



CITY MANAGER
Elaine Leven
CITY CLERK
August Gitschlag

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Michael Lesich
MAYOR PRO-TEM
Dana Sutherland
COUNCIL
Amy Baranski
Patrick O'Dell
Kenny Perry
Patrice Schornak
Sherry Stein

AGENDA
CITY OF FRASER ZONING BOARD OF APPEALS
Thursday, October 2, 2025 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD; FRASER, MI 48026

- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Agenda – October 2, 2025**
- 5. Approval of Minutes – July 17, 2025**
- 6. Formal Statement by Chair**
- 7. Old Business (Postponed Cases)- None**
- 8. New Business of the Board - None**
- 9. Unfinished Business of the Board**
 - a. Zoning Ordinance Discussion
- 10. Monthly Report**
 - a. September Monthly Report
 - b. Action items Update – none
- 11. Planning Commission Liaison**
- 12. Public to be Heard**
- 13. Adjournment.**

Posted: September 25, 2025



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MINUTES
CITY OF FRASER ZONING BOARD OF APPEALS
THURSDAY, JULY 17, 2025 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD; FRASER, MI 48026

1.Call Meeting to Order

Chair Farina called the meeting to order at 7:01 p.m.

2.Pledge of Allegiance

Chair Farina led the Pledge of Allegiance

3.Roll Call

Present: Burley, Chementi, Farina, Green, Menendez, Stasek, Wahl

Absent: None

Others: Clerk Gitschlag, City Planner Sayre, City Attorney DeNault

4.Approval of Agenda – July 17, 2025

Motion by Menendez supported by Green to approve the agenda as presented

Ayes: Burley, Chementi, Farina, Green, Menendez, Stasek, Wahl

Nays: None

Motion Carried

5.Approval of Minutes – June 5, 2025

Motion by Menendez supported by Farina to approve the June 5, 2005 minutes as presented

Ayes: Burley, Chementi, Farina, Green, Menendez, Stasek, Wahl

Nays: None

Motion Carried

6.Formal Statement by Chair

7.Old Business (Postponed Cases)- None

8. New Business of the Board

A. ZBA 25-02: 31471 Grove Street – Fence

To obtain a variance from section 9-3(c) of the code of ordinances to install a six (6) foot in height, ninety-six (96) feet in length, vinyl, sight obscuring fence, 18 inches inside the side street lot line on a residential corner lot, where only a four (4) foot in height, non-sign obscuring fence at least one (1) foot inside the side street lot is permitted.

The petitioners from 31471 Grove St. as well as their neighbors at 31493 Grove St. addressed the Board

Motion by Menendez supported by Stasek to approve:

VARIANCE REQUEST #25-02 / 31471 GROVE STREET/LAURA GRIFFIN-STEWART

TO OBTAIN A VARIANCE FROM SECTION 9-3(C) OF THE CODE OF ORDINANCES TO INSTALL A SIX (6) FOOT IN HEIGHT, NINETY-TWO (92) FEET IN LENGTH, VINYL, SIGHT OBSCURING FENCE, 18 INCHES INSIDE THE SIDE STREET LOT LINE ON A RESIDENTIAL CORNER LOT, WHERE ONLY A FOUR (4) FOOT IN HEIGHT, NON-SIGHT OBSCURING FENCE AT LEAST ONE (1) FOOT INSIDE THE SIDE STREET LOT IS PERMITTED.

FOLLOWING REASONS: HARDSHIP

The wide right-of-way is a unique circumstance that may not apply to other corner lots. That such variance is necessary for the preservation and enjoyment of a substantial property right like that possessed by other properties in the vicinity. Granting this Variance will also afford the applicant a level of privacy and security due to the proximity to a public park and larger easement. Lastly, we do not believe that granting this variance will negatively impact any adjacent properties or negatively impact the public interest or public safety. We find that the clear-vision area will be maintained and will not impair vehicle or pedestrian traffic.

Ayes: Burley, Chementi, Farina, Green, Menendez, Stasek, Wahl

Nays: None

Motion Carried

9. Unfinished Business of the Board - None

10. Monthly Report

a. June Monthly Report, report about Hockeyland, Big Boy, State Bank of Fraser and Dairy Queen property issues presented by Planner Sayre and City Attorney DeNault.

b. Action items Update – none

11.Planning Commission Liaison

Chairman Farina reported on the Sheetz final site plan that is being taken up at the next Planning Commission meeting.

12.Public to be Heard

None

13.Adjournment.

Motion by Menendez supported by Stasek to approve the June 5, 2005 minutes as presented

Ayes: Burley, Chementi, Farina, Green, Menendez, Stasek, Wahl

Nays: None

Motion Carried

Meeting adjourned at 7:46 p.m.

Chapter 32

ZONING ORDINANCE

CITY OF FRASER, MICHIGAN



DRAFT · August 18, 2025



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Article I.

Title, Scope, and Intent



Section 32-1 Short Title.

This Ordinance shall be known and may be cited as the City of Fraser Zoning Ordinance, “the Zoning Ordinance,” “this Zoning Ordinance,” or “this Ordinance.”

Section 32-2 Intent and Purpose

The fundamental purpose of the Zoning Ordinance is to promote the health, safety, and welfare of the inhabitants of the City by:

- a. Promoting the orderly development of the City by implementing the goals and action steps identified in the City of Fraser’s Master Plan, following City policies, and identifying land uses suitable for properties to protect allowable uses against incompatible uses of land;
- b. Allowing for a variety of residential housing types, and commercial, industrial, institutional, and public uses.
- c. Promoting economic development and conserve and preserve the value of land, buildings, and structures.
- d. Preserving and establishing walkable areas by intentionally focusing on building form, urban design, and how the building frontages interact with the public street;
- e. Enhancing the City’s multimodal network and providing for the efficient movement and parking of vehicular and non-motorized transportation;
- f. Beautifying the City by enhancing its urban tree canopy and being attentive to site design and landscaping;
- g. Reducing the hazards to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards;
- h. Promoting the public health, safety, and general welfare; and
- i. Providing for the efficient administration and enforcement of this Zoning Ordinance.

Section 32-3 Enabling Authority

This Zoning Ordinance is enacted pursuant to Public Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, and Public Act 33 of the Public Acts of 2008, the Michigan Planning Enabling Act, as amended.

Section 32-4 Scope of Application.

No building or structure, or part thereof, shall hereinafter be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Zoning Ordinance. No such building structure or use that is otherwise lawful under the terms of this chapter shall exist or be operated in such a manner as to constitute a nuisance as defined herein.

Section 32-5 Interpretation.

In interpreting and construing the respective provisions of this Zoning Ordinance, they shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this chapter imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other law or chapter, then the provisions of this Zoning Ordinance shall govern. Whenever the provisions of any other law or chapter impose more stringent requirements than are imposed or required by this Zoning Ordinance, then the provisions of such law or chapter shall govern.

Section 32-6 Vested Right

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

Section 32-7 Conflicting Laws

The provisions of this Zoning Ordinance are in addition to all other ordinances and regulations in effect within the city.

- a. **More Restrictive.** Whenever any provision of this Zoning Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other City Code, the provisions of this Zoning Ordinance govern. Whenever the provisions of any other regulation or ordinance impose more stringent requirements than are imposed or required by this Zoning Ordinance, then the provisions of such law or ordinance govern.
- b. **Abrogate or Annul.** This Zoning Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard than such easement, covenant, or other private agreement, this Zoning Ordinance governs.

Section 32-8 Severance Clause

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

Section 32-9 Repeal

The Zoning Ordinance adopted by the City of Fraser, known as Ordinance No. 279 and all amendments thereto, is hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 32-10 Effective Date

This Zoning Ordinance, which specifically includes the Zoning District Map, was adopted on (insert date) by The City of Fraser City Council and shall take effect 7 days following its publication in accordance with the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of 2006.

Article II.

Definitions

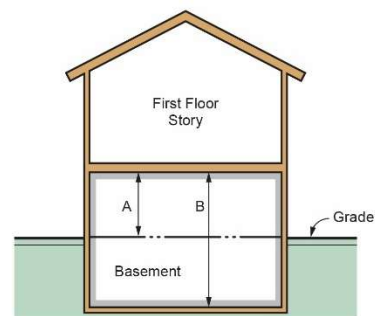


Section 32-11 Definitions A-B

- a. **Abandonment.** To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
- b. **Abutting.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
- c. **Accessory Building (Accessory Structure).** A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. For measurement of area proposed, an attached garage or deck shall be considered an accessory structure.
- d. **Accessory Dwelling Unit (ADU).** A small, independent residential dwelling unit located on the same lot as a principal dwelling unit.
- e. **Accessory Use.** A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of land or building and located on the same parcel of property with such principal use.
- f. **Adult Business.** A commercial establishment that, as a principal purpose of its business, offers activities, services, or materials distinguished or characterized by an emphasis on the display, depiction, or description of specified sexual activities or specified anatomical areas. Adult businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult live entertainment establishments, adult cabarets, and adult video stores. This definition does not apply to mainstream theaters, galleries, or bookstores where such material is incidental to the overall content offered to the public.
- g. **Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- h. **Alteration.** Any change, addition, or modification in construction, type of occupancy or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed." (Also see "Structural alteration.")
 - (1) **Alteration, major.** Alteration to an existing building that increases the footprint by 25% or more.

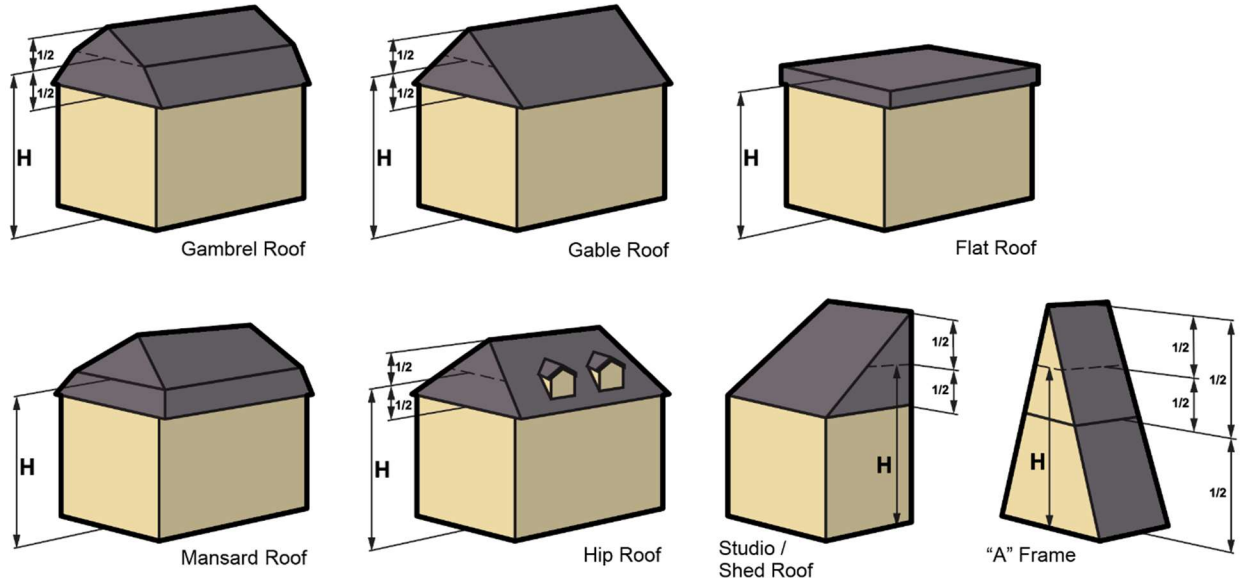
(2) **Alteration, minor.** Alteration to an existing building that increases the footprint by less than 25%.

- i. **Antenna.** A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas, and satellite receiving dishes. (See also "Satellite dish antenna.")
- j. **Architectural Features.** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- k. **Artisan / Maker Space.** A work or studio space for artisans, craftsmen, and small-scale manufacturers to work in an individual or communal setting, where the activities produce little to no vibration, noise, fumes, or other nuisances typical in industrial or manufacturing uses. Artisan / maker spaces may offer a retail component.
- l. **Basement.** A basement is that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such areas shall be considered as a story.
- m. **Bar.** An establishment operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment is a bar if more than 50% of the usable floor area of the entire establishment is used for the bar's operation and seating.
- n. **Barrier-Free.** Any set of infrastructure or building components that provides universal access for persons of all abilities. The definition for those who are beneficiaries of barrier-free features shall be set by the Americans with Disabilities Act of 1990, as amended.
- o. **Bed and Breakfast.** A private, owner-occupied residence in which guest rooms are made available for lodging, and in which a morning meal is provided to overnight guests.
- p. **Bedroom.** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- q. **Berm.** A berm is a raised mound or ridge of earth, often landscaped, used to provide screening, noise reduction, drainage control, or visual interest.
- r. **Billboard.** See "Sign" definitions. **Section 32-119.**
- s. **Block.** A block shall include the property having frontage on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way.
- t. **Body Art / Tattoo Shop.** A business licensed by the State involving body tattoos, piercings, and similar activities.
- u. **Brewery.** An establishment for brewing beer or other malt liquors.
- v. **Buildable Area.** The buildable area of a site or lot is the space remaining after the minimum yard space requirements of this chapter have been deducted.
- w. **Building.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels in a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
- x. **Building Height.** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten (10) feet from the front lot line or from the grade in all other cases.



Basement

If "A" is less than 1/2 of "B," then "B" is a basement.



Building Height

H = Height of Building

- y. **Building, Main or Principal.** A building in which is conducted the principal use of the lot on which it is situated.
- z. **Building Official.** The building official of the city or their authorized representative.
- aa. **Building Permit.** A building permit is the written authority issued by the building official permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this chapter.
- bb. **Building, Temporary.** A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site designed to be used for a limited period of time.

