and recommendation. The planning commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the building official and other reviewing agencies. The planning commission is authorized to take the following action on the plan, subject to guidelines in the zoning ordinance: approval, approval with conditions, denial, or table the site plan, as follows:

i. Approval. Upon determination that a site plan is in compliance with the standards and requirements of this article and other applicable ordinances and laws, approval shall be granted.

ii. Approval subject to conditions. Upon determination that a site plan is in compliance except for minor modification, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions.

The applicant may resubmit the site plan to the planning commission for final approval after conditions have been met. The planning commission may waive its right to review the revised plan, and instead authorize the city planner or building official to review and approve the site plan after

all required conditions have been addressed.

iii. Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this section or elsewhere in this article, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.

iv. Tabling. Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the planning commission may table consideration of a site plan until a future meeting.

B. City council review of single-family developments. Any site plan involving a single parcel that is proposed to include two or more sites for single-family detached dwellings (including, but not limited to; single-family site condominiums) shall require city council review and approval. In this case the planning commission's action shall be considered a recommendation and the decision by the city council shall become final. In the case of a condominium project, the master deed and condominium bylaws shall also be subject to city council review and approval. The city council shall approve, approve with conditions, deny, or table the site plan in accordance with the guidelines described previously in subsection E.

C. Recording of site plan review action. Each action taken with reference to a site plan review shall be duly recoded in the minutes of the planning commission as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

After the planning commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped "APPROVED" and signed by the city planner. One marked copy will be returned to the applicant and the other two copies will be kept on file in the city hall.

D. Procedure after site plan approval.

i. Application for building permit. Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable city, county, or state permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recoded master deed has been provided to the city. However, the building official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the master deed. No permit issued or work undertaken prior recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.

ii. Expiration of site plan approval. If construction has not commenced within 12 months of final approval of the site plan, or if construction has not been completed within 12 months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The city council, after recommendation from the planning commission, may grant an extension of up to 12 months, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current zoning ordinance standards.

iii. Application for certificate of occupancy. Following completion of site work and building construction, the applicant may apply for a certificate of occupancy or a temporary certificate of occupancy from the building official in accordance with the procedures set forth in the zoning ordinance. It shall be the applicant's responsibility to obtain these required certificates to any occupancy of the property.

iv. Property maintenance after approval. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing

basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this article and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this article and shall be subject to the same penalties appropriate for a use violation.

v. Recorded and as-built condominium documents. Upon approval of the site plan for condominium project involving new construction, the condominium project developer or proprietor shall furnish the city with the following:

a. One copy of the recorded master deed; and

b. One copy of any condominium bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the city with the following:

a. Two copies of an "as-built survey"; and

b. One copy of the site plan on a Mylar sheet of at least 13 × 16 inches with an image not to exceed ten and one-half × 14 inches.

The as-built survey shall be reviewed by the city engineer for compliance with city ordinances. Fees for this review shall be established by the city council.

E. Revocation. Approval of a site plan may be recommended to be revoked by the planning commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the planning commission for consideration and written notice shall be sent to the applicant at least ten days prior to the meeting. The building official, applicant, and any other interested persons shall be given the opportunity to present information to the planning commission and answer questions. If the planning commission finds that a violation exists and has not been remedied prior to the hearing, then it shall recommend that it revoke the approval of the site plan to the city council.

F. Modification to approved plan. A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:

i. Review of minor modifications. Minor modifications to an approved site plan may be reviewed by the city building official.

a. *Minor modification defined.* Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

(1) An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25 percent or 3,000 square feet, whichever is less.

(2) Re-occupancy of a vacant building that has been occupied for less than 12 months.

(3) Changes to building height that do not add an additional floor.

(4) Additions or alterations to the landscape plan or landscape materials.

(5) Relocation or screening of the trash receptacle.

(6) Alterations to the internal parking layout of an off-street lot.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

b. Determination of minor modifications. The building official shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the building official shall solicit comments and recommendations from the planner, engineer, and public safety officials, as deemed necessary.

ii. Modifications not deemed "minor" If the modifications are not deemed minor by the building official, then approval by the planning commission shall be required. Planning commission review shall be required for all site plans that involve a request for a variance, a special land use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure. City council review and approval shall be required for all modified site plans which originally required city council approval.

iii. Recording of action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the building official. The planning commission shall be advised of all minor site plan modifications approved by the building official and such modifications shall be noted on the site plan and in the minutes of the planning commission.

4. Required information on all site plans.

The following information shall be included on all site plans, where applicable:

A. Application form. The application form shall contain the following information:

i. Applicant's name and address.

ii. Name and address of property owner, if different from applicant.

iii. Common description of property and complete legal description including the tax identification number.

iv. Dimensions of land and total acreage.

v. Existing zoning.

vi. Proposed use of land and name of proposed development, if applicable.

vii. Proposed buildings to be constructed, including square feet of gross floor area.

viii. Proof of property ownership.

ix. Employment opportunities created, if applicable.

x. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.

B. Descriptive and identification data. Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch = 20 feet for property less than one acre, one inch = 30 feet for property larger than one acre but less than three acres, and one inch = 50 feet for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

i. Applicant's name and address, and telephone number.

ii. Title block indicating the name of the development.

iii. Scale.

iv. Northpoint.

v. Dates of submission and revisions (month, day, and year).

vi. Location map drawn to scale without northpoint.

vii. Legal and common description of property.

viii. The dimensions of all lots and property lines, showing the relationship of the

site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.

ix. A schedule of completing the project, including the phasing or timing of all proposed developments.

x. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.

xi. Written description of proposed land use.

xii. Zoning classification of applicant's parcel and all abutting parcels.

xiii. Proximity to driveways serving adjacent parcels.

xiv. Proximity to section corner and major thoroughfares.

xv. Notation of any variances which have or must be secured.

xvi. Net acreage (minus right-of-way) and total acreage, to the nearest one-tenth acre.

C. Site data.

i. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.

ii. Front, side, and rear setback dimensions.

iii. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.

iv. Proposed site plan features, including buildings, roadway widths and names, and parking areas.

v. Dimensions and centerlines of existing and proposed roads and road rights-of-way.

vi. Acceleration, deceleration, and passing lanes, where required.

vii. Proposed location of driveway entrances and on-site driveways.

viii. Typical cross-section of proposed roads and driveways.

ix. Location of existing drainage courses, floodplains, lakes and streams, with elevations.

x. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.

xi. Location of sidewalks within the site and within the right-of-way.

xii. Exterior lighting locations and method of shielding lights from shining off the site.

xiii. Trash receptacle locations and method of screening, if applicable.

xiv. Transformer pad location and method of screening, if applicable.

xv. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.

xvi. Information needed to calculate required parking in accordance with zoning ordinance standards.

xvii. The location of lawns and landscaped areas, including required landscaped greenbelts.

xviii. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.

xix. Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.

xx. Cross-section of proposed berms.

xxi. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.

xxii. Designation of fire lanes.

xxiii. Loading/unloading area.

xxiv. The location of any outdoor storage of materials and the manner by which it will be screened.

D. Building and structure details.

i. Location, height, and outside dimensions of all proposed buildings or structures.

ii. Indication of the number of stores and number of commercial or office units contained in the building.

iii. Building floor plans.

iv. Total floor area.

v. Location, size, height, and lighting of all proposed signs.

vi. Proposed fences and walls, including typical cross-section and height above the ground on both sides.

vii. Building facade elevations, drawn to a scale of one inch equals = four feet, or another scale approved by the building official and adequate to determine compliance with the requirements of this article. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such screening shall be designed to be perceived as an integral part of the building design.

E. Information concerning utilities, drainage, and related issues.

i. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.

ii. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.

iii. Indication of site grading and drainage patterns.

iv. Types of soils and location of floodplains and wetlands, if applicable.

v. Soil erosion and sedimentation control measures.

vi. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.

vii. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.

viii. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.

ix. Underground storage tanks locations.

x. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

F. Information concerning residential development.

i. The number, type and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).

ii. Density calculations by type of residential unit (dwelling units per acre).

iii. Lot coverage calculations.

iv. Floor plans of typical buildings with square feet or floor area.

v. Garage and carport locations and details, if proposed.

vi. Pedestrian circulation system.

vii. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.

viii. Community building location, dimensions, floor plans, and facade elevations, if applicable.

ix. Swimming pool fencing detail, including height and type of fence, if applicable.

x. Location and size of recreation open areas.

xi. Indication of type of recreation facilities proposed for recreation area.

G. Additional information.

i. Information related to condominium development. The following information shall be provided with all

site plans including condominium development:

a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.

b. Condominium subdivision plan requirements, as specified in section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

ii. Items not applicable. If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

a. A list of each item considered not applicable.

b. The reason(s) why each listed item is not considered applicable.

iii. Other data which may be required. Other data may be required if deemed necessary by the city administrative officials, planning commission, or city council to determine compliance with the provisions in this article. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

H. Transportation impact studies.

i. Developments requiring a transportation impact study (TIS). A TIS shall be required prior to approval of any of the following types of projects:

a. Fast-food restaurants, convenience and party stores, and businesses that have drive-up or drive-through service.

b. Residential projects containing 50 or more dwelling units in the total project.

c. Commercial, office, industrial, warehouse, institutional, entertainment, and mixed-use development proposals involving 30,000 square feet or more in gross floor area.

On multi-phase projects, a TIS shall be required if the entire project exceeds the threshold levels cited above, even if one or more phases of the project do not meet the threshold levels.

The planning commission may require a TIS for a proposed development even though it does not meet the criteria listed above where there is evidence that the traffic that would be generated by the development would cause or aggravate unsafe traffic conditions. In making this determination, the planning commission may consider the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site that may contribute to traffic safety concerns.

ii. Qualifications of person preparing the TIS. The TIS shall be prepared by a traffic or transportation engineer or community planner who has a minimum of three years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the TIS shall be included in the study.

The full cost of the TIS shall be paid for by the applicant. The city may require funds to be placed in escrow to cover costs for review of the TIS by the City's traffic engineer.

iii. Contents of the TIS. The TIS shall contain the following elements, at minimum:

a. Description of project. A description of the project and site plan shall be provided, showing the location of buildings, driveways, parking, adjoining roads, nearby intersections, and driveways on adjacent parcels. The project description should identify the proposed use, the gross and net square footage, and the number of parking spaces proposed.

b. Existing conditions. Maps and narrative shall be used to identify all roads within the impact area of

the project, the number of lanes and right-of-way of each road, the most recent a.m. and p.m. peak hour traffic counts, and average daily traffic (ADT) counts on each road as are available from the road commission for Oakland County.

The historical growth rate of traffic on adjacent roads shall be determined by examining traffic counts over the past three to five years. The growth rate shall be used to project background growth for the next five years or for the number of years to complete the proposed project, whichever is longer. Where information is available from the city planner, trips from proposed projects in the impact area shall be included in the background growth projections.

Where existing traffic counts are more than three years old, new counts shall be taken. Traffic counts shall be taken during average or higher than average volume conditions, generally on a Tuesday, Wednesday or Thursday of a non-holiday week. For commercial development, additional Saturday counts shall also be taken.

The description of existing conditions shall also include accident history within 500 feet of the site and for any intersection that is expected to experience a traffic volume increase of at least five percent per 24-hour period or during peak hour due to the proposed project.

a. Projections. Maps and narrative shall be used to estimate the impact of the proposed project on traffic. Morning and evening peak hour and average daily traffic shall be forecast for the proposed development, based on the data and procedures outlined in the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The preparer may use other commonly accepted sources of data or supplement the ITE data with empirical data from similar projects in Michigan.

The directional distribution of the projected traffic shall be distributed onto the existing road network (inbound v. outbound, left turn v. right turn) to project turning movements at major site access points, intersections, and interchange ramps. The rationale for the directional distribution shall be provided. If the forecast development generates 75 or fewer trips during the a.m. or p.m. peak hour, analysis may be limited to site access points only.

iv. Analysis of data. The TIS shall contain the following analysis, at minimum:

a. Capacity analysis. The impact of the projected traffic on the capacity of roads serving the proposed development shall be analyzed, using procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Pre- and post-construction capacity analysis shall also be performed at all street intersections and expressway ramps where the expected traffic will comprise five percent or more of the existing intersection capacity.

b. Gap analysis. A "gap study" shall be completed to analyze the frequency and duration of gaps in the flow of through traffic.

c. Access analysis. Maps and narrative shall be used to:

(1) Identify the location and design of proposed access driveways and new road intersections;

(2) Identify sight distance limitations;

(3) Determine the distance of adjacent driveways and intersections; and

(4) Provide sufficient evidence that the design and number of driveways proposed is the fewest necessary, that the driveways will provide safe

and efficient movement of traffic, and that all driveways comply with the sight distance requirements of the Road Commission for Oakland County.

v. Mitigation measures. The TIS shall identify realistic public and private mitigation measures needed to accommodate the projected traffic including the following, at minimum:

a. The TIS shall identify improvements to intersections and roads to accommodate future volumes and provided adequate capacity.

b. Using Road Commission for Oakland County standards, the TIS shall identify taper lanes, turn lanes, and passing lanes necessary to provide safe and adequate ingress and egress to the site.

c. The TIS shall identify opportunities to accommodate bicyclists and pedestrians.

d. The TIS shall identify opportunities to coordinate development and access with adjoining sites so as to alleviate the impact of increased traffic on public roads.