Section 32-12 Definitions C-D

- a. **Carpport.** A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages, except as modified in this chapter.
- b. **Cemetery.** Land intended for the burial of multiple deceased humans (or of pets, within pet cemeteries). Cemeteries may include a columbarium and/or mausoleum.
- c. **Child Care.** The provision of care and supervision of children for periods of less than 24 hours a day, unattended by a parent or legal guardian. All child care facilities must be licensed with the Child Care Licensing Bureau (CCLB).
 - (1) **Child Care Center.** A facility that allows an individual, agency, or corporation to provide care in a commercial space or building for 1 or more children under the age of 13. The children are in care less than 24 hours a day, parents or guardians are not immediately available, and the center operates for more than two consecutive weeks. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-school or afterschool program, or drop-in center. "Child care center" does not include the following:
 - (a) A religious instructional class that is conducted by a religious organization where children are attending for not more than 3-hours per day for an indefinite period or for not more than 8-hours per day for a period, not to exceed 4-weeks during a 12-month period.

- (b) A facility operated by a religious organization where children are in the religious organization's care for not more than 3-hours while persons responsible for the children are attending religious services.
- (c) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to: dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age child-focused training. d) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to: youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in group athletic or social activities.
- (d) A child care program which operates in conjunction with a public school district.
- (2) **Child Care Home, Family.** A private home where care or supervision is provided for up to 7 unrelated children (where the licensee permanently resides as a member of the household).
- (3) **Child Care Home, Group.** A private home where care or supervision is provided for up to 14 unrelated children (where the licensee permanently resides as a member of the household).
- d. **Church or place of religious worship.** An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word "church" shall not include or mean an undertaker's chapel or funeral building.
- e. **Club, Lodge or Fraternity.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.
- f. **Commercial Establishment.** An establishment, business, or enterprise dealing with the public, that is carried on for profit by the owner, lessee or licensee.
- g. **Commercial Use.** An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.
- h. **Commission.** The word "Commission" shall mean the City of Fraser Planning Commission.
- i. **Community Facility.** A building or structure owned and operated by a governmental, religious, philanthropic, non-profit agency to provide service to the public.
- j. **Condominium.** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property.
- k. **Contractors Yard / Office.** The parking, stockpiling, storage of vehicles, equipment and/or supplies for use by a contractor for the construction and/or renovation trades.
- l. **Crematory.** A building or structure, within which the remains of deceased persons are or are intended to be cremated.
- m. **Cultural Center.** A facility designed to promote and support cultural, educational, and artistic activities for the community. Cultural centers may host a variety of programs and events, such as exhibitions, performances, workshops, and classes, and may include spaces like galleries, theaters, studios, and lecture halls. These centers often serve as community hubs for celebrating and preserving cultural heritage, fostering creativity, and encouraging public engagement.
- n. **Deck.** A platform structure, customarily constructed of wood, higher than eighteen (18) inches above the mean yard grade.
- o. **Density.** The number of families residing on, or dwelling units developed on, an acre of land. As used in this chapter, all densities are stated in families or dwelling units per gross acre, that is, per acre of land devoted to residential use, including land in streets, alleys, parks, playgrounds, school yards or other public lands and open spaces donated or dedicated by the developer.

- p. **Development.** The division of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, fill or land disturbance; and any use or extension of the use of land.
- q. **Distillery.** An establishment for the manufacturing of liquor.
- r. **Distribution Center.** A use which typically involves both warehouse and office/administration functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.
- s. **District (zoning district).** A portion of the city within which certain regulations and requirements of various combination thereof apply under the provisions of this chapter.
- t. **Drive-Thru Facility.** A facility designed to serve customers in their vehicle from a window in the building.
- u. **Dwelling:** A building, or part of a building, designed or primarily used for human habitation containing permanent facilities for living, sleeping, cooking, and sanitation.
 - (1) **Dwelling, Duplex:** A residential structure designed with two dwelling units, with separate living, sleeping, cooking, and sanitation facilities for each dwelling unit.
 - (2) **Dwelling, Multi-Unit:** A building containing four or more dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and often called apartments, lofts, condominiums, or stacked flats. For the sake of this Zoning Ordinance, Multi-Family buildings do not single attached units, duplexes, triplexes, upper-level residential, or accessory dwelling units.
 - (3) **Dwelling, Single Attached:** A building where the dwelling units are joined side-by-side and separated by shared walls. Each dwelling unit has independent access to the frontage and may have small yards.
 - (4) **Dwelling, Single Detached:** A residential structure designed for one dwelling unit that is within a separate building and having open areas on all sides.
 - (5) **Dwelling, Triplex:** A residential structure designed with three dwelling units, with separate living, sleeping, cooking, and sanitation facilities for each dwelling unit.
 - (6) **Dwelling, Upper-Level Residential:** A dwelling unit that is located on any floor above ground floor level, within a mixed-use building.

Section 32-13 Definitions E-F

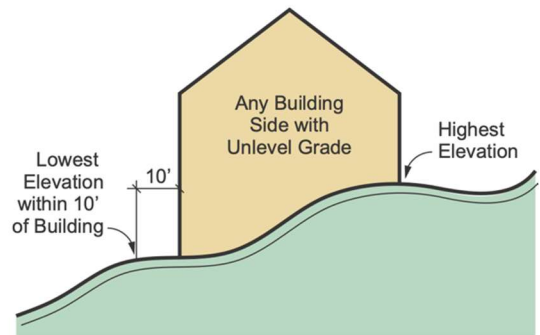
- a. **Easement.** The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.
- b. **Electric vehicle (EV).** Any wheeled or tracked motor vehicle, including personal automobiles, trucks, buses, and similar vehicles, where the powertrain is powered, at least in part, by battery electric power. This definition does not apply to bicycles with electrical motors to supplement or amplify pedaling.
- c. **Equipment Sales, Repair, Rental.** A facility or establishment primarily engaged in the sale, rental, or repair of tools, machinery, and equipment for residential, commercial, industrial, or agricultural use. Examples include construction equipment, power tools, landscaping machinery, and heavy-duty vehicles. These facilities may also offer accessory services such as equipment delivery, parts sales, and maintenance.
- d. **Erected.** Built, constructed, altered, reconstructed, moved upon or any physical operation on the premises which is required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.
- e. **Essential services.** The erection, construction, alteration or maintenance by public, utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, main, drain, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

- f. **Establishment.** A business organization, public institution, or household.
- g. **Event Venue.** A commercial establishment designed for temporary gatherings for entertainment, collaboration, celebration, or other reasons.
- h. **Excavation.** Any breaking of ground, except common household gardening and ground care incidental to maintaining and improving residential landscaping.
- i. **Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- j. **Fence.** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
 - (1) **Fence, Non-Sight Obscuring.** A non-opaque fence that can be seen through by persons outside its confines and which does not act as a privacy screen. A fence with gaps between vertical members of three (3) inches or more (measured facing the fence or viewed at an angle from the side) shall be considered a non-sight obscuring fence.
- k. **Fill.** Is the depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.
- l. **Financial Institution.** An establishment in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange.
- m. **First Floor.** The first floor is the floor of a building approximately at or at the first floor above the mean level of the established grade.
- n. **Floor Area, Gross.** (For the purpose of computing parking) Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade, whichever is higher (see "Basement" definition). "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."
- o. **Floor Area, Residential.** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- p. **Footcandle.** The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1) foot from a directionally uniform point source of one (1) candela.
- q. **Foster Care.** The supervision, personal care, and protection of individuals (who require care on an ongoing basis, but who do not require continuous nursing care) in addition to room and board, for 24 hours a day for compensation. All foster care facilities must be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA).
 - (1) **Foster Care, Adult Family Home.** A private residence with 6 or fewer adults; the licensee must be a member of the household and an occupant of the residence.
 - (2) **Foster Care, Adult Large Group Home.** A facility with at least 13, but not more than 20 adults, to be provided with foster care; the licensee is not required to be an occupant.
 - (3) **Foster Care, Adult Small Group Home.** A facility with 12 or fewer adults to be provided with foster care; the licensee is not required to be an occupant of the residence.
 - (4) **Foster Care, Family Group Home.** A private home that provides foster care to 7 or more children.

- (5) **Foster Care, Family Home.** A private home that provides foster care to 6 or fewer children.
- r. **Frontage.** Lot frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot, except for setback purposes.
- s. **Front Building Line.** A line parallel to the front lot line extending from the facade of the building (or part of it) which is closest to the street to the side lot lines.
- t. **Funeral Home / Mortuary.** An establishment where the dead are prepared for burial or cremation.

Section 32-14 Definitions G-H

- a. **Garage, Private.** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature, having capacity for not more than three (3) automobiles.
- b. **Garage, Public.** Any building or premises, other than a gasoline filling station, used for housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.
- c. **Garbage.** Garbage shall mean all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure and fowl manures.
- d. **Gas Station.** An establishment offering the retail sale and dispensing of fuel, energy, or lubricants from fixed equipment directly into vehicles (the retail sales of items such as pop, groceries, and similar products may also be offered).
- e. **Government / Municipal Services.** Facilities and operations provided by governmental or municipal entities to serve the public and support the functioning of the community. These may include administrative offices, public safety services (such as police and fire stations), public works facilities, and community service centers.
- f. **Grade.** The ground elevation established for the purpose of regulating the number of stories and height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- g. **Greenbelt** (Also see "Screening"). A strip of land of definite width and location reserved for the planting of shrubs and trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.
- h. **Grocery Store.** A retail establishment for the sale of food, food products, or beverages for consumption off premises.
- i. **Gross Site Area.** The total site area under the ownership of the applicant before any deductions are made for roads, open space, parcels to be separated or planned for later development, and the like.
- j. **Hazardous Substances.** Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.



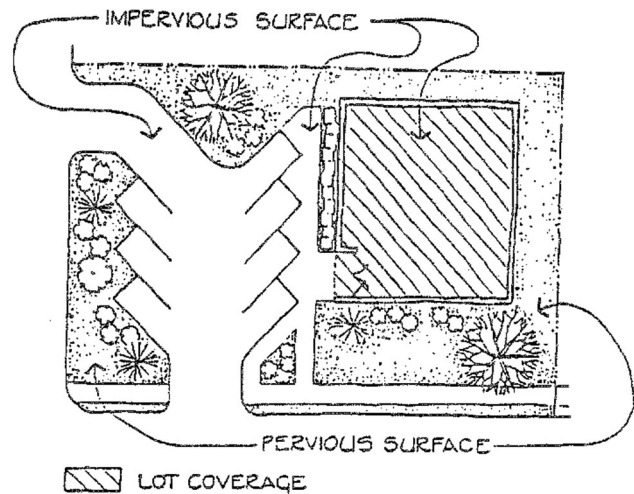
$$\text{Average Grade} = \frac{\text{Highest} + \text{Lowest}}{2}$$

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

- k. **Home Based Business.** An accessory use of a dwelling unit for gainful employment involving the provision of professional or personal services and carried on by a person residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes. Outdoor sales lasting no more than 4 consecutive days and occurring no more than 3 times per calendar year are not a home-based business.
- l. **Hospital.** A facility licensed by the State, including hospices, which provides in-patient and out-patient medical and surgical services, and which may include related facilities such as laboratories, medical testing, central service facilities, and staff offices.
- m. **Hotel.** A building containing rooms intended and designed to be occupied, or which are occupied, rented, or hired out, for sleeping purposes by guests with staff on site. Hotels are not bed and breakfasts.

Section 32-15 Definitions I-J

- a. **Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limestone, rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.
- b. **Institution of Higher Education.** A post-secondary educational institution, such as a university or college, which grants associate, bachelor, master, or doctoral degrees.
- c. **Junk.** For the purpose of this chapter, the term "junk" shall mean any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.
- d. **Junk Yard.** An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.



Section 32-16 Definitions K-L

- a. **Kennel.** A kennel is a lot or premises on which four (4) or more dogs, over six (6) months of age, are kept, either permanently or temporarily boarded.
- b. **Laboratory.** A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product, or products is not permitted.
- c. **Landscape Treatment.** A non-sight obscuring decorative wooden or metal structure used to enhance, accent or protect the landscaping of a residential property and/or to protect the property from casual trespass.
- d. **Laundry / Dry Cleaner.** Laundry facilities include a range of establishments, from coin-operated self-service laundromats for individual use to large-scale commercial operations providing laundering services for businesses such as hospitals, hotels, and other institutions.
- e. **Library.** An establishment contains literary, musical, artistic, or reference materials (including, but not limited to books, manuscripts, recordings, or films) are kept for use, or borrowing, but not for sale.

- f. **Lighting, Rope:** Lighting that has multiple interconnected lamps, including LEDs or light bulbs, connected to a single electrical source, or luminous tubing that contains a gas, such as neon, that glows when electric current is sent through it. Rope lighting includes strand lighting, lite ropes, flexible impact lighting, tubular lighting, string lighting, and other similar forms of illumination.
- g. **Loading space.** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- h. **Lot.** A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road.

- (1) **Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees (see illustration below).



- (2) **Lot, Double Frontage** (also through lot). Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Corner, Interior, and Through Lots

- (3) **Lot, Interior.** Any lot other than a corner lot.

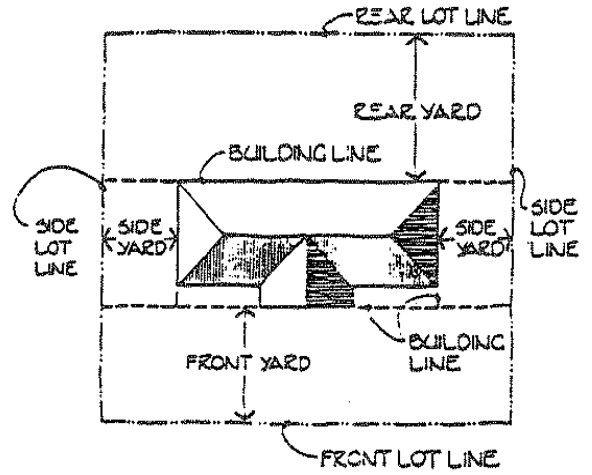
i. **Lot Area.** The total horizontal area within the lot lines of a lot.

j. **Lot Coverage.** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

k. **Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

l. **Lot Lines.** The lines bounding a lot as defined herein:

- (1) **Front Lot Line.** In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or double frontage lot, "front lot line" shall mean that line separating the lot from the street which is designated as the front street in the property address.
- (2) **Rear Lot Line.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- (3) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



- m. **Lot of Record.** A parcel of land, the dimensions of which are shown on recorded plat on file with the county register of deeds at the time of inception of this chapter or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
- n. **Lot Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- o. **Lumber / Building Material Yard.** A retail operation, typically including an outdoor component, dedicated to the retail and wholesale of wood and other building materials.

Section 32-17 Definitions M-N

- a. **Main Use.** The principal activity or function for which a property is designed, intended, or occupied, representing the dominant purpose of the premises.
- b. **Major Thoroughfare.** An arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent terms to identify those streets comprising the basic streets of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet or greater shall be considered a major thoroughfare.
- c. **Massage Establishment.** Any establishment where body massage is regularly practiced on the human body by professionals licensed by the State of Michigan.
- d. **Master Plan.** The comprehensive plan, including graphic and written material, indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and including any uniform part of such plan and amendment to such plan, or parts thereof, as adopted by City Council.
- e. **Manufactured Housing.** A structure manufactured off-site and designed for use as a dwelling unit which is transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation. The term does not include modular homes, travel trailers, or recreational vehicles, as defined elsewhere in the Madison Heights Code of Ordinances. Manufactured homes are regulated by the State of Michigan and are subject to the rules of the Michigan Manufactured Housing Commission.
- f. **Manufactured Housing Community.** A parcel of land designed for the placement of manufactured homes for residential use.
- g. **Manufacturing Facility.** A facility whose principal use is the physical, mechanical, or chemical transformation of materials or substances into new products including assembling, making, preparing, inspecting, finishing, treating, altering or repairing, or the blending of materials such as oils, plastics or resins.
 - (1) **Manufacturing, High Intensity.** An industrial use where operations have the potential to generate significant environmental impacts, such as noise, smoke, dust, vibration, or pollution. These uses include activities such as the extraction or mining of raw materials (e.g., sand or gravel), the processing or refining of materials like minerals, petroleum, rubber, wood, or metals, and the manufacturing of large durable goods, such as vehicles, airplanes, or industrial machinery. They may also involve chemical-based production, such as the manufacturing of semiconductors, circuit boards, soaps, or detergents, as well as the processing or conversion of solid waste into usable products.
 - (2) **Manufacturing, Low Intensity.** An industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building. Low intensity manufacturing is conducted on a smaller scale than high intensity manufacturing and often uses less energy and resources.
- h. **Medical Office.** Any outpatient facility, physician's office, or facility for medical, dental, or psychiatric diagnosis and treatment utilized by a health professional. Medical offices also encompass medical laboratories. Medical offices do not include hospitals.

- i. **Membership Club / Organization.** A building or part of a building used for the purposes of a club, society or association organized and operated on a non-profit basis exclusively for social welfare, civic improvement, enjoyment, or recreation or for any other similar purposes. Membership clubs / organizations are not open to the public; attendees must be members.
- j. **Mobile Food Vending.** The sale of goods food or beverage from a vehicle, stand, cart, or other temporary installation that is capable of being moved from one location to another.
- k. **Modular Home.** A dwelling unit which consists of prefabricated or factory-built modules which are transported to the site and assembled for permanent location on a residential parcel. A modular home shall bet all codes and regulations applicable to conventional single-family home construction.
- l. **Motel.** A group of attached, semi-detached or detached rooming units of which not more than ten percent contain cooking or eating facilities, each unit having an entrance leading directly from the outside of the building. Such units, with the exception of the unit occupied by the management staff, must be used and intended primarily for the overnight accommodation of travelers.
- m. **Museums / Galleries.** Any permanent institution for the collection and display of objects of art, science, history, or other related fields.
- n. **Neighborhood.** A sub-community area used in planning to describe a service area with a radius of approximately one-half (½) mile defined to support a park or convenience commercial uses. Boundaries are often defined along major or secondary roads, railroads, freeways or natural features, such as drainageways.
- o. **Nonconforming Structure or Building.** A building or structure or portion thereof existing on the effective date of this chapter amendments hereto, and that does not conform to the provisions of this chapter relative to height, bulk, area or yards for the district in which it is located.
- p. **Nonconforming Use.** A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
- q. **Nuisance.** The word "nuisance" shall include nuisance factor below and any public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health, safety or welfare; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this chapter, nuisances and all such nuisances are hereby declared illegal.
- r. **Nuisance Factors.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, reception interference, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.
- s. **Nursery / Greenhouse.** A business where plants, trees, shrubs, and other vegetation are grown, cultivated, and sold.

Section 32-18 Definitions O-P

- a. **Occupancy, Maximum.** The number of persons that a building can hold, as determined by the fire marshal, or as determined by the city's building code.
- b. **Occupied.** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.
- c. **Office.** An establishment, where clerical work, professional duties, or the like are performed.
- d. **Off-street Parking Lot.** A facility other than for single-family dwellings providing vehicular parking spaces along with adequate drives and aisle for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
- e. **Open Air Business Uses.** Any commercial land use where goods and services are primarily displayed outdoors and not within a fully enclosed structure. This definition includes, but is not limited to, the sale of outdoor produce and perishable foodstuffs, landscaping and planting materials, yard equipment and structures, and recreational establishments where the activities are conducted outdoors. This definition applies to all uses where goods and services are displayed and interfaced with outdoors, regardless of whether the transactions for such activities are conducted indoors or outdoors.
- f. **Open Space.** Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area or setback nor any part of an existing or future road or right-of-way be counted as constituting open space.
- g. **Open Space, Common.** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.
- h. **Outdoor Dining.** A use associated with a restaurant, café, or similar establishment in which food and beverages are served and consumed outside the principal building. Outdoor dining areas may include patios, decks, sidewalks, or plazas and are subject to applicable safety, accessibility, and operational standards. Outdoor Dining does not include service areas for mobile food vending.
- i. **Outdoor Sales.** The outdoor display of products by a permanent business establishment or temporary retail operations.
- j. **Outdoor Storage.** The use of a lot primarily for the keeping, placing, or storing of materials, goods, equipment, or vehicles outdoors, rather than within a building, for a period over 24 hours. Outdoor storage may also refer to an ancillary use associated with another primary use, subject to Zoning Ordinance and Code of Ordinance standards.
- k. **Parcel.** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
- l. **Parcel of Record.** A parcel of record is an area of land described by a metes and bounds description and which is not necessarily a lot of record in a subdivision plat.
- m. **Park.** Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.
- n. **Parking space.** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.
- o. **Pawn Shop.** An establishment where a pawnbroker conducts business. A pawnbroker is a person, corporation, or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.
- p. **Personal Service Establishments.** An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature.

- q. **Performance guarantee** (also maintenance guarantee). Any security accepted by the city in the form of cash, certified check, performance bond, surety bond or certificate of deposit endorsed to the city, provided that the city shall not surcharge more than ten (10) percent of the total performance costs to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with the chapter, regulations, and the approved plans and specifications of a development.
- r. **Permitee and/or licensee.** Means a person in whose name permit and/or license to operate a business has been issued as well as the individual listed as the applicant on the application for permit and/or license.
- s. **Person.** Means any individual, proprietorship, partnership, corporation, association or any other legal entity.
- t. **Pet Grooming / Pet Boarding Facility.** An establishment for the temporary boarding and care of domestic animals. Facilities may provide related services, (e.g., grooming or training), but animals cannot be bred or sold.
- u. **Pharmacy.** An establishment where primarily medicinal drugs are dispensed and sold.
- v. **Physical Fitness Facility.** A facility for the provision of exercise equipment, facilities, or classes for use by members for compensation.
- w. **Planned development.** A proposed use of the land which requires the submission of a site plan for more than one building or structure to be approved as to requirements of this chapter, including special relationships and vehicular and pedestrian circulation.
- x. **Planned unit development (PUD).** An area in which a mix of residential, commercial and/or industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as setbacks, than those restrictions that would normally apply under this Ordinance.
- y. **Porch, enclosed.** A covered entrance to a building or structure and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
- z. **Porch, open.** An uncovered entrance to a building or structure which is unenclosed, and projects out from the wall of said building or structure.
- aa. **Principal building.** A building in which the primary use of the lot on which the building is located is conducted (also see main building).
- bb. **Principal use.** The main use of land or structures, as distinguished from a secondary or accessory use (also see "Main Use") a site may be occupied by more than one principal use.
- cc. **Privacy Screen.** An obscuring fence intended to block the line of sight into a premises. A fence with gaps between vertical members of less than three (3) inches (measured facing the fence or viewed at an angle from the side) shall be considered a privacy screen.
- dd. **Private Drive.** A vehicular access way that provides ingress and egress to one or more lots but is not dedicated to or maintained by a public authority.
- ee. **Private Street or Road.** A street or road which the landowners of property served by the private road are responsible for its maintenance and which conforms to all requirements of the city engineering ordinance.
- ff. **Public Street or Road.** All public property reserved or dedicated for street traffic.
- gg. **Public Utility.** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under federal, state or municipal regulations, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
- hh. **Public Utility Electronic Equipment.** is the equipment that transmits analogue and digital signals for the purpose of operating and monitoring different components of public utility infrastructure.

Section 32-19 Definitions Q-R

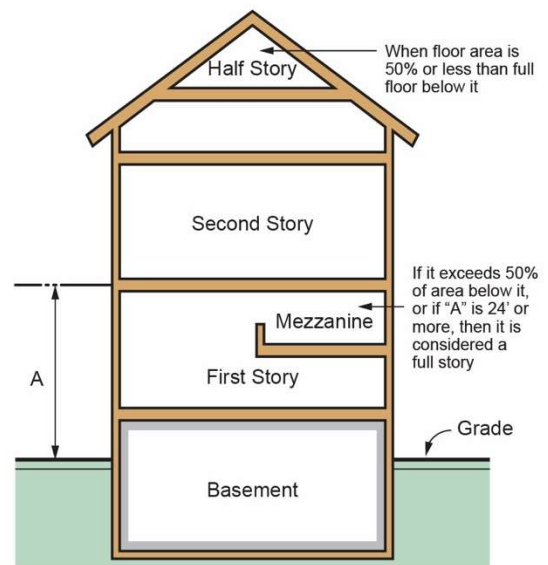
- a. **Recreation, Indoor.** A public or private establishment that provides indoor recreational activities, services, amusements, and/or instruction. Uses include, but are not limited to: bowling alleys, ice- or roller-skating rinks, billiard halls, swim clubs, and arcades.
- b. **Recreation, Outdoor.** An outdoor facility providing public or private recreation. Uses include, but are not limited to: athletic fields, miniature golf courses, skateboard parks, swimming, bathing, wading, and other therapeutic facilities, basketball courts, and batting cages.
- c. **Recreation Vehicles.**
 - (1) A "**travel trailer**" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
 - (2) A "**pick-up camper**" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
 - (3) A "**motor home**" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - (4) A "**folding tent trailer**" is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
 - (5) "**Boats**" and "**boat trailers**" shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
 - (6) "**Snowmobiles**" and "**all-terrain vehicles,**" plus the normal equipment to transport the same on the highway.
- d. **Recycling Facility.** A facility that collects, sorts, compacts, crushes, bales or reloads materials for reprocessing, reuse or remanufacture.
- e. **Recycling Collection Point.** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. Processing of such items shall be prohibited. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.
- f. **Regulation Wireless Communication Tower.** A structure designed and constructed in accordance with FCC and FAA requirements to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction.
- g. **Religious Institution.** An institution that people regularly attend to participate in or hold religious services, meetings, or other activities.. An institution that people regularly attend to participate in or hold religious services, meetings, or other activities.
- h. **Repairs.** The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.
- i. **Research and Development Facility.** Research, developing, and testing related to such fields as chemical, pharmaceutical, medical, bio-medical, liquid, telecommunication, software, electrical, transportation, and engineering.
- j. **Restaurant.** An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.
 - (1) **Restaurant, Sit-Down.** A business establishment in which a patron purchases food or beverages, which is then prepared after the patron's order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

- (2) **Restaurant, Take-Away.** Establishments whose patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' locations. This use includes fast food restaurants, however drive-thrus are only permitted in certain districts.
- k. **Retail Sale Establishment.** A commercial establishment that sells goods or merchandise to the public on-site. Examples include but are not limited to: convenience/beverage stores, clothing/shoe/accessory stores, book/music/video/electronics stores, hardware stores, and art galleries with art for sale.
 - (1) **Retail Sale Establishment, Large.** A retail building of greater than 30,000 square feet that is most commonly associated with one or more larger commercial tenants. A large-format general retail building may have several commercial uses in the building or have in-line retail.
 - (2) **Retail Sale Establishment, Small.** A retail building of 30,000 square feet or less that is most commonly associated with one or more smaller retail tenants.
- l. **Reuse Facility.** A facility whose principal use is the collection, sorting, repair, resale or redistribution, on site, of used clothing, furniture, household goods, building materials or tools. A Reuse Facility is unlike a Recycling Facility because it does not involve high nuisance factor activity.
- m. **Right-of-way.** The right-of-way line shall be the line established by the Michigan Department of Transportation, Macomb County Road Commission, in their right-of-way requirements established for the city or the city's adopted master plan.
- n. **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.
- o. **Rubbish.** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, plastic, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

Section 32-20 Definitions S-T

- a. **Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.
- b. **School, K-12.** An educational institution that provides primary and secondary education to students from kindergarten through 12th grade. These schools may be public, private, or charter and typically include classrooms, administrative offices, recreational areas, and other facilities necessary to support academic, extracurricular, and social development.
- c. **Screening.** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.
- d. **Secondary Road.** A road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers. This is the higher order of street appropriate to a residential neighborhood and residential access to it should be prohibited or severely restricted.
- e. **Secondhand / Rummage Shop.** A store where second hand or used household and personal goods are bought and sold and may include the minor repair and preparation of such goods. Secondhand stores do not include the sale of used vehicles, recreation craft, farm equipment, construction equipment, or industrial equipment. Secondhand stores include antique furniture stores, thrift shops and pawnshops.