I. Sketch plan requirements for administrative approval. The sketch plan for administrative approval shall contain the following information:

i. Name, address, telephone and fax numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the plan.

ii. The property location (address, lot number, tax identification number).

iii. Site plan shall be drawn to an engineer's scale.

iv. Size and dimensions of proposed structures, including gross and usable floor areas, number of stories, and overall height.

v. 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.

vi. Existing site features, including natural and historical features, structures, driveways, fences, walls, signs, and other improvements.

vii. Location, dimensions, setback distances, and use(s) of all proposed improvements.

viii. Location and description of all existing and proposed easements and rights-of-way for utilities, access, and drainage.

ix. Other information as requested by the reviewer to verify that the site and use are in accordance with the purpose and intent of this article and the city's master plan.

5. Standards for site plan approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

A. Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

B. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this article.

C. Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

D. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Section 3.1, unless otherwise provided in this article.

i. Site condominiums. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in

size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at lease equivalent to the minimum yard area requirements.

ii. Detached condominiums. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located.

E. Preservation of natural areas. The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage course and the amount of cutting, filling, and grading.

F. Privacy. The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

G. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

H. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

I. Pedestrian circulation. The site plan shall provide a pedestrian circulation system which is insulated as completed as is reasonably possible from the vehicular circulation system.

J. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

K. Drainage. Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the city engineer.

L. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with currently county and city standards.

M. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

N. Public services. Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

O. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

P. Danger from hazards. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes

shall not exceed the capability of the city to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the city shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the city.

Sites which include storage of hazardous materials or waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

Q. Health and safety concerns. Any use in any zoning district shall comply with applicable federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

R. Sequence of development. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

S. Coordination with adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

T. The approving body shall review the site plan for compliance with the design guidelines applicable to the zoning district in which the property is located, as follows: Village Center District Design Guidelines (as adopted the 15 day of October, 2012, and as may be amended from time to time).

6.2 SPECIAL USE PROCEDURES AND STANDARDS

1. Application of article. The special land uses and activities eligible for approval consideration are specified elsewhere in this ordinance by the regulations applicable to the various districts. This article sets forth the procedures and supporting materials required for application, review, and approval of all special land uses which are permitted in various zoning districts only after review and approval. It also sets forth the general requirements and standards upon which decisions on requests for special land use approval shall be based which shall be in addition to any others specified elsewhere in this ordinance as to specific special uses.

2. Approving authorities. The city council shall be the approving authority and shall be responsible for review and approval of special land uses. All special land use decisions of the city council shall be administratively final and subject to appeal only to courts of competent jurisdiction.

3. Application and site plan. All persons desiring a special use approval shall file with the building official a written detailed application setting forth the nature and extent of the proposed use, the proposed manner of operation (including hours of operation, occupancy loads, parking adequacy data, neighborhood and community impact data, and any other information which the applicant deems to be relevant to a determination as to the use should be approved). The application shall be accompanied by a site plan prepared in conformity with Section 6.1. The application and site plan should affirmatively show that the use, as proposed, will comply with all of the other applicable provisions of this ordinance.

4. Preliminary examination. The building official shall examine the application and obtain from the applicant, in writing, such additional representations and other information as to the proposed use as are reasonably related to its impact on adjacent properties and the community at large and which the building official reasonably deems to be relevant to a determination as to whether the use is eligible for approval. When the application and supporting materials are complete, the building official shall make a notice of request of a public hearing to the city clerk.

5. Notice of request. A notice that a request for a special land use public hearing has been received shall be given as provided in 6 and 7 below.
6. Notice, how given. The public hearing notice requirements as set forth in Section 7.6 shall be applicable.
7. Notice, contents. The public hearing requirements set forth in Section 7.6 shall be applicable.
8. Public hearings.
   A. For all special land uses provided in this ordinance, and for all other like uses where reference is made in this ordinance to Section 6.2, as a prerequisite to approval of the use there shall be a public hearing with notice as provided in this article.
   B. All such public hearings shall be conducted by the Planning Commission.
   C. Public hearings on special land use approval shall be held in conformity with the procedures and requirements of applicable statutory and constitutional provisions, but the proving authority shall have the widest lawful range of discretion in adopting rules and making rules in the course of conducting hearings and otherwise performing the duties of an administrative tribunal.
   D. When a public hearing is continued at the request of the applicant, the Planning Commission shall require additional notice of the continued hearing to be sent by mail to those persons entitled to notice under Section 7.2.6. The applicant shall be required to bear the cost of such re-notice.
9. Decisions. The approving authority may, in the exercise of sound and lawful discretion, deny, approve, or approve with conditions, requests for special land use approval. All such decisions shall be incorporated in a statement of conclusions relative to the special land use under consideration, shall specify the basis for the decision, and shall specify any conditions imposed. Any conditions may be imposed which are deemed necessary and appropriate to assure that the use will be conducted as represented and will continue to meet the requirements and standards established for initial approval of the use. All decisions shall be made within a reasonable time after the expiration of any applicable notice or hearing periods.
10. General standards for approval. The approving authority shall approve special land uses when it determines that the proposed use does and will conform to any special requirements specified elsewhere for that specific use and also meets the following general requirements and standards:
   A. The use must be a "reasonable use" (as defined in Section 2.2) as and where proposed to be located.
   B. The use must conform to all of the other regulations of this ordinance and the other ordinances of this city.
   C. The location, intensity, and periods of operation of the use must be such as to eliminate any reasonable likelihood that it will be, cause, or create a public or private nuisance in fact.
   D. The use, as and where proposed, must not be inconsistent with the spirit and purpose of this ordinance nor contrary to the principles of sound community planning.
   E. The use must be of such character and be so arranged on the site so as not to cause or create adverse effects on neighboring properties or the community at large be [by] reason of noise, dust, dirt, glare, odor, fumes, pedestrian or vehicular traffic, or other factors discernible to the human senses beyond those customarily resulting from other uses permitted in the same district in this city.
   F. The use must not diminish the fair market value of neighboring lands or buildings to any substantial or significant degree.
   G. The site design and proposed manner of operation of the use must provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area. In determining whether this standard has been met, the approving authority shall consider any provisions for buffering, landscaping, or other site amenities over and above the minimum requirements of this ordinance.
   H. Standards for Approval. For establishments involving the manufacture or sale of any alcoholic beverages controlled by the Michigan Liquor Control Act, Public Act No.58 of 1998 (MCL 436.1101 et seq.) the applicant must demonstrate a quantifiable need for the proposed use within either the City of Lathrup Village or the surrounding area. Upon demonstration of such need

the proposed use will then be evaluated under the standards set forth in Chapter 18, Article III of the Lathrup Village Code of Ordinances, as well as the special use standards found in this section