- f. **Self-Storage Facility.** A building or group of buildings containing fully enclosed, compartmentalized units or lockers which are rented or leased as individual units for the storage of non-perishable personal property customarily related to residential, office, and/or local commercial activities.
- g. **Senior Living Facility.** A range of housing and lifestyle options for seniors, adapted to the challenges of ageing, such as limited mobility and mental health. A senior living facility may include accessory uses, such as on-site services, cafes, entertainment, laundry, and personal services.
 - (1) **Senior Living Facility, Assisted.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual (where the individual's condition necessitates that supervision or assistance).
 - (2) **Senior Living Facility, Independent.** A facility that affords seniors the ability to live on their own while taking advantage of various amenities and community offerings.
- h. **Separate Ownership.** Ownership of a parcel of property wherein the owner does not own adjoining vacant property.
- i. **Setback.** The minimum horizontal distance between the front of the building, excluding only steps, and the centerline of the street right-of-way. The measurement for determining front, rear and side setback requirements shall be made from the exterior wall of the principal building to the nearest applicable site line.
- j. **Shopping Center.** A business development of three (3) or more outlets characterized by a unified grouping of such retail outlets served by a common circulation and parking system.
- k. **Sign Definitions.** See [Section 32-119](#).
- l. **Site.** A parcel of land.
- m. **Soil Removal.** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.
- n. **Sound Level.** Sound level, in decibels, is defined as the reading of a sound-level meter which conforms to the latest standards of the American Standards Association for Sound-Level Meters. The decibel reading shall be based on the seventy (70) DB weighing network and shall be the average of five (5) readings taken at intervals approximately five (5) feet apart, at the height of five (5) feet above the established grade, or any series of readings which would provide more accurate or representative reading.
- o. **Smoking Lounge.** A business establishment that offers the smoking of tobacco, including but not limited to establishments commonly known as cigar lounges, hookah bars/cafes, tobacco clubs, or smoking parlors.
- p. **Special Land Use.** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger or nuisance) is permitted in a district, subject to approval by the city and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.
- q. **State-Equalized Valuation.** The value shown on the city's assessment roll as equalized through the process of state and county equalization.
- r. **Story.** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.



- s. **Story, Half.** An uppermost story lying under a sloping roof, the useable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds ($\frac{2}{3}$) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches.
- t. **Street.** A public thoroughfare right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.
- u. **Street, Service.** A thoroughfare which affords access to property by means of private drive, private roadways or other vehicular accessways (such as private drives in multiple-family developments) and where maintenance is provided by other than the public-at-large.
- v. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- w. **Structural Alteration.** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.
- x. **Studio (Dance, Art, Photography).** An establishment for the arts or creative arts, which includes a wide range of human practices of creative expression, storytelling, and cultural participation.
- y. **Swimming Pool.** Any structure or container intended for swimming, located either above or below grade, designed to hold water to depth of greater than twenty-four (24) inches.
- z. **Temporary Sign.** See [Section 32-119](#).
- aa. **Temporary Use or Building.** A use or building permitted to exist for a limited period of time.
- bb. **Tents.** Tents as used in this chapter shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.
- cc. **Theatre.** An establishment for the presentation of the performing arts, including indoor motion pictures, live performances, comedy clubs, and concert halls.
- dd. **Tobacco / Smoke Shop.** A store primarily selling tobacco products and smoking equipment. General retail establishments, including grocery stores, convenience stores, or markets that include tobacco sales as an ancillary use are not included in the definition of a tobacco/smoke shop.
- ee. **Trade / Vocational School.** An establishment for the teaching of automotive, construction (carpentry, electrical, HVAC, masonry, plumbing, etc.), manufacturing or welding skills, or other specialized skill sets.
- ff. **Transfer of Development Rights.** The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.
- gg. **Transitional Housing / Shelter.** Transitional Housing provides temporary housing with supportive services to individuals and families experiencing homelessness with short term goals of stability and support and long term goals of successfully moving to and maintaining permanent housing
- hh. **Transplanting.** The digging up of a tree from one place on a site and the planting of the same tree in another place on the site.
- ii. **Tree.** A woody plant with an erect perennial trunk, which at maturity is thirteen (13) feet or more in height, which has a more or less definite crown of foliage.
- jj. **Trucking Facilities.** An establishment where trucks and/or transports are stored, rented, leased, kept for hire, or parked for a fee or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- kk. **Twenty-Four Hour Businesses.** Businesses, facilities, or establishments that operate continuously throughout the entire day and night, providing services or remaining open for public or private use 24 hours a day, seven days a week.

Section 32-21 Definitions U-V

- a. **Use.** It is the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.
- b. **Use Variance.** A use variance allows a property owner to use land in a way not allowed under the current zoning district when strict adherence to the Zoning Ordinance would cause undue hardship. The Zoning Board of Appeals review and approves or denies use variances.
- c. **Useable Floor Area.** The sum of all areas on all floors of a building either assigned to, or available for assignment to, an occupant or specific use, or necessary for the general operation of a building.
- d. **Variance.** A variance is a relief granted by the Zoning Board of Appeals to a property owner from specific terms of the zoning ordinance when strict compliance would cause practical difficulties or unnecessary hardship due to the unique circumstances of the property.
- e. **Vehicle Repair / Service Shop.** A facility involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; tire repair or replacement; oil and lubricant services; painting and undercoating of automobiles; and similar vehicle repair and service activity.
- f. **Vehicle Sales / Rental.** An establishment for the sale and/or rental of vehicles, and may include a showroom, office, service center, etc.
- g. **Vehicle Wash (Automatic).** A facility where vehicles are cleaned using mechanized equipment, such as conveyor belts, brushes, sprayers, and dryers, with minimal or no physical labor by the vehicle owner or operator. Services may include full-service washing, drying, and waxing performed entirely by automated systems. These facilities may operate as standalone businesses or as part of a larger automotive service establishment, such as a gas station.
- h. **Vehicle Wash (Self-Service).** A facility where vehicle owners or operators clean their own vehicles using equipment provided on-site, such as high-pressure hoses, vacuums, and washing bays. Customers perform all tasks, including washing, rinsing, and drying, without assistance from employees.
- i. **Vertical Projection.** Any architectural feature which projects into the yard space from the ground up through the first story, excluding chimneys.
- j. **Veterinary Clinic.** An establishment that provides for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. It may include customary cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.
- k. **Voting Place.** A designated location, per voting precinct, where a resident may complete and submit a ballot for the purpose of voting in public local, county, state, and federal elections, as well as all other relevant and pertinent geographies, referenda, and proposals therein. This definition also pertains to any location or establishment where a ballot box, or other such secure receptacle for the submittal of absentee ballots, is situated.

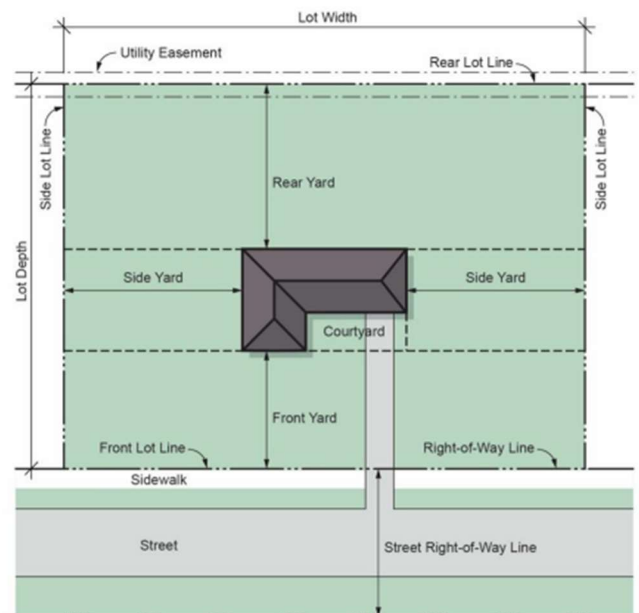
Section 32-22 Definitions W-X

- a. **Wall.** An obscuring structure of definite height and location to serve as an obscuring or protective screen in carrying out the requirements of this chapter.
- b. **Warehousing.** The storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption.
- c. **Wetland.** Any area of land which is subject to and regulated by the provisions of the Goemaere-Anderson Wetland Protection Act, as amended.
- d. **Wholesale Facility.** A facility in which goods or merchandise are not sold at retail, not including membership-based warehouse facilities. This facility could contain a showroom to sell goods or merchandise.
- e. **Winery.** An establishment where wine is made.

- f. **Wireless Communication Facility.** A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services that consists of antennae, equipment and storage, and other accessory structures.
- g. **Woodland or Woodlot.** A tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

Section 32-23 Definitions Y-Z

- a. **Yard.** An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the right-of-way centerline and the building or structure. A "required yard" is that portion of any lot on which the erection of a main building is prohibited while a "non-required yard" would be any part of the lot where a main building can be legally constructed and does not need to meet the minimum open space requirements
 - (1) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot or street centerline, whichever is applicable, and the nearest line of the main building.
 - (a) **Corner Lots.** A corner lot has one front yard, which is the yard customarily designated with the street address. A corner lot also has one rear yard, which is directly opposite the designated front yard. The two remaining yards are side yards.
 - (2) **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
 - (3) **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



Yard Terms – Interior Lot

- b. **Zone.** A portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted, and within which certain yards and open spaces are required and certain height limits are established for buildings.
- c. **Zoning Board of Appeals.** The words "board of appeals" or "zoning board" shall mean the City Zoning Board of Appeals.

Article III.

Zoning Districts and Map



Section 32-24 Zoning District Designations.

The city shall be and is hereby divided into the following classifications of land use districts and overlay.

RL	Residential, Low Density
RM	Residential, Medium Density
RT	Transitional Residential
RH	Residential, High Density
CN	Commercial Neighborhood
CBD	Central Business District
CG	Commercial General
LI	Light Industrial
GI	General Industrial

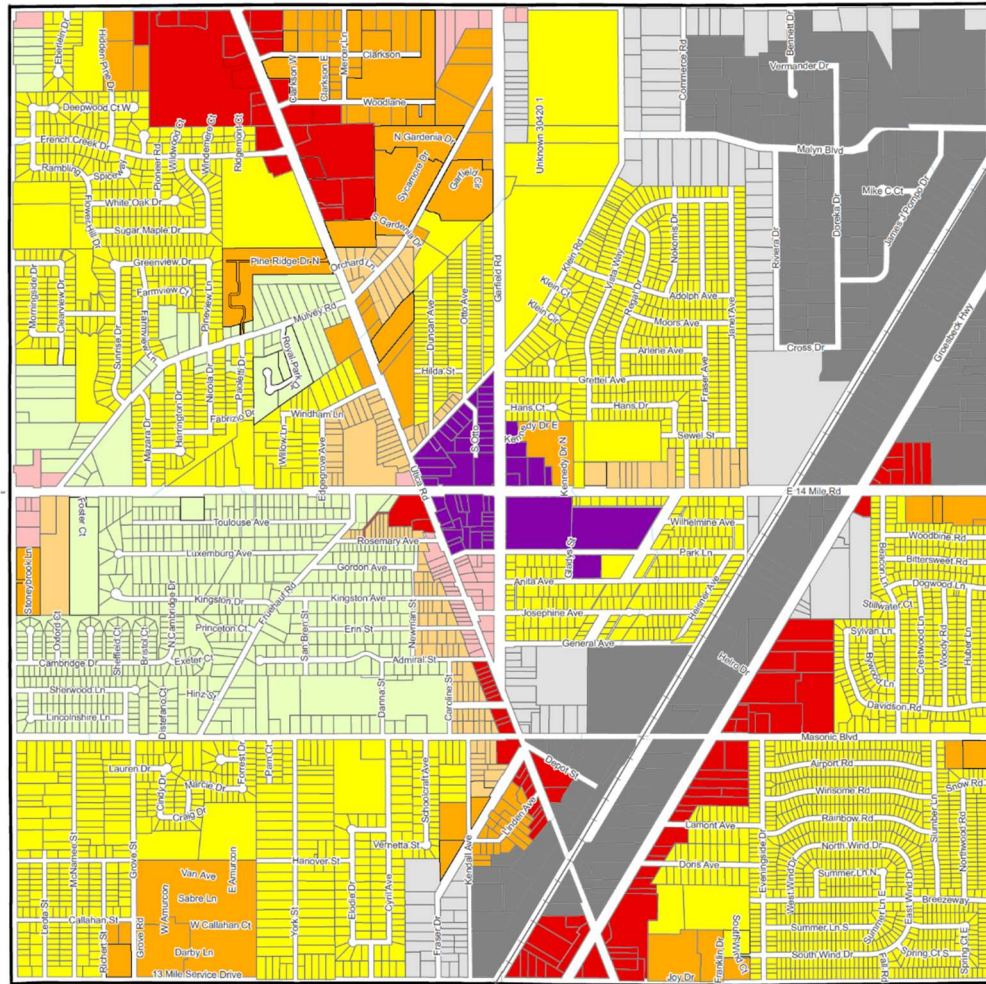
Section 32-25 District Boundaries

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










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

Section 32-26 Zoning Map

- a. The boundaries of the City's zoning districts are hereby established as shown on the Zoning Map.
- b. The areas establishing Fraser's zoning districts and the boundaries of the districts are hereby established as shown on the Zoning Map, which accompanies this Zoning Ordinance, and which the Zoning Map with all notations, references, and other information shown thereon is as much a part of this Ordinance as if fully described herein. The Zoning Map is certified as the official copy by the City Clerk and kept on display at City Hall. Maps and descriptions accompanying enacted amendments must be displayed adjacent to the official copy until such time as the official copy is corrected. When so ordered by resolution of Council, the official copy must be corrected to show all amendments.