11. Effect of decision. Every special land use approval shall permit the applicant and its successors in occupancy of the premises to use the premises in conformity with the decision and not otherwise. In the event the user desires to change the manner of conducting a special use, a new application shall be made and processed, provided however, a special use may be changed to an expressly permitted, fully conforming use without further special use proceedings.
12. Modification of approvals. The approving authority may reopen, review, and/or modify any special land use approval decision on application of any person entitled to notice under Section 6.2.6 if and when it determines, pursuant to a public hearing after notice given pursuant to Section 6.2.6 and Section 6.2.7, that any of the conditions to initial approval have not been met or are being violated and that the use, as actually being conducted, does not meet the requirements and standards for initial approval. A special use approval may also be suspended or revoked, after like notice and hearing, whenever the approving authority determines that any of the causes exist which are grounds for a suspension or revocation of a certificate of occupancy.

Article 7.0
Administration, Appeals and Enforcement

Article 7.0 Administration, Appeals and Enforcement

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7.1 INTRODUCTION.

1. Compiled ordinance. The city clerk, with the advice and assistance of the city attorney, shall maintain a master copy of this ordinance as a public record. As and when ordinance amendments are hereafter enacted adding new subject matter or revising existing language, the master copy shall be periodically compiled with all amendments to date and submitted to the city council for approval. The master copy, thus compiled and when approved by the city council, shall be an official record of the form and wording of the ordinance provisions currently in force governing the subject matter.
2. Administrative additions. The city clerk, with the advice and assistance of the city attorney, in the exercise of their sound discretion, as and when time is available in relation to the performance of their other duties, shall administratively add to the master copy of this ordinance such tables of contents, indices, table of amendments, page numbers, footnotes, and appendices as may be of assistance to interested parties in locating applicable ordinance provisions, understanding the meaning and intent of the ordinance, and tracing legislative history. Such additions are administrative aids and do not have the force of law.

7.2 GENERAL PROVISIONS

1. Scope and validity. No structure or premises or part thereof shall be used, occupied, altered, constructed or reconstructed, except in conformity with the provisions of this article and the other provisions of this ordinance which apply, provided however, no regulation or requirement provided in this ordinance shall be construed, applied, administered, or enforced in such fashion as to conflict with the rights guaranteed to any person or protected from municipal interference by the constitutions and/or statutes of the United States and/or the State of Michigan. To the extent (and only to the extent) any such ordinance regulation or requirement so conflicts with such constitutional or statutory authority in a specific fact situation or class of fact situations, the building official shall refrain from enforcing the regulation or requirement as to that case or class of cases. The building official and also any person deeming himself to be aggrieved by any actual or proposed enforcement of any regulation or requirement in violation of his constitutional or statutory rights may apply to the ZBA for a declaratory ruling or determination as to the meaning and/or application of this provision to a specific case or class of cases.
   A. District Regulations. Each District, as created in this Zoning Ordinance, shall be subject to the regulations contained in this Ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.
2. Street, alleys, etc. The development and use of dedicated rights-of-way and other public places dedicated to the use of the public (including streets, alleys, parkways, and parks) shall be and remain subject to such rules and regulations as may be imposed by the governing bodies of the governmental units having jurisdiction over them. No person shall improve or use such land areas except in conformity with the permission of the appropriate governing body. All city agencies charged with administering this ordinance (including the building official and Zoning Board of Appeals) may include conditions to decisions and approvals which involve the improvement, maintenance, or use of public roadways, alleys, and the like and such conditions shall be and remain binding on the city agencies charged with the administration of this ordinance and all property owners and occupants within the city unless and until abrogated or modified by action of the appropriate governing body having jurisdiction over the land area involved
3. Duty to supply information. It shall be the duty of each applicant, petitioner, and other person seeking actions which require notices to be given to supply the city clerk, at ten days prior to the time said notice is to be given, with a list of names and addresses of all persons entitled to notice by mail. A city official shall give notice to all such persons and may give notice to others, but as a courtesy and matter of grace only.
4. Fire prevention regulations. All lands and structures in all districts shall be constructed, occupied, and maintained in conformity with sound fire safety and fire prevention practices and standards so as not to cause or create hazards to persons or property from exposure to the dangers of fire or explosion. The building official shall, from time to time, adopt detailed regulations establishing minimum standards

which shall be deemed to meet this requirement. Such regulations shall be patterned after the fire prevention code of the City of Southfield (which provides fire service to this city). The building official may appoint one or more fire code enforcement officers of the Southfield Fire Department as deputy building officials of this city to assist him in administering this provision.

5. Construction delays. The construction, reconstruction, and exterior repair of all buildings and structures once commenced shall be prosecuted with due care and reasonable diligence to completion within a reasonable time. No person in possession or control of a lot shall cause, permit, or allow a building or structure under construction, reconstruction, or exterior repair to remain in a partially complete state for an unreasonable length of time through failure to exercise due care and/or reasonable diligence in the prosecution of the work. Failure to complete such a project for a six-month period following a notice to complete from the building official shall be deemed to be a violation of this provision unless the Zoning Board of Appeals shall grant an extended period of time for completion for good cause shown.
6. Right-of-way and road work permits. A city permit is required for the construction and use of all improvements and the performance of any work (other than work incidental to the maintenance of the right-of-way lying outside of the shoulder and roadway) within any right-of-way (including county roads) in addition to any permits required by other governmental agencies. Permit procedures, requirements, and fees shall be in conformity with the provisions of this and the other applicable ordinances of this city regulating buildings, roads, sidewalks, and the like.
7. Portable storage containers. A portable storage container shall not be allowed in the front, rear or side yards of any property within the city for more than 48 consecutive hours without a permit issued by the city administrator.

7.3 DUTIES OF BUILDING OFFICIAL AND INSPECTOR

1. Building official. The building official shall administer and enforce the provisions of this ordinance and may call upon other city officials, employees, and agents for assistance. The building official may appoint deputies and assistants and shall have the broadest lawful powers to delegate his authority.
2. Official forms. The building official shall promulgate official forms to assist himself and others in complying with this ordinance and assembling relevant data upon which to make required determinations, but the use of such forms shall not be mandatory. The building official may utilize documents on file with the city for multiple purposes to reduce needless paperwork and duplication of effort.
3. Building official's records. A record of applications, permits, and certificates issued pursuant to the provisions of this ordinance shall be kept on file in the office of the building official as a public record.
4. Dual purpose documents. The building inspector may combine documents required by this ordinance with those required by other ordinances. For examples: Certificates of occupancy as required by the building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures may also constitute certificates of occupancy as required by this ordinance and general business licenses issued for a particular use at a specific location may also be used as certificates of occupancy under this ordinance.
5. Revocation of approvals, permits and certificates. The building official may and shall suspend or revoke any approval, permit or certificate of occupancy issued under the provisions of this ordinance whenever he determines, after a hearing, that any of the following grounds exist and that such action will facilitate the orderly and lawful administration of this ordinance:
   A. The approval, permit or certificate was obtained as a result of any materially false, fraudulent, or misleading representations or statements made in connection with the obtaining of such approval, permit, or certificate by the applicant or his agent and the approval, permit or certificate would not have been issued had the facts been fully and fairly disclosed.
   B. The person in actual use and occupancy of the subject premises is in violation of the provisions of this ordinance, any conditions to the permit or certificate, or conditions to the approvals necessary to the issuance of such permit or certificate.

C. The approval, permit or certificate or any approval necessary to the issuance of such permit or certificate was granted or issued under an administrative mistake or error of law and/or fact such that the official was without lawful authority to grant such approval or issue the permit or certificate in the first instance.

D. Any other ground which is inherent to the authority of an administrative official under the law of Michigan.

7.4 PERMITS

1. Permits required. No person shall commence or continue the erection, alteration, moving, or enlargement of any building nor commence or continue the construction of any other land improvements on vacant land until a building permit is first obtained from the building official and maintained in force as provided in this ordinance. No use or structure requiring a special permit under this ordinance shall be commenced, erected, or maintained unless such a permit is first obtained from the building official and maintained in force as provided in this ordinance.
2. Building permits. An application for a building permit shall be made in writing to the building official and shall be accompanied by appropriate supporting documents and fees. If the activity is one requiring prior site plan approval under this ordinance and an approved site plan is on file with the city, the application shall recite such fact; in all other cases, a plot plan shall be submitted in duplicate. Building and construction plans conforming to city building codes shall be submitted with the application. The application or supporting documents must specify all uses to which the land and any proposed structures are to be put. The building official shall review the application and supporting documents, obtain from the applicant such additional information in writing as may be appropriate and necessary to determine whether the proposed construction and use will conform to this and all other applicable ordinances, and thereafter promptly issue the permit or a written refusal with the cause and reasons for such refusal.
3. Duration of building permit. Any building permit issued under the provisions of this ordinance shall be valid for a period of 12 months from the date of issuance (unless sooner revoked or terminated) and may be extended for additional periods of six months so long as the work is prosecuted with reasonable diligence and dispatch.
4. Certain permits and certificates prohibited. No permit or certificate of occupancy shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in conformity with all of the provisions of this ordinance or unless all applicable fees have been paid. Permits and certificates of occupancy shall be issued when the application and supporting documents affirmatively show that the proposed activity conforms to the requirements of this ordinance and other applicable laws and ordinances and when all applicable fees have been paid.
5. Landscape permit. When a landscape permit is required pursuant to Section 5.19, prior to the issuance of any certificate of occupancy, the building official shall fairly and competently estimate the cost of constructing and installing the landscape improvements required by this ordinance and the property owner must deliver to the city treasurer either cash or an irrevocable bank letter of credit in either case equal to an amount established by resolution of City Council. The property owner shall cause all required landscaping improvements to be completed and shall replace all dead, dying, diseased, defective and otherwise nonconforming plants within one year from the date of issuance of the certificate of occupancy. The cash deposit or bank letter shall be returned to the property owner at the end of the one-year period or as soon thereafter as the landscaping and any required replacements have been completed, whichever occurs later.

7.5 INSPECTIONS

City inspections are required on all work undertaken pursuant to a building permit. If a building is involved, the holder shall request and obtain an inspection when the foundation work has been completed. In all events, a final inspection shall be requested and obtained when all land improvements are complete. Requests for inspections shall be made in writing to the building official as soon as and when the work is ready for inspection.

7.6 PUBLIC HEARINGS

1. All public hearings shall be conducted by the planning commission, except where expressly assigned to another body or official.

2. Except where specific language in this ordinance provides otherwise, if the city is required to provide notice and a public hearing under this ordinance, the city shall publish notice of the request in a newspaper of general circulation in the city. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Lathrup Village. The notice shall be given not less than 15 days before the date of the noticed public hearing where the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
   A. Describe the nature of the request.
   B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
   C. State when and where the public hearing on the request will be considered.
   D. Indicate when and where written comments will be received concerning the request.
3. Notice of a public hearing required for the amendment of, or to supplement, this zoning ordinance shall be given as follows:
   A. If an individual property or ten or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under subsection 3., above.
   B. If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under subsection 3., except that no mailing shall be required and no individual addresses of properties are required to be listed.

7.7 ZONING BOARD OF APPEALS

1. Zoning Board of Appeals established. There is hereby established a zoning board of appeals (ZBA) consisting of all five members of the city council pursuant to the provisions of the Michigan Zoning Enabling Act (MCL 125.3601—125.3606). Such ZBA shall be deemed to be the same public body originally established under Zoning Ordinance No. 18 and Zoning Ordinance No. 230 which is amended and superseded by this ordinance and constituent membership, its prior decisions, and its actions taken in pending cases are continued in full force and effect.
2. Members of the ZBA. Members of the ZBA shall be the members of the city council. Each member shall serve on the ZBA for the same term upon which the member serves on the city council.
3. ZBA powers and duties. The ZBA shall have all of the powers and duties of a board of appeals enumerated in the Michigan Zoning Enabling Act and other statutes, as well as the constitution, court rules, and common law of this state. Such powers and duties shall include (a) the power and duty to hear and decide appeals from and review any order, requirements, decisions, or determination made by an administrative official or body charged with the enforcement of this ordinance and (b) the power and duty to hear and decide matters referred to them or upon which they are required to pass under this ordinance.
4. Vote required. 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, or to decide in favor of the applicant a matter upon which they are required to pass under this ordinance, or to effect a variation in this ordinance, except that a concurring vote of two-thirds of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this ordinance.
5. Appeals to ZBA. An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the city. An appeal shall be taken within a time as shall be prescribed by the ZBA by general rule, by the filing with the officer or body from whom the appeal is taken and with the ZBA of a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the ZBA, all the

papers constituting the record upon which the action appealed from was taken.