LEGEND

 RL - Residential Low-Density	 CN - Commercial Neighborhood
 RM - Residential Medium-Density	 CG - Commercial General
 RT - Residential Transition	 LI - Light Industrial
 RH - Residential High-Density	 GI - General Industrial
 CBD - Central Business District	

Section 32-27 Zoning of Vacated Areas

Whenever any street, alley or other public way within the City of Fraser shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches. Where the vacated area does not attach to an existing property, the area shall automatically be classified as an RL District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

Section 32-28 Zoning of Annexed Areas

Any area annexed to the City of Fraser shall immediately upon such annexation, be automatically classified as an RL District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

Section 32-29 Conformity with District Regulations

- a. No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.
- b. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. In each zoning district a "permitted use" shall be a use of land or buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found within the Zoning Ordinance. A special approval land use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in [Article XIV](#) of this Zoning Ordinance and any special conditions imposed for that use.

Section 32-30 Schedule of Permitted Uses

Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district. However, the City Planner or their designee may determine that a use which is not specifically mentioned in this Zoning Ordinance is comparable to a permitted or prohibited use in any district, either by right or as a Special Land Use. The City Planner may refer a use interpretation to the Zoning Board of Appeals.

Key:

P = Principal Uses Permitted By-Right

S = Uses Permitted on Special Land Use Approval

A = Permitted as an Accessory Use. Refer to use-specific standards.

Use	RL	RM	RT	RH	CN	CBD	CG	LI	GI	Use Standards
Residential Uses										
Single Detached Dwelling Unit	P	P	P	P	S					
Single Attached Dwelling Unit	S	P	P	P	S					Section 32-74
Duplex		P	P	P	S					
Triplex			P	P	S					
Multi-Unit Dwelling (4+ units)			S	P	S					Section 32-68
Upper-Level Residential						P				Section 32-80
Accessory Dwelling Units (ADUs)	A	A	A	A						Section 32-59
Manufactured Housing				S						Section 32-67
Home-Based Businesses	A	A	A	A	A	A				Section 32-64
Bed and Breakfast	A	A	A	A	A	A				
State Licensed Foster Care, Adult Family Home (1-6 persons)	A	A	A	A						Section 32-77
State Licensed Foster Care, Adult Small Group Home (7-12 persons)	S	S	S	S						Section 32-77
State Licensed Foster Care, Adult Large Group Home (13-20 persons)	S	S	S	S						Section 32-77
State Licensed Family Child Care Home (Up to 7 children)	A	A	A	A						Section 32-77
State Licensed Group Child Care Home (up to 14 children)	S	S	S	S						Section 32-77
State Licensed Foster Care, Family Home	A	A	A	A						Section 32-77
State Licensed Foster Care, Family Group Home	S	S	S	S						Section 32-77
Senior Living Facility (assisted / independent)			S	P						
Transitional Housing / Shelters			S	S						
Planned Unit Development	S	S	S	S	S	S	S	S	S	Article VII

Use	RL	RM	RT	RH	CN	CBD	CG	LI	GI	Use Standards
Commercial Uses										
Adult Business							S			Section 32-60
Artisan / Maker Space					P	P	P	P		
Bar					S	P	P	P	S	
Body Art / Tattoo Shop					P	P	P	P	P	
Child Care Center	S	S	S	S	P	P	P			
Crematories									S	
Drive-Thru Facility							A	A	A	Section 32-62
Event Hall					S	P	P	S	S	
Financial Institution					P	P	P			
Funeral Home / Mortuary (without crematories)					S		S			
Gas Station							S	S	S	Section 32-63
Grocery Store					P	P	P	P		
Hospital			S	S	S		P	P	P	Section 32-65
Hotel / Motel							P	P		
Hotel, Bed and Breakfast			S	S						
Nursery / Greenhouse					P		P	P	P	
Laundry / Dry Cleaner					S		S			
Massage Establishment					P	P	P			Chapter 14
Medical Office				P		P	P			
Museums / Galleries			S	S	P	P	P	P		
Brewery / Distillery / Winery					S	P	P	P	P	
Mobile Food Vending					A	A	A	A	A	Section 32-66, Chapter 19
Office					P	P	P	S	S	
Outdoor Dining					A	A	A	A	A	Section 32-69
Outdoor Sales						A	A	A	A	Section 32-70
Pawn Shop								P	P	Section 32-72, Chapter 18.5
Pharmacy					P	P	P			
Personal Service Establishment					P	P	P	S		
Pet Grooming / Pet Boarding Facility					P	P	P	P		
Physical Fitness Facility					P	P	P	P	S	
Restaurant, Sit Down					P	P	P	S		
Restaurant, Take Away					P	P	P	P	P	
Retail Sale Establishment, Small					P	P	P	P		
Retail Sale Establishment, Large							P	P		
Secondhand / Rummage Shop					P	P	P	P		Chapter 18.5

Use	RL	RM	RT	RH	CN	CBD	CG	LI	GI	Use Standards
Smoking Lounge (Hookah or Cigar)									S	Section 32-76
Studio (Dance, Art, Photography)					P	P	P	S		
Theatre					S	P	P	P		
Tobacco / Smoke Shop					S	S	P			
Twenty-Four Hour Operations							S	S	S	Section 32-79
Vehicle Repair / Service Shop							S	P	P	Section 32-81
Vehicle Sales / Rental								P	P	Section 32-82
Vehicle Wash (automatic)							S	P	P	Section 32-83
Vehicle Wash (self-service)							S	P	P	Section 32-83
Veterinary Clinic					S	S	P	P	P	

Use	RL	RM	RT	RH	CN	CBD	CG	LI	GI	Use Standards
Industrial Uses										
Contractors Yard / Office								P	P	
Distribution Center								S	P	
Equipment Sales, Repair, Rental								P	P	
Lumber / Building Material Yard								S	S	
Manufacturing Facility - Low Intensity								P	P	
Manufacturing Facility- High Intensity								S	P	
Trucking Facility								S	P	
Outdoor Storage								S	P	Section 32-71
Recycling Facility									S	
Reuse Facility									S	
Research and Development Facility								P	P	
Self-Storage Facility								S	P	
Junk Yard									S	
Warehousing								P	P	
Wholesale Facility								P	P	

Use	RL	RM	RT	RH	CN	CBD	CG	LI	GI	Use Standards
Public / Quasi-Public Uses										
Cemetery (without crematoriums)	S	S								Section 32-61
Government/Municipal Services	P	P	P	P	P	P	P	P	P	Section 32-73
Cultural Centers	S	S	S	S	P	P	P	S		
Libraries	S	P	P	P	P	P	P	P		
Institution of Higher Education							S	S	S	
K-12 School	S	S	S	S	P					
Membership Organization / Non-Profit Social Club					P	P	P			
Recreation - Indoor	S	S	S	P	P	P	P	P	P	
Recreation - Outdoor	S	S	S	P	P	P	P	P	P	
Religious Institution	S	S	P	P	P					
Trade / Vocational School							S	P	P	
Wireless Communication Facilities								P	P	Section 32-84

Section 32-31 Schedule of Regulations

District	Lot Minimum		Maximum Height of Structures		Minimum Setback Requirement (Feet)				Minimum Parking Setback (Feet)		Maximum Lot Coverage (%)	Maximum Impervious Surface Coverage (%)	
	Area (Sq. Ft.)	Width (Ft.)	In Stories	In Feet	Front Yard	Side Yard		Rear Yard	Front Yard	Side		Front Yard	Total
						One Side	Both Sides						
RL Residential, Low Density	10,200	85	2	30	20 ^A	5	15	40	-	-	25	40	50
RM Residential, Medium Density	7,800	65	2	30	20 ^A	5	13	30	-	-	30	35	45
RT Residential Transition	6,000	50	3	35	15 ^A	5	13	25	-	-	30	-	45
RH Residential, High Density	20,000	100	3	35	40	15	30	40	15 ^B	15 ^B	40	-	55
CN Commercial Neighborhood	7,200	50	2	25	20	5	10	20	10	5	30	-	-
CBD Central Business District	C		3	40	0	0	0	D	Parking Not Permitted in Front or Side Yard		-	-	-
CG Commercial General	12,000	80	2	30	50	10	20	-	70 ^C	-	-	-	-
LI Light Industrial	20,000	80	2	35	35 ^E	10	20	20 ^F	Parking Not Permitted in Front Yard	0	-	-	-
GI General Industrial	20,000	100	3	35	35 ^E	10	20	20 ^F		0	-	-	-

- A. Where 50% or more of the frontage on the same block has been previously built upon, the front setback must be plus or minus 5-feet from a line established by using the average depth of the front yards of the five adjacent lots in either direction within the same zoning district eliminating the greatest and least distances measured from the front edge of the house, attached garage or covered front porch. This may result in a front yard setback less than the minimum above.
- B. One and two-unit dwellings do not have any front or side minimum parking setbacks.
- C. At least equal to the first floor area of the building, plus the space required for pedestrian circulation, parking, rights-of-way, access and easements.
- D. Sufficient to provide for parking and loading and unloading.
- E. If the frontage is along Groesbeck Highway, the minimum front setback is 50 feet.
- F. No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

Article IV.

Residential Zoning Districts



Section 32-32 Provisions Applicable to Residential Districts

- a. **Fences.** Subject to the provisions of [Section 32-91](#).
- b. **Location of structures and buildings in a public easement.** No structure or building other than a fence, walk or parking lot may be erected in a public easement.
- c. **Lot limitations.** In all one-family residential zoning districts, only one (1) principal building shall be placed on a lot of record, with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one (1) or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located; provided further that no building shall be erected on land subdivided in violation of Act 288, Public Acts of the State of Michigan, 1967, as amended.
- d. **Measuring minimum floor space requirements.** Minimum floor space requirements as established by the various provisions of this chapter for residential dwellings shall be measured from the exterior surface of enclosing walls and the centerline of common partition walls for each dwelling unit. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways, porches or decks.
- e. **Residential entranceway.** In all residential districts, so called entranceway structures, including, but not limited to, walls, columns and gates, marking entrances to subdivisions and other residential developments may be permitted and may be located in a required yard, as provided in section 32-85, provided that such entranceway structures shall comply to all codes and ordinances of the city and be approved by the planning commission.
- f. **Subdivision.** See [Chapter 26](#).
- g. **Site Condominium Subdivision.** The site condominium subdivision shall be available at the developer's option in the RL and RM districts as a permitted use, subject to [Section 32-75](#) and site plan approval by the Planning Commission ([Section 32-142.a.\(2\)](#)).

Section 32-33 RL, Residential Low-Density

Intent

The RL, Residential Low-Density district is established to provide principally for single-unit dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of single-unit dwellings and to prohibit the use of the land which would substantially interfere with the development of single-unit dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> Government/Municipal Services (Section 32-73) Single Detached Dwelling Unit 	<ul style="list-style-type: none"> Cemetery (without crematoriums) (Section 32-61) Child Care Center Cultural Centers K-12 School Libraries Planned Unit Development (Article VII) Recreation - Indoor Recreation - Outdoor Religious Institution Single Attached Dwelling Unit (Section 32-74) State Licensed Foster Care, Adult Large Group Home (13-20 persons) (Section 32-77) State Licensed Foster Care, Adult Small Group Home (7-12 persons) (Section 32-77) State Licensed Foster Care, Family Group Home (Section 32-77) State Licensed Group Child Care Home (up to 14 children) (Section 32-77) 	<ul style="list-style-type: none"> Accessory Dwelling Units (ADUs) (Section 32-59) Bed and Breakfast Home-Based Businesses (Section 32-64) State Licensed Family Child Care Home (Up to 7 children) (Section 32-77) State Licensed Foster Care, Adult Family Home (1-6 persons) (Section 32-77) State Licensed Foster Care, Family Home (Section 32-77)

Dimensional Standards

Lot Minimum	Area	7,200 square feet
	Width	60 feet
Maximum Lot Coverage (Building)		25%
Maximum Impervious Surface Coverage	Front Yard	35%
	Total Lot	45%
Front Yard Setback		20 feet ^A
Side Yard Setback	One Side	5 feet
	Both Sides	15 feet
Rear Yard Setback		30 feet
Maximum Building Height		30 feet, 2 stories
Accessory Structures		See Section 32-85

Footnotes

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

Section 32-34 RM, Residential Medium-Density

Intent

The RM, Residential Medium-Density district is designed primarily for single-unit dwellings at a higher density than the RL district. Two-unit dwellings and other housing types may be suitable, provided they adhere to the existing neighborhood dimensional standards, ensuring seamless integration.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> Duplex Government/Municipal Services(Section 32-73) Libraries Single Attached Dwelling Unit (Section 32-74) Single Detached Dwelling Unit 	<ul style="list-style-type: none"> Cemetery (without crematoriums) (Section 32-61) Child Care Center Cultural Centers K-12 School Planned Unit Development (Article VII) Recreation - Indoor Recreation - Outdoor Religious Institution State Licensed Foster Care, Adult Large Group Home (13-20 persons) (Section 32-77) State Licensed Foster Care, Adult Small Group Home (7-12 persons) (Section 32-77) State Licensed Foster Care, Family Group Home (Section 32-77) State Licensed Group Child Care Home (up to 14 children) (Section 32-77) 	<ul style="list-style-type: none"> Accessory Dwelling Units (ADUs) (Section 32-59) Bed and Breakfast Home-Based Businesses (Section 32-64) State Licensed Family Child Care Home (Up to 7 children) (Section 32-77) State Licensed Foster Care, Adult Family Home (1-6 persons) (Section 32-77) State Licensed Foster Care, Family Home (Section 32-77)

Dimensional Standards

Lot Minimum	Area	6,000 square feet
	Width	50 feet
Maximum Lot Coverage (Building)		30%
Maximum Impervious Surface Coverage	Front Yard	40%
	Total Lot	50%
Front Yard Setback		20 feet ^A
Side Yard Setback	One Side	5 feet
	Both Sides	13 feet
Rear Yard Setback		25 feet
Maximum Building Height		25 feet, 2 stories
Accessory Structures		See Section 32-85

Footnotes

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

Section 32-35 RT, Residential Transition

Intent

The RT, Residential Transition district is designed for moderate to medium-density neighborhoods that serve as buffers between commercial, higher-density, and lower-density residential areas, while also supporting the growth of the Central Business District.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> Duplex Government/Municipal Services(Section 32-73) Libraries Religious Institution Single Attached Dwelling Unit (Section 32-74) Single Detached Dwelling Unit Triplex 	<ul style="list-style-type: none"> Child Care Center Cultural Centers K-12 School Hospitals (Section 32-65) Hotel, Bed and Breakfast Multi-Unit Dwelling (4+ units) Section 32-68 Museums / Galleries Planned Unit Development (Article VII) Recreation - Indoor Recreation - Outdoor Senior Living Facility (assisted / independent) State Licensed Foster Care, Adult Large Group Home (13-20 persons) (Section 32-77) State Licensed Foster Care, Adult Small Group Home (7-12 persons) (Section 32-77) State Licensed Foster Care, Family Group Home (Section 32-77) State Licensed Group Child Care Home (up to 14 children) (Section 32-77) Transitional Housing / Shelters 	<ul style="list-style-type: none"> Accessory Dwelling Units (ADUs) (Section 32-59) Bed and Breakfast Home-Based Businesses (Section 32-64) State Licensed Family Child Care Home (Up to 7 children) (Section 32-77) State Licensed Foster Care, Adult Family Home (1-6 persons) (Section 32-77) State Licensed Foster Care, Family Home (Section 32-77)

Dimensional Standards

Lot Minimum	<i>Area</i>	6,000 square feet
	<i>Width</i>	50 feet
Maximum Lot Coverage (Building)		30%
Maximum Impervious Surface Coverage	<i>Front Yard</i>	-
	<i>Total Lot</i>	45%
Front Yard Setback		15 feet ^A
Side Yard Setback	<i>One Side</i>	5 feet
	<i>Both Sides</i>	13 feet
Rear Yard Setback		25 feet
Maximum Building Height		35 feet, 3 stories
Accessory Structures		See Section 32-85

Footnotes

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

B.