6. Effect of appeal. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
7. Hearings and notices. The ZBA shall fix a reasonable time for the hearing of the appeal and give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney. The ZBA shall decide the appeal within a reasonable time.
8. ZBA decisions. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken.
9. Practical difficulties or unnecessary hardship. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the ZBA may in passing upon appeals vary or modify its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures or the use of land, buildings, or structures, so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.
10. Finality of decisions. The ZBA is empowered to grant rehearings on any appeal for any of the reasons authorizing relief from a judgment or order of the circuit courts of this state. Subject to this provision, ZBA decisions shall be final, and subject only to judicial appeals as provided by law. In the event of a judicial appeal, the ZBA shall comply with any judicial orders any may take any action authorized by law pursuant thereto.
11. Conditional decisions. The ZBA may impose such conditions and limitations upon an affirmative decision or the granting of an approval as may be lawful and appropriate exercises of its discretionary powers and consistent with the spirit and purpose of this ordinance.
12. Standard ZBA condition. Unless otherwise expressly stated to be otherwise by ZBA rule or decision in a particular case, all ZBA decisions are subject to a standard condition that the appellant or applicant will improve or use the subject land or structure in conformity with any plans, diagrams, or representations made to the ZBA in the course of the hearing on the appeal or application.
13. Express grant of otherwise implied power. Subject only to such limitations as are imposed by a constitutional provision, statute, or this ordinance, the ZBA shall have the widest implied power to conduct its business and perform its duties which the council has the authority to grant. In the exercise of the foregoing grant of power, the ZBA may adopt any lawful bylaws, rules of procedure, and resolutions which it deems to be appropriate and proper in the exercise of its sound discretion. Such rules of procedure may be patterned after the rules of any administrative agency of this state, but modified to meet local circumstances.
14. Deviations and standards. The ZBA may and shall pass upon and grant minor deviations from the regulations of this ordinance for individual lots or developmental parcels in a case by case basis when it determines that the following criteria and standards are met (or such of them as are present and applicable to the case):
    A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the applicant if the strict letter of the regulations are carried out. Mere inconveniences or increased development costs shall not be deemed hardships under the terms of this provision.
    B. The factual circumstances upon which an application for a deviation is based are

unique to the property for which the deviation is sought, and are not applicable to the city generally, or to other property within the same zoning classification.

C. Any alleged practical difficulty or unnecessary hardship caused by this ordinance has not been created by any persons presently or previously having an interest in the property.

D. The proposed deviation will not adversely affect the purpose or objectives of this ordinance, nor impair the adequate supply of light and air to adjacent property, nor increase the hazard from fire, flood, and other dangers of said property, nor diminish the marketable value of adjacent lands and buildings, nor increase the congestion in public streets.

E. The proposed deviation will not otherwise impair the public health, safety, comfort, and general welfare.

F. The benefit to the applicant will be real and substantial and any detriment to the neighboring property owners and occupants or the community at large is not substantial or is illusory. Benefits and detriments shall be determined in relation to the factors which impair the value and use of properties as related in D & E, above.

G. The applicant is both willing and able to provide additional amenities beyond those minimally required by this ordinance and/or restrict the use of the property beyond those limitations placed on the property by this ordinance so that the fair market value of neighboring properties will be enhanced beyond the values which would accrue to them if the property were developed and used in strict conformity with the ordinance.

H. The same or a substantially similar request shall not have been presented to the council in the form of a petition for a zoning amendment and been expressly denied and rejected after a public hearing.

I. Any special criteria listed for specific deviations in Sections 3.2.2, 4.1.4, and 5.13.15.

15. Special exceptions and standards. The ZBA may and shall pass upon and grant special exception status to a particular lot or developmental parcel on a case by case basis whenever it determines, under the facts of a case, that the regulations as applied to that lot or parcel are not valid and enforceable under the laws of this state as construed and applied by the courts of this state. Upon the ZBA determining that a particular lot or parcel has special exception status, it shall recommend to the council that the ordinance be amended as to specific regulations, giving its reasons therefore [therefor]. The council may thereupon amend the ordinance in the exercise of its sound legislative discretion in conformity with the procedures established in this ordinance.

16. Variance, deviation, special exception, and determination procedures. Applications for variances, deviations, special exceptions, and determinations shall be subject to the same procedures and requirements as appeals, except that an application may be filed directly with the ZBA before there is an adverse decision of an administrative official or body, but in that event, the ZBA may require the applicant to apply for and obtain an administrative decision before making a decision on the application. Direct application cases and appeal cases involving the same or similar issues or circumstances may be consolidated for purposes of hearings and decisions.

7.8 NONCONFORMING USES

1. Application of article. The lawful use of land or a structure exactly as the land of [or] structure existed at the time of enactment of this ordinance or any amendment hereto, may be continued (except as otherwise provided in this ordinance) under the provisions of this article although that use or structure does not otherwise conform to this ordinance or any amendment hereto. The regulations of this article shall apply to all such nonconforming structures and uses and shall govern their resumption, restoration, reconstruction, extension, and substitution. "Nonconforming use" also includes nonconforming structures.

2. Classes of nonconforming uses. Unless a nonconforming use is reclassified to a special class as hereinafter provided, it shall be governed by the regulations of Sections 7.8.3--10. A "lawful" nonconforming use is one which was constructed or commenced and thereafter maintained and conducted in conformity with any zoning ordinance provisions then in force. No structure or use which was in violation of the applicable zoning ordinance provisions in effect prior to enactment of this ordinance shall be deemed "lawful."

3. Unlawful nonconformity prohibited. Nonconforming uses which were not lawful at the time this ordinance was enacted are prohibited and shall be abated and brought into conformity.

4. Increase or enlargement. No nonconforming uses shall increase or enlarge the area, space, or volume occupied by or devoted to such nonconforming use.

5. Change of use. Any part of a structure or land occupied by a nonconforming use which is changed to or replaced by a use or structure conforming to the provisions of this ordinance shall not thereafter be used or occupied by a nonconforming use nor shall any further nonconforming structure be constructed on the lot.

6. Abandonment and discontinuance. Any part of a structure or lot occupied or used in lawful nonconforming fashion which is abandoned shall not thereafter be reoccupied or resumed in nonconforming fashion.

   In the event a lawful nonconforming use is discontinued for a period of one year or more and/or a lawful nonconforming structure stands vacant and is not occupied or used for a period of one year or more, the use or structure shall not thereafter be resumed or reoccupied in nonconforming fashion.