Section 32-36 RH, Residential High-Density

Intent

The RH, Residential High-Density district is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. Various types and sizes of residential accommodations for ownership or rental are thereby provided to meet the needs of the different age and family groups in the city.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> Duplex Government/Municipal Services (Section 32-73) Libraries Multi-Unit Dwelling (4+ units) Section 32-68 Recreation - Indoor Recreation - Outdoor Religious Institution Senior Living Facility (assisted / independent) Single Attached Dwelling Unit (Section 32-74) Single Detached Dwelling Unit Triplex 	<ul style="list-style-type: none"> Child Care Center Cultural Centers Hospitals (Section 32-65) Hotel, Bed and Breakfast K-12 School Manufactured Housing (Section 32-67) Museums / Galleries Planned Unit Development (Article VII) Transitional Housing / Shelters State Licensed Foster Care, Adult Large Group Home (13-20 persons) (Section 32-77) State Licensed Foster Care, Adult Small Group Home (7-12 persons) (Section 32-77) State Licensed Foster Care, Family Group Home (Section 32-77) State Licensed Group Child Care Home (up to 14 children) (Section 32-77) 	<ul style="list-style-type: none"> Accessory Dwelling Units (ADUs) (Section 32-59) Bed and Breakfast Home-Based Businesses (Section 32-64) State Licensed Family Child Care Home (Up to 7 children) (Section 32-77) State Licensed Foster Care, Adult Family Home (1-6 persons) (Section 32-77) State Licensed Foster Care, Family Home (Section 32-77)

Dimensional Standards

Lot Minimum	Area	10,200 square feet
	Width	80 feet
Maximum Lot Coverage (Building)		40%
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	55%
Front Yard Setback		40 feet
Side Yard Setback	One Side	15 feet
	Both Sides	30 feet
Rear Yard Setback		40 feet
Parking Setback	Front Yard	15 ^A
	Side Yard	15 ^A
Maximum Building Height		35 feet, 3 stories
Accessory Structures		See Section 32-85

Footnotes

Single Attached Dwelling Units, Single Detached Dwelling Units, Duplexes, and Triplexes do not have any front or side minimum parking setbacks.

Article V.

Commercial Zoning Districts



Section 32-37 Provisions Applicable to Commercial Districts

- a. **Applicability.** The following provisions are applicable to the CN, CBD, and CG districts.
- b. **Exterior Facing Materials.** Exterior facing materials shall comply with the Building Materials Schedule of Regulations in [Section 32-88](#).
- c. **Dimensional Standards.** See [Section 32-31](#).
- d. **Performance Standards.** See [Section 32-94](#).
- e. **Lighting.** See [Article X](#).
- f. **Parking, Loading, Access Management.** See [Article XI](#).
- g. **Landscaping.** See [Article XII](#).
- h. **Screening.** See [Article XII](#).
- i. **Signs.** See [Article XIII](#).
- j. **Site Condominium Subdivision.** Commercial and industrial condominiums that result in condominium unit(s) that exceed the building envelope(s) shall also be regulated by this section shall be subject to [Section 32-74](#) and site plan approval by the Planning Commission.

Section 32-38 CN, Commercial Neighborhood

Intent

The CN, Commercial Neighborhood district is designed to serve the daily shopping and service needs of nearby residents while excluding businesses that may disrupt surrounding residential areas.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> • Artisan / Maker Space • Body Art / Tattoo Shop • Child Care Center • Cultural Centers • Financial Institution • Government/Municipal Services (Section 32-73) • Grocery Store • K-12 School • Libraries • Massage Establishment (Chapter 14) • Medical Office • Membership Organization / Non-Profit Social Club • Museums / Galleries • Nursery / Greenhouse • Office • Personal Service Establishment • Pet Grooming / Pet Boarding Facility • Pharmacy • Physical Fitness Facility • Recreation - Indoor • Recreation - Outdoor • Religious Institution • Restaurant, Sit Down • Restaurant, Take Away • Retail Sale Establishment, Small • Secondhand / Rummage Shop (Chapter 18.5) • Studio (Dance, Art, Photography) 	<ul style="list-style-type: none"> • Bar • Brewery / Distillery / Winery • Duplex • Event Hall • Funeral Home / Mortuary (without crematories) • Hospitals (Section 32-65) • Laundry / Dry Cleaner • Multi-Unit Dwelling (4+ units) Section 32-68 • Planned Unit Development (Article VII) • Single Attached Dwelling Unit • Single Detached Dwelling Unit • Theatre • Tobacco / Smoke Shop • Triplex • Veterinary Clinic 	<ul style="list-style-type: none"> • Bed and Breakfast • Home-Based Businesses (Section 32-64) • Mobile Food Vending (Section 32-66, Chapter 19) • Outdoor Dining (Section 32-69)

Dimensional Standards

Lot Minimum	Area	7,200 square feet
	Width	50 feet
Maximum Lot Coverage (Building)		30%
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	-
Front Yard Setback		20 feet
Side Yard Setback	One Side	5 feet
	Both Sides	10 feet
Rear Yard Setback		20 feet
Parking Setback	Front Yard	10
	Side Yard	5
Maximum Building Height		25 feet, 2 stories
Accessory Structures		See Section 32-85

Footnotes

Section 32-39 CBD, Central Business District

Intent

The CBD, Central Business District offers retail and services for a broader market than the CN district, featuring planned groupings of businesses with shared parking for both pedestrians and vehicles. It is designed to promote mixed uses, such as first-floor restaurants, offices, and businesses with upper-floor dwellings, to encourage walkability, livability, and economic growth, fostering a downtown-like atmosphere.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> • Artisan / Maker Space • Bar • Body Art / Tattoo Shop • Brewery / Distillery / Winery • Child Care Center • Cultural Centers • Event Hall • Financial Institution • Government/Municipal Services (Section 32-73) • Grocery Store • Libraries • Massage Establishment (Chapter 14) • Medical Office • Membership Organization / Non-Profit Social Club • Museums / Galleries • Office • Personal Service Establishment • Pet Grooming / Pet Boarding Facility • Pharmacy • Physical Fitness Facility • Recreation - Indoor • Restaurant, Sit Down • Restaurant, Take Away • Retail Sale Establishment, Small • Secondhand / Rummage Shop (Chapter 15.5) • Studio (Dance, Art, Photography) • Theatre • Upper-Level Residential (Section 32-80) 	<ul style="list-style-type: none"> • Planned Unit Development (Article VII) • Tobacco / Smoke Shop • Veterinary Clinic 	<ul style="list-style-type: none"> • Bed and Breakfast • Home-Based Businesses (Section 32-64) • Mobile Vending (Section 32-66, Chapter 15) • Outdoor Dining (Section 32-69) • Outdoor Sales (Section 32-70)

Dimensional Standards

Lot Minimum	Area	-
	Width	-
Maximum Lot Coverage (Building)		-
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	-
Front Yard Setback		0 feet
Side Yard Setback	One Side	0 feet
	Both Sides	0 feet
Rear Yard Setback		A
Parking Setback	Front Yard	Parking is not permitted in the Front or Side Yard
	Side Yard	
Maximum Building Height		40 feet, 3 stories
Accessory Structures		See Section 32-85

Footnotes

A. Sufficient to provide for parking and loading and unloading.

Section 32-40 CG, Commercial General

Intent

The CG, Commercial General district is intended to serve as a buffer between industrial and residential zones, featuring high-intensity uses like big-box stores, shopping malls, restaurants, retail centers, and auto-centric uses, along major thoroughfares.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> • Artisan / Maker Space • Bar • Body Art / Tattoo Shop • Brewery / Distillery / Winery • Child Care Center • Cultural Centers • Event Hall • Financial Institution • Government/Municipal Services (Section 32-73) • Grocery Store • Hospitals • Hotel / Motel • Libraries • Massage Establishment (Chapter 14) • Medical Office • Membership Organization / Non-Profit Social Club • Museums / Galleries • Nursery / Greenhouse • Office • Personal Service Establishment • Pet Grooming / Pet Boarding Facility • Pharmacy • Physical Fitness Facility • Recreation - Indoor • Recreation - Outdoor • Restaurant, Sit Down • Restaurant, Take Away • Retail Sale Establishment, Large • Retail Sale Establishment, Small • Secondhand / Rummage Shop (Chapter 18.5) • Studio (Dance, Art, Photography) • Theatre • Tobacco / Smoke Shop • Veterinary Clinic 	<ul style="list-style-type: none"> • Adult Business (Section 32-60) • Funeral Home / Mortuary (without crematories) • Gas Station (Section 32-63) • Institution of Higher Education • Laundry / Dry Cleaner • Planned Unit Development (Article VII) • Trade / Vocational School • Vehicle Repair / Service Shop (Section 32-81) • Vehicle Wash (automatic & self service) (Section 32-83) • Twenty-Four Hour Operations (Section 32-79) 	<ul style="list-style-type: none"> • Drive-Thru Facility (Section 32-62) • Mobile Vending (Section 32-66, Chapter 19) • Outdoor Dining (Section 32-69) • Outdoor Sales (Section 32-70)

Dimensional Standards

Lot Minimum	Area	12,000 square feet
	Width	80 feet
Maximum Lot Coverage (Building)		-
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	-
Front Yard Setback		50 feet
Side Yard Setback	One Side	5 feet
	Both Sides	10 feet
Rear Yard Setback		20 feet
Parking Setback	Front Yard	20 feet
	Side Yard	10 feet
Maximum Building Height		30 feet, 2 stories
Accessory Structures		See Section 32-85

Footnotes

Article VI.

Industrial Zoning Districts



Section 32-41 Provisions Applicable to Industrial Districts

- a. **Applicability.** The following provisions are applicable to the LI and GI districts.
- b. **Exterior Facing Materials.** Exterior facing materials shall comply with the Building Materials Schedule of Regulations in [Section 32-88](#).
- c. **Dimensional Standards.** See [Section 32-31](#).
- d. **Performance Standards.** See [Section 32-94](#).
- e. **Lighting.** See [Article X](#).
- f. **Parking, Loading, Access Management.** See [Article XI](#).
- g. **Landscaping.** See [Article XII](#).
- h. **Screening.** See [Article XII](#).
- i. **Signs.** See [Article XIII](#).
- j. **Site Condominium Subdivision.** Commercial and industrial condominiums that result in condominium unit(s) that exceed the building envelope(s) shall also be regulated by this section shall be subject to [Section 32-74](#) and site plan approval by the Planning Commission.

Section 32-42 LI, Light Industrial

Intent

The LI, Light Industrial is intended to serve as a light industrial district designated for office, manufacturing, research, development, and creative industries, acting as a buffer between General Industrial and residential areas, with a focus on minimizing truck traffic, noise, odor, dust, and outdoor storage, while also accommodating artisan and flexible uses.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> • Artisan / Maker Space • Bar • Body Art / Tattoo Shop • Brewery / Distillery / Winery • Contractors Yard / Office • Equipment Sales, Repair, Rental • Government/Municipal Services (Section 32-73) • Grocery Store • Hospitals (Section 32-65) • Hotel / Motel • Libraries • Manufacturing Facility - Low Intensity • Museums / Galleries • Nursery / Greenhouse • Pawn Shop (Section 32-72, Chapter 18.5) • Pet Grooming / Pet Boarding Facility • Physical Fitness Facility • Recreation - Indoor • Recreation - Outdoor • Research and Development Facility • Restaurant, Take Away • Retail Sale Establishment, Large • Retail Sale Establishment, Small • Secondhand / Rummage Shop (Chapter 18.5) • Theatre • Trade / Vocational School • Vehicle Repair / Service Shop (Section 32-81) • Vehicle Sales / Rental (Section 32-82) • Vehicle Wash (automatic & self-service) (Section 32-83) • Veterinary Clinic • Warehousing • Wholesale Facility • Wireless Communication Facilities (Section 32-84) 	<ul style="list-style-type: none"> • Cultural Centers • Distribution Center • Event Hall • Gas Station (Section 32-63) • Institution of Higher Education • Lumber / Building Material Yard • Manufacturing Facility- High Intensity • Office • Outdoor Storage (Section 32-71) • Personal Service Establishment • Restaurant, Sit Down • Self-Storage Facility • Studio (Dance, Art, Photography) • Planned Unit Development (Article VII) • Trucking Facility • Twenty-Four Hour Operations (Section 32-79) 	<ul style="list-style-type: none"> • Drive-Thru Facility (Section 32-62) • Mobile Vending (Section 32-66, Chapter 19) • Outdoor Dining (Section 32-69) • Outdoor Sales (Section 32-70)
Dimensional Standards		
Lot Minimum	Area	20,000 square feet
	Width	80 feet
Maximum Lot Coverage (Building)		-
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	-
Front Yard Setback		35 feet ^D
Side Yard Setback	One Side	10 feet
	Both Sides	20 feet
Rear Yard Setback		20 feet ^E
Parking Setback	Front Yard	No Parking Permitted in the Front Yard
	Side Yard	0 feet
Maximum Building Height		35 feet, 2 stories
Accessory Structures		See Section 32-85
Footnotes		

- a) If the frontage is along Groesbeck Highway, the minimum front setback is 50 feet.
- b) No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

Section 32-43 GI, General Industrial

Intent

The GI, General Industrial supports medium to high-intensity industrial uses and large corporate campuses, with heavy buffers and deep setbacks to minimize impacts on neighboring properties, typically surrounded by Light Industrial uses.