   A change authorized by Section 7.8.7 shall not constitute an abandonment or discontinuance.

7. Change of ownership, tenancy, or management. There may be a change of ownership, tenancy, or management of a lawful nonconforming use, provided there is otherwise no increase, enlargement, or change in such use.

8. Structures under construction. Any structure for which a building permit has been issued and on which substantial physical construction has been started which becomes nonconforming by a change in ordinance regulations may be completed and used in accordance with the ordinance provisions, plans, and approvals on which said building permit was issued.

9. Reconstruction of nonconforming structures. Nothing in this ordinance shall prevent the reconstruction, repairing, or rebuilding and continued use of any lawful nonconforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the effective date of this ordinance (or any amendment hereto) wherein the cost of such reconstruction does not exceed the state equalized assessed valuation of the assessment parcel upon which it stood as of the time such damage occurred.

10. Repair of nonconforming structures. Nothing in this ordinance shall prevent the repair or maintenance of a lawful nonconforming structure, rendered necessary by ordinary wear and tear, deterioration, or depreciation provided the cost of such work shall not exceed 50 percent of the state equalized assessed valuation of the assessment parcel upon which it stands at the time such work is done, nor prevent repairs necessary to comply with the provisions of the building codes or housing laws relative to the maintenance of buildings or structures.

11. Special classes of nonconforming structures and uses. Either an owner of a lot upon which there is a nonconforming use or the building official may file an application with the ZBA to determine and pass upon whether a nonconforming lot should be classified as a special nonconforming use, either class A or class B. The ZBA shall hold a public hearing and thereupon determine and pass upon whether the subject structure or use is either:

    A. *Class A:* A nonconformity which seriously impairs the fair market value of neighboring properties or which grossly offends the principles of sound community planning or which seriously impairs the public health, safety, or welfare, or

    B. *Class B:* A nonconformity which has slight detrimental impact on the fair market value of neighboring properties and which deviates only to a slight degree from the principles of sound community planning and which does not impair the public health, safety, or welfare to any substantial degree.

12. Class A nonconformities. Upon a determination that a nonconforming use has been classified as class A special nonconformity, it shall be the duty of the building official to exercise due care to request all city administrative personnel to make a special effort (using any lawful means at their disposal) to effect changes in the lot which will have the result of wholly or partially abating the factors which cause the structure or use to be so classified. Such administrative efforts may include a recommendation to the council to exercise its powers under Section 7.8.14

13. Class B nonconformities. Upon a determination that a lot has attained class B nonconforming

status, a property owner or occupant may file a special land use application to effect changes in the nonconforming structure or use involving reconstruction, repairs, extensions, enlargements, or substitutions of the nonconformity which would otherwise be prohibited by the other provisions of this ordinance. Such applications may and shall be granted when such changes will not disturb its class B nonconformity status and the proposed modified structure or use conforms to the standards of Section 6.2.

14. City power of acquisition. This city may, acting by and through its council and other duly authorized officials under direction of the council, acquire by purchase, condemnation, or otherwise, private property (or an interest in private property) for the removal of nonconforming uses under the procedures (and subject to the limitations) otherwise provided by law. The council may (by resolution in each case) provide that the cost and expense of acquiring private property be paid from general funds, or the cost and expense or a portion thereof be assessed to a special district in accordance with Charter and ordinance provisions regarding special assessments.

15. Nonconforming use registration. The building official may (at his discretion) and shall (at the request of any property owner or occupant) determine and record factual data with reference to any nonconforming use as a public record. All such public records shall be admissible in evidence as prima facie proof of facts existing at the time of making such record.

7.9 ZONING AMENDMENTS AND MAP

1. Initiation of amendment. The city council may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries 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.

2. Application for amendment. A petition for an amendment to the text of this ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing a petition with the building department, on the forms provided by the building department and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

   A. Applicant's name, address, and telephone number.

   B. Scale, northpoint, and dates of submission and revisions.

   C. Zoning classification of petitioner's parcel and all abutting parcels.

   D. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.

   E. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.

   F. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.

   G. Location of existing drainage courses, floodplains, lakes and streams, and woodlots.

   H. All existing and proposed easements.

   I. Location of sanitary sewer or septic systems, existing and proposed.

   J. Location and size of watermains, well sites, and building service, existing and proposed.

   K. A sign location plot plan, in accordance with the rezoning sign requirements contained in this article.

3. Review procedures.

   After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

   A. Planning commission review.

   The petition shall be placed on the agenda of the next regularly scheduled meeting of the planning commission. The planning commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in section 14 and other applicable sections of Michigan Public Act 110 of 2006, as amended.

If an individual property or several adjacent properties are proposed for rezoning, the planning commission shall comply with the public notice and public hearings procedures set forth in Section 7.6.

B. Rezoning sign requirements.

At least 21 days prior to the public hearing before the planning commission, the applicant must, at his own expense, install rezoning signage on the property proposed for rezoning, in full public view along street or road frontages. The sign must be located along the property line of the right-of-way at the midpoint of the property width. A corner lot will require a sign for each road frontage. The location and content of the signage must be approved by the building department prior to installation.

The signage must meet the following specifications:

i. Black letters on white background.

ii. Size: minimum four-foot (vertical) by minimum six-foot (horizontal).

iii. Sign facing must be exterior plywood, aluminum, or similar material.

iv. Wording on the signage shall be as noted on the table that follows.

Rezoning Sign Requirements	
Type of Information Required	Letter Height
ZONING CHANGE PROPOSED	Minimum 8" high letters
Present Zoning: ( )	Minimum 3" high letters
Proposed Zoning: ( )	
Size of Parcel: (Acres)	
A public hearing has been scheduled.	Minimum 4" high letters
For more information call:	
Lathrup Village Clerk's Office.	
(City Clerk's Telephone #)	

v. Sign support system must be structurally sound. Rezoning signage must be removed within seven days of adoption by the city council, seven days of withdrawal of the rezoning application by the applicant, or seven days of denial of the rezoning request by the city council. Failure to remove signage within this period may require the removal of the signage by the council at the owner's expense and/or prosecution.

C. Action by the planning commission and city council.

Following the hearing on the proposed amendment, the planning commission shall make written findings of fact which it shall transmit to the city council, together with the comments made at the public hearing, and its recommendations.

The city council may hold additional hearings if the council considers it necessary. Pursuant to Michigan Public Act 110 of 2006, as amended, the city council may by majority vote of its membership:

i. Adopt the proposed amendment,

ii. Reject the proposed amendment, or

iii. Refer the proposed amendment back to the planning commission for further recommendation within a specific time period. Thereafter, the city council may either adopt the amendment with or without the recommended revisions, or reject it.