Permitted Use	Special Land Use	Accessory Uses
<ul style="list-style-type: none"> • Body Art / Tattoo Shop • Brewery / Distillery / Winery • Contractors Yard / Office • Distribution Center • Equipment Sales, Repair, Rental • Firearm Retail Sales • Government/Municipal Services (Section 32-73) • Hospitals (Section 32-65) • Manufacturing Facility - Low Intensity • Manufacturing Facility- High Intensity • Nursery / Greenhouse • Outdoor Storage (Section 32-71) • Pawn Shop (Section 32-72, Chapter 18.5) • Recreation - Indoor • Recreation - Outdoor • Research and Development Facility • Restaurant, Take Away • Secondhand / Rummage Shop (Chapter 18.5) • Self-Storage Facility • Trade / Vocational School • Trucking Facility • Vehicle Repair / Service Shop (Section 32-81) • Vehicle Sales / Rental (Section 32-82) • Vehicle Wash (automatic & self-service) (Section 32-83) • Veterinary Clinic • Warehousing • Wholesale Facility • Wireless Communication Facilities (Section 32-84) 	<ul style="list-style-type: none"> • Bar • Crematories • Event Hall • Gas Station (Section 32-63) • Institution of Higher Education • Junk Yard • Lumber / Building Material Yard • Office • Physical Fitness Facility • Recycling Facility • Reuse Facility • Smoking Lounge (Hookah or Cigar) (Section 32-76) • Planned Unit Development (Article VII) • Twenty-Four Hour Operations (Section 32-79) 	<ul style="list-style-type: none"> • Drive-Thru Facility (Section 32-62) • Mobile Vending (Section 32-66, Chapter 18) • Outdoor Dining (Section 32-69) • Outdoor Sales (Section 32-70)

Dimensional Standards

Lot Minimum	Area	20,000 square feet
	Width	100 feet
Maximum Lot Coverage (Building)		-
Maximum Impervious Surface Coverage	Front Yard	-
	Total Lot	-
Front Yard Setback		35 feet ^D
Side Yard Setback	One Side	10 feet
	Both Sides	20 feet
Rear Yard Setback		20 feet ^E
Parking Setback	Front Yard	No Parking Permitted in the Front Yard
	Side Yard	0 feet
Maximum Building Height		35 feet, 3 stories
Accessory Structures		See Section 32-85

Footnotes

D. If the frontage is along Groesbeck Highway, the minimum front setback is 50 feet.

- E. No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

Article VII.

Planned Unit Developments (PUD)



Section 32-44 Intent

- a. The intent of this Section is to implement the provisions of Public Act 110 of 2006, as amended, authorizing the use of a Planned Unit Development (“PUD”) to allow regulatory flexibility in the consideration of proposed developments within the City consistent with the requirements of the City’s Master Plan. It is the intent of the City that the standards of the zoning ordinance may be increased, decreased, waived, or otherwise modified under the provisions of this Section. The objectives of PUDs are as follows:
- (1) To encourage innovation in land use and variety in design, layout and type of structure constructed.
 - (2) To achieve economic and efficient use of land, natural resources, energy and the provision of public services and utilities.
 - (3) To encourage the provision of useful open space, where appropriate.
 - (4) To provide better housing, employment and commercial opportunities particularly suited to the needs of the city.
 - (5) To encourage walkable, connected development through the inclusion of sidewalks, public transportation access, and street furnishings.

Section 32-45 Qualifying Conditions

- a. A PUD shall not be accepted for consideration unless all of the following requirements are met:
- (1) Land use patterns established by the PUD development shall be compatible with existing and planned uses on and adjacent to the site.
 - (2) Use of this option shall not be for the sole purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
 - (3) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

- (4) The application must demonstrate that the proposed PUD site or area is a site where an innovative, unified, and planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.
- (5) The PUD site shall be capable of being planned and developed as one integral, comprehensive site in accordance with the approved PUD Plan.
- (6) The PUD shall be under single ownership or control such that there is a single person or entity having responsibility for ensuring completion of the project in conformity with this Ordinance.
- (7) The proposed development must demonstrate at least three (3) of the following conditions:
 - (a) The PUD contains two (2) or more distinct, but compatible land use types, such as, but not limited to, mixed-use developments with residential and non-residential uses, or a mixture of commercial, recreational, and a variety of housing types.
 - (b) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical; this includes property with poorly dimensioned parcels or property with difficult site conditions.
 - (c) The proposed design of the PUD includes innovative development concepts that substantially forward the purpose and intent of this Section, further the goals and objectives of the Master Plan, and permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under conventional zoning.
 - (d) The proposed PUD involves adaptive re-use or redevelopment of a building or site, or redevelopment of a brownfield or greyfield site, in ways which would be difficult to achieve under traditional zoning districts.
 - (e) The proposed PUD heavily incorporates pedestrian and/or transit-oriented design.
 - (f) The proposed PUD involves significant use of sustainable building and site design features such as, but not limited to: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards

Section 32-46 PUD Review Process

- a. **Pre-application Conference.** Prior to submitting an application for a PUD Determination of Qualification, the applicant shall request a pre-application conference with the City Planner and all relevant City departments to obtain information and guidance regarding land development regulations, the City's Master Plan, and the PUD review process. An applicant may request further pre-application review by the Planning Commission.
- b. **Determination of Qualification.** The applicant shall submit a Request for a Determination of Qualification in accordance with the following: A written, and graphic request shall be submitted to the City Planner through the Building Department. The City Planner shall review the applicant's request and make a preliminary determination as to whether or not a conceptual PUD plan qualifies for the PUD option. The submittal shall include all of the following:
 - (1) Substantiation that the criteria set forth in Criteria for Qualifications ([Section 32-45](#)) are or will be met.
 - (2) A schematic/conceptual land use plan containing enough detail to explain the location of land uses, streets providing access to the site, pedestrian and vehicular circulation within the site, dwelling unit density and types, and buildings or floor areas contemplated, as applicable.
 - (3) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.

- (4) The proposed phasing of the project.
- c. **PUD Plan.** Upon obtaining a determination of qualification from the City Planner, an applicant shall submit a PUD Plan application containing all of the information and documents listed in [Section 32-47](#) and in accordance with the following:
- (1) Upon receipt of a completed PUD Plan application, the Planning and Zoning Administrator shall schedule a public hearing in accordance with [Section 32-132](#) at the next available Planning Commission meeting.
 - (2) After the public hearing, the Planning Commission shall make a recommendation to City Council of approval, approval with conditions, or denial of the PUD, with findings based upon the submitted PUD Plan and accompanying materials. The Planning Commission may postpone action on the PUD Plan for additional information. The Planning Commission shall base the recommendation on the PUD Plan's compliance with Qualifying Conditions ([Section 32-45](#)) and PUD Project Design Standards ([Section 32-49](#)).
 - (3) Upon receipt of the Planning Commission's recommendation, the City Council shall hold a first reading on the PUD Plan and schedule a public hearing. After the public hearing, City Council shall make a decision on the PUD application. The City Council may approve, approve with conditions, deny, or postpone action on the PUD Plan. The City Council shall base the decision on the PUD Plan's compliance with Qualifying Conditions and PUD Project Design Standards. Upon approval by the City Council, the property shall be rezoned to the PUD District and developed in accordance with the approved PUD Plan. Upon approval, the City Council shall authorize the City Manager to execute the Final PUD Agreement, which shall incorporate any conditions of approval.
 - (4) Following City Council approval of the PUD Plan and execution of the Final PUD Agreement, a Final Site Plan shall be submitted for Planning Commission review, pursuant to [Section 32-143](#), for each phase(s) of an approved PUD plan.

Section 32-47 PUD Plan Submittal Requirements

- a. The PUD Plan application shall include all of the following information:
- (1) Application Form and Required Fee.
 - (2) **Project Narrative.** The project narrative shall include substantiation that all PUD Qualifying Conditions and Project Design Standards will be met.
 - (3) **PUD Plan.** An area plan showing a layout of the uses and structures in the PUD and their locations. The plan shall include all information required for site plans in [Section 32-144.c](#). The Planning Commission may waive site plan submission requirements or require additional information that may be necessary for a full and complete consideration of the proposed PUD and its impact on the immediately surrounding area and the city as a whole.
 - (4) **Zoning Comparison Table.** A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or landscaping which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - (5) **Easements.** Written verification of access easements or agreements, if applicable.
 - (6) Copy of Determination of Qualification.
 - (7) **Community Impact Statement.** The application for PUD review shall include a community impact statement. The statement shall be derived from a study of the city based on information from the following community elements:
 - (a) Planning and zoning issues, including conformance with the Master Plan, Zoning Ordinance, and other applicable City codes and policies.
 - (b) Land development issues, including topographic, soil conditions, and site safety concerns.
 - (c) Private utilities consumption, including electrical needs and natural gas utilization.

- (d) Noise level conditions.
 - (e) Air quality conditions.
 - (f) Environmental design and historic values including visual quality and historic resources.
 - (g) Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.
 - (h) Public safety needs, including police, fire, and emergency medical services.
 - (i) Open space landscaping and recreation, including cultural elements.
 - (j) Traffic impacts.
- (8) **Draft PUD Agreement.** Draft PUD agreement between the City and the applicant, which shall include, among other items, a provision as to such revisions to the site plan that may be approved administratively or by the Planning Commission, and any specific terms and conditions relating to an approved PUD including specific terms relating to the administration of the project.

Section 32-48 Regulatory Flexibility

- a. The City Council may increase, decrease, waive, or otherwise modify the current standards within the Zoning Ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, project design standards, and landscape standards provided the modification is found to improve the quality of development beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article.
- b. The Zoning Board of Appeals has no authority in matters covered by this Section. Modifications to plans or proposals submitted and approved under this article shall be processed in accordance with the amendment procedures covered above in [Section 32-51](#).

Section 32-49 Project Design Standards

- a. PUDs shall satisfy the following design standards:
 - (1) **Use.** The uses proposed shall be consistent with the city's master plan.
 - (2) **Impact on Surrounding Uses.** The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and transportation systems, surrounding properties, or the environment.
 - (3) **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by the zoning ordinance. The PUD may take advantage of shared parking, parking waivers as permitted by [Article XI](#). The Planning Commission or City Council may further adjust the required number of parking spaces if other factors exist that would support an additional waiver. All streets and parking areas within the Planned Unit Development shall meet the minimum construction and other requirements of City ordinances, unless modified by the City Council.
 - (4) **Landscaping.** Existing landscaping shall be preserved and/or improved or additional landscaping be provided to ensure that proposed uses will be adequately buffered, where buffering is appropriate from and between surrounding public and private property. The quality and/or quantity of landscaping materials shall exceed the minimums otherwise required by the zoning ordinance in [Article XII](#).
 - (5) **Existing Features.** The PUD Plan shall demonstrate that the plan will preserve significant natural, historical, and architectural features, if any, and the integrity of the land to the best of the applicant's ability.
 - (6) **Circulation.** Safe, convenient, uncongested, and well-defined vehicular, non-motorized and pedestrian circulation within and into the site shall be provided in accordance with the following:

- (a) Drives, streets, and other elements within the property shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- (b) Sidewalks or multi-purpose paths shall be provided along, and connect to, public streets and private within the development to provide safe and efficient non-motorized circulation.
- (c) The Plan shall promote walking, biking, and other forms of non-motorized transportation, in a highly visible manner.

Section 32-50 Expiration of Plan Approvals

- a. The right to submit a PUD Plan shall be valid for a period of 1 year from the date of the City Planner's issuance of a Determination of Qualification.
- b. Final Site Plans shall be submitted in accordance with this Section within 2 years of execution of the Final PUD Agreement. If such plans have not been submitted within the two-year period, the right to develop under the approved PUD Plan shall be terminated by the City in accordance with [Section 32-53](#). For phased plans, the PUD Plan shall remain effective for an additional 2 years after each subsequent Final Site Plan approval. Final Site Plan expiration is subject to [Section 32-143.f](#).
- c. Upon the applicant's showing of good cause, the Planning Commission may recommend, and the City Council may grant, an extension of two (2) years for the submission of Final Site Plans consistent with the approved PUD Plan.
- d. Should an approved PUD Plan expire, no permits for any development of the property shall be issued, and the City shall commence rezoning the property back to its previous zoning classification.

Section 32-51 Amendments to PUD Plan

- a. Proposed amendments or changes to an approved PUD plan shall be submitted to the City Planner. The City Planner shall determine whether the proposed modification is of such minor nature as to not affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning and Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Council to approve or deny the changes. The City Planner may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.
 - (1) **Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking areas. Minor amendments for good cause may be authorized by the City Planner without notice or hearing, provided such changes shall not substantially increase the size or height of structures, modification of residential density, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, encroach on natural features proposed by the plan to be protected, or alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The City Planner shall inform the Planning Commission and City Council of any approved minor amendments. Minor changes to site lighting, signage, landscaping, nonstructural building elements, and for temporary structures and uses, may be made via approval of a Minor Site Plan that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the City Planner.
 - (2) **Major Amendment.** Any amendment not qualifying as a minor amendment shall be considered a major amendment and shall be reviewed by the Planning Commission and approved by the City Council, to be amended according to the procedures authorized by this section for original approval of a PUD.

Section 32-52 Termination by Applicant

An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Building Department. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Council and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification in accordance with [Article XIX](#) (Zoning Ordinance Amendments).

Section 32-53 Revocation

The City Council, upon a breach of the PUD Agreement, may revoke a PUD or any portion thereof. The city shall commence a rezoning of the subject property in accordance with [Article XIX](#) (Zoning Ordinance Amendments).

Section 32-54 Violations and Enforcement

Any violation or deviation from an approved PUD Plan or written conditions, except as authorized in this section, shall be considered a violation. Furthermore, any such deviation may be grounds to invalidate the PUD designation.

Section 32-55 Appeals

Appeals regarding a decision relating to a Planned Unit Development may be taken to Circuit Court.

Section 32-56 Phasing

A PUD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health safety and welfare of the users of the project and residents of the surrounding area, including sidewalk connections and roadway improvements. The applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a PUD has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PUD Area Plan.

Section 32-57 Performance Guarantee

The City Council may require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantee to the City as a condition of PUD Plan approval pursuant to [Section 32-143.g.](#) (Performance Bonds). The amount of the performance guarantee shall be recommended to City Council by the City Attorney after discussion with the applicant, Building Department, and other involved departments and parties.

Section 32-58 PUD Agreement

- a. As part of PUD Plan approval, or as a separate resolution, City Council shall authorize the City Attorney to execute a final PUD Agreement between the City and the applicant setting the conditions upon which such approval is based. The Agreement shall include the following elements:
 - (1) Project Summary
 - (2) Identification of the plans and documents that are a part of the approval.

- (3) The terms and conditions under which the approval was granted and the project will be allowed to be implemented.
- (4) The entity that is responsible for constructing each element of the project, including the public facilities and infrastructure.
- (5) Project details and dimensions that are mandatory.
- (6) Identification of the entities that will own and be responsible for maintenance of any public open space, common areas, and facilities, and the method of financing such maintenance work.
- (7) Terms and conditions regarding the expiration or revocation of PUD approval.

Article VIII.

Use Standards



Section 32-59 Accessory Dwelling Unit (ADU)

a. ADUs Permitted:

- (1) When permitted as an accessory use in a zoning district, the ADU is only permitted as accessory to a single unit detached dwelling.
- (2) One (1) ADU is permitted per parcel, and only on parcels that are improved with a single unit detached dwelling. ADUs shall not be permitted on parcels improved with a duplex, townhouse, multiplex, or multifamily structure.
- (3) An ADU may be integrated into the principal dwelling structure, attached to the principal dwelling structure, or located in, or above, a detached accessory structure.
- (4) Mobile homes, recreational vehicles, and travel trailers shall not be used as ADUs.

b. Ownership and Occupancy:

- (1) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through a land division, condominium, or other means.
- (2) Prior to leasing either the principal dwelling unit or ADU, the property owner shall obtain a Certificate of Compliance for Non-Owner Occupied Housing as described in Section 6-301 through 6-310 of the Code of Ordinances.

c. **Dimensional Requirements.** ADUs shall comply with the following dimensional requirements:

Requirement		Attached ADU	Detached ADU
Minimum Lot Size		7,500 square feet	10,200 square feet
Minimum Unit Size		250 square feet	
Maximum Unit Size		750 square feet	
Setbacks	<i>Front Yard</i>	ADUs are not permitted in the front yard	
	<i>Side Yard</i>	Same as principal structure setbacks	Same as detached accessory buildings (Section 32-85)
	<i>Rear Yard</i>	Same as principal structure setbacks	Same as detached accessory buildings (Section 32-85)
Maximum Height		Same as principal structure maximum height	

d. **Nonconforming Detached Structures.** A nonconforming detached accessory building existing prior to the Effective Date of this Zoning Ordinance which is greater than 250 sq. ft. may be converted into an ADU as long as the change in use does not increase the nonconformity of the structure, or if a variance is received from the Zoning Board of Appeals. In considering such requests, the City may require fencing and/or landscape screening around the structure along neighboring property lines. The fence or landscaping shall be at least six (6) feet in height and achieve a high level of opacity to obscure views from neighboring properties.

e. **Entry and Design:**

- (1) **Attached ADU.** The primary entry, and any associated external staircases, for an attached unit shall be placed at the side or rear of the principal structure. An attached ADU shall be designed to maintain the appearance of the detached single-family home.
- (2) **Detached ADU:**
 - (a) The primary entry for a detached unit shall be oriented towards the front or interior of the lot. This standard does not apply to side street lot lines or rear lot lines with alley access.
 - (b) A detached ADU shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house.
 - (c) No rooftop or second-story decks are permitted on a detached ADU unless oriented towards the interior of the lot and designed to limit visibility from properties sharing a common side or rear lot line. This standard does not apply to side street lot lines or rear lot lines with alley access.
- (3) ADUs shall be designed of high-quality, natural materials. Metal siding shall not be permitted as a primary building material.

f. **Utilities.** An ADU shall be connected to an approved water and sewer system and comply with [Chapter 31](#) of the Code of Ordinances.

g. **Parking.** 1 additional off-street parking space is required for an ADU.

h. **Requirements for Occupancy.** The following shall be required prior to occupancy of an ADU:

- (1) A Zoning Permit and Building Permit.
- (2) A deed restriction that runs with the land to be filed with the County Register of Deeds which incorporates the following restrictions:
 - (a) The ADU may not be sold separately from the single-family dwelling.
 - (b) The owner occupancy requirement.
 - (c) The deed restriction shall be in effect until the ADU is removed.
- (3) A Certificate of Occupancy issued in accordance with [Section 32-131](#).

Section 32-60 Adult Businesses

a. Buffering:

- (1) No portion of the property upon which such business is situated is permitted within 1,000 feet of any of the following uses. The method of measurement shall utilize the 2 property edges closest to each other, measured with a direct line.
 - (a) A residentially-zoned district;
 - (b) Property upon which a residential use exists;
 - (c) A religious institution;
 - (d) A K-12 school;
 - (e) A child care center;
 - (f) An existing adult business;
 - (g) Any public park.
- (2) Adult uses may not occupy any multi-tenant commercial building.
- (3) Residential uses cannot be located on the same lot as an adult business.

Section 32-61 Cemeteries

a. General Requirements:

- (1) Cemeteries shall be established in compliance with Public Act 251 of 1968, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.
- (2) Minimum cemetery site shall be 10 acres. Where a state law specifically permits a smaller size or sets a maximum size less than 10 acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of this chapter.

b. Screening and Buffering:

- (1) A minimum 10-foot wide greenbelt and a minimum 4-foot masonry wall or sight-obscuring fence shall be installed along the perimeter of the site, but not closer to the front site line than established as the front setback line for buildings in the zoning district in which the use is proposed.
- (2) The greenbelt and wall shall be maintained as required, and the City may require a bond for the installation.
- (3) No building shall be located closer than 50 feet from a property line that abuts any residentially used or zoned property.

c. Parking and Access Management:

- (1) The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- (2) The proposed roads and parking areas shall be adequate for the use and shall be paved.

Section 32-62 Drive-Thru Facilities

a. General Requirements:

- (1) The site shall not be contiguous to a residential district and shall not be located within 200 feet of the property line of any residentially zoned or residentially used property.

- (2) The site and use shall be located on a major or secondary thoroughfare having a right-of-way equal to, or greater than, 120 feet.
- (3) Ingress and egress points shall be located at least 60 feet from the intersection of any 2 streets.

b. Stacking Spaces:

- (1) The minimum number of stacking spaces required per service lane is determined by use in the following table.

Use	Minimum Stacking Spaces per Service Lane
Financial Institution	6
Laundry / Dry Cleaner	4
Pharmacy	3
Restaurant (Sit Down / Takeaway)	12
Vehicle Repair / Service Shop	3
Vehicle Wash (Automatic)	8
Vehicle Wash (Self)	1

- (2) Each stacking space must be a minimum of 9-feet in width and 20-feet in length.
- (3) Each drive-thru service lane must be a minimum of 10-feet in width and positioned to not interfere with normal vehicular on- or off-site traffic.
- (4) An escape lane from the drive-thru service lane must be provided to allow other vehicles to pass those waiting to be served. A maneuvering lane can be considered as an escape lane.
- (5) Public streets, alleys and sidewalks cannot be used as stacking spaces. Where a pedestrian pathway crosses a drive-thru, a path will be designated and marked.

c. Menu Boards. Menu boards must comply with the standards in [Section 32-122.n](#)

Section 32-63 Gas Stations

a. General Requirements:

- (1) The site shall contain an area of not less than 21,000 square feet.
- (2) The site for the gasoline self-service station shall have 150 feet of frontage on the principal street serving the station.
- (3) Must be located at least 1,000-feet away from an existing gas station.

b. Screening and Buffering. A 20-foot buffer shall be provided between any portion of a gas station (e.g., buildings, access drives, pumps, canopies, parking areas) and the property line of a residentially zoned or used parcel, screened and landscaped in accordance with [Article XII](#).

c. Vehicular Access:

- (1) Gas stations, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than 35 feet from the corner intersection of the property lines.
- (2) All curb openings, whether on a corner lot or not, shall not exceed 35 feet in width at the property line.
- (3) On corner lots, no driveway from a side street shall be less than 10 feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.

- d. **Canopy Setbacks.** Canopy Setbacks. Fuel station pumps, recharging stations, and canopies shall be subject to the minimum principal building setback requirements for the district, with the exception of those abutting residential properties which shall be setback in accordance with the residential separation buffer requirement, above ([Section 32-61.b](#)).
- e. **Canopy Height.** Gas station canopies shall not exceed a height of 20 feet, measured to the highest point of the canopy.
- f. **Canopy Lighting.** Canopy lighting shall comply with the standards of [Article X](#) (Lighting). With the exception of illuminated signage, the exterior of canopies shall not be illuminated.
- g. **Vehicle Storage.** Disabled vehicles shall not be stored on the property. Rental or storage of trucks, trailers, and other vehicles is prohibited.
- h. **Outdoor Display and Sales.** Outdoor ancillary sales display areas (including display of windshield solvent, motor oil, propane, and ice) shall be denoted on the site plan and shall not restrict pedestrian movement on the site. Outdoor display and sales are subject to the use-specific requirements for outdoor display and sales, [Section 32-70](#).

Section 32-64 Home-Based Business

a. General Requirements:

- (1) The operation of a home-based business that involves on-site customers requires a permit.
- (2) The following standards shall apply to all home-based businesses.

Operational Element	Standards
Employees	Maximum of 1 nonresidential employee
Floor Area	Maximum of 50% of a single story may be used for the home-based business.
Merchandise Sold on the Premises	Prohibited.
Deliveries	Limited to the customary delivery and pickup of mail and packages by the Postal Service or other private home-delivery services.
Non-Residential Exterior Building Alterations	Prohibited.
Parking / Traffic	Cannot generate parking or circulation concerns or draw truck traffic into the neighborhood.
Outdoor Activities	Prohibited
Signage	Identification and name plate signs mounted on the exterior wall, no larger than 2-square feet in area are permitted. Section 32-120.b(4) .

b. Review Process:

- (1) Applications for a home-based business permit shall be submitted to the Building Department on a form approved by the city and must include the following:
 - (a) Property address
 - (b) Owner name
 - (c) Owner contact information
 - (d) Description of business
 - (e) Number of employees
 - (f) Floor area
 - (g) Number of customers per day

- (h) Verification that merchandise is not sold on premises
 - (i) Verification that no outdoor activities will be conducted
 - (j) Sketch plan showing proposed home-based business
- (2) The City Planner reviews all final home-based business applications and determines if the proposed request meets all the requirements of this Section.
 - (3) Prior to the issuance of a home-based business permit, a fee must be paid, as established by the city's fee schedule.
 - (4) Home-based businesses shall be inspected by the building official, or designee prior to issuance of a permit. Approval is granted only if the home-based business is in compliance with the approved plans and all applicable Zoning and Building Code standards.
 - (5) All rights and privileges acquired by any person under the provisions of this Section may be revoked upon violation of any of the conditions herein.
 - (6) A home-based business permit must be renewed 2 years after the date of issuance on the permit.

Section 32-65 Hospitals

a. General Requirements:

- (1) Hospital sites shall contain a minimum area of 2 acres.
- (2) All ingress and egress from the site shall be directly onto a major or secondary thoroughfare having an existing or planned right-of-way width of at least 120 feet.
- (3) Emergency rooms, ambulance bays, and helipads shall be set back at least 150 feet from residential use or a residential zoning district.
- (4) Ambulance and delivery areas shall be obscured from all adjacent residentially-zoned or used properties by an obscuring wall or fence not less than 6 feet in height

b. Licensing. All applicants for a use under this section shall show evidence of procurement of a license to operate a hospital under the statutes of the State of Michigan and the regulations of any administrative agency required

Section 32-66 Mobile Food Vending

a. Permit Required. No person shall engage in mobile food vending without first obtaining a license from the City authorizing mobile food vending and obtaining required licenses or permits required by state or local laws and codes.

b. Exemptions:

- (1) A person exempt from the licensing requirements of this article under state or federal law.
- (2) A person engaging in mobile food vending at a farmers market, special event, festival, block party, or other temporary use approved by the City.

c. Submittal Requirements:

- (1) **Application.** A mobile food vendor intending to obtain a permit shall submit the following on an application provided by the City Clerk:
 - (a) Applicant name, address, driver's license, and contact information.
 - (