D. Review considerations.

The planning commission and city council shall at minimum, consider the following before taking action on any proposed amendment:

i. Will the proposed amendment be in accordance with the basic intent and purpose of the zoning ordinance?

ii. Will the proposed amendment further the comprehensive planning goals of the city?

iii. Have conditions changed since the zoning ordinance was adopted or was there a mistake in the zoning ordinance that justifies the amendment?

iv. Will the amendment correct an inequitable situation created by the zoning ordinance, rather than merely grant special privileges?

v. Will the amendment result in unlawful exclusionary zoning?

vi. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

vii. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

viii. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

ix. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

4. Protests. Upon presentation of a protest petition meeting the requirements of this section, an amendment to this ordinance which is the object of the petition shall be passed only by three-fourths vote of the council. The protest petition shall be presented to the council before final legislative action on the amendment, and shall be signed by one of the following:

   A. The owners of at least 20 percent of the area of land included in the proposed change.

   B. The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

   For purposes in this section, publicly owned land shall be excluded in calculating the 20-percent land area requirement.

5. Publications required. Following the adoption of this ordinance and any subsequent amendments hereto, one notice of adoption shall be published in the Southfield Eccentric (or some other newspaper of general circulation in the city hereafter designated by the council) within 15 days after adoption. The notice shall include the following information:

   A. In the case of the initial adoption of this ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Lathrup Village."

   B. In the case of an amendment to this ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.

   C. The effective date of the ordinance.

   D. The place and time where a copy of the ordinance may be purchased or inspected.

6. Referendum. Within 30 days following the passage of the zoning ordinance, a petition signed by a number of qualified and registered voters may be filed with the city clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with section 402 of Michigan Public Act 110 of 2006, as amended.

7.10 FEES AND DEPOSITS

All review, development, and related fees and deposits are established by city council resolution and shall be administered as provided in the Municipal Code of this city.

7.11 COMPLIANCE, PENALTY AND OTHER REMEDIES

1. Compliance. No land or building within the city shall be occupied or used except in compliance with the provisions of this ordinance. No building within the City of Lathrup Village shall be erected, altered, repaired, or moved except in compliance with the provisions of this ordinance. No person shall use or occupy any land or building within the city, nor shall any person, erect, alter, repair, or move any building within the city except in compliance with the provisions of this ordinance. Buildings, erected, altered, razed or converted, or uses carried on in violation of any of the provisions of this ordinance are hereby declared to be a nuisance per se. If the building official orders such violation to be stopped and such order is not obeyed, he may apply to any court of competent jurisdiction to adjudge the owner and/or agent in charge of the building or land to be guilty of maintaining a nuisance per se and to order the nuisance abated, notwithstanding the same may be punished by fine or imprisonment as herein provided.

2. Penalty. Any person who shall violate or, when under a legal duty to do so, fail to comply with, any of the provisions of this ordinance; and all persons who aid, abet, or encourage another to violate or remain in violation of this ordinance; and all persons who without lawful cause, knowingly and willfully resist, obstruct, or oppose the building official, ZBA, or their agents in the lawful performance of their duties; and all persons in possession or actual occupation of any lot or premises (whether as

owner, joint owner, tenant or licensee) used in violation of this ordinance who shall knowingly and without just cause remain in possession and fail to bring same into compliance with this ordinance with all reasonable promptness following receipt of a written notice of violation; all the aforesaid persons shall, upon conviction, be punished by a fine of not more than $500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment in the discretion of the court; and each day such punishable activity or violation continues shall be deemed a separate offense.

3. Other remedies. In addition to all other remedies, including the remedies and penalties provided in Sections 7.11.1 and 7.11.2, the city, by and through its city attorney, may commence and prosecute any other appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with, or violation of any of the provisions of this ordinance, or to correct, remedy or abate such noncompliance or violation as may be authorized by any statute or court rule.

7.12 SEVERABILITY, NO REPEAL, AND SAVING CLAUSE

1. Severability. This ordinance and the various parts, sentences, paragraphs, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid for any reason, such holding shall not affect the remaining portions of this ordinance.
2. No repeal. This ordinance shall supersede and replace the provisions of Zoning Ordinance 18, as amended, as to all acts and conduct occurring after the effective date hereof, but the superseded ordinance provisions shall continue in force and shall regulate nonconforming uses and structures as provided in Section 7.8.
3. Saving clause. All proceedings pending and all rights and liabilities existing, acquired or incurred, at the time this ordinance takes effect, are hereby saved, and such proceedings may be consummated under and according to the ordinance in force at the time such proceedings are or were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance impliedly repealed by this ordinance for offenses committed prior to the effective date of this ordinance; and all prosecutions pending at the effective date of this ordinance, and all prosecutions instituted after the effective date of this ordinance for offenses committed prior to the effective date of this ordinance may be continued or instituted under and in accordance with the provisions of the ordinance in force at the time of the commission of such offense.

7.13 CONFORMITY TO ENABLING ACT

All city officials, boards and agencies are hereby put under a duty to construe and apply this zoning ordinance in such fashion as to conform to the restrictions, requirements, and limitations of applicable state zoning enabling acts insofar as possible. In the event of an irresolvable conflict between ordinance provisions and state statutes, the latter shall be followed.

7.14 CERTIFICATE OF OCCUPANCY

1. Certificate of occupancy required. No lands or buildings (or any part thereof) shall be first occupied or put to use and no lands or buildings (or any part thereof) shall undergo a change in use unless or until a certificate of occupancy be first obtained from the building official for such land and/or building and use. All persons who shall occupy any lands or buildings in violation of this provision shall be in violation of this ordinance.
2. Application for certificate of occupancy. An application for a certificate of occupancy shall be made in writing to the building official with appropriate supporting documents and fees. Where a building permit has been issued, the request for final inspection may constitute an application for a certificate. The application shall detail the nature and extent of the proposed use and give relevant data concerning the subject premises. The building official shall review the application, obtain from the applicant such additional information in writing as may be appropriate and necessary to determine whether such proposed occupancy and use will conform to this and all other applicable ordinances, and thereafter promptly issue the certificate or a written refusal with the cause and reasons for such refusal.
3. Temporary certificates of occupancy. The building official, upon a satisfactory showing that a hardship exists, may issue a temporary certificate of occupancy for a portion of a lot or

a building in process of construction provided that such certificate shall not be effective for longer than six months, provided further that such portion of land or building is in conformity with the provisions of this ordinance except for minor details, and provided further that the property owner and permit holder have agreed in writing to comply with all of such provisions as to the entire lot or building as soon as may be practicable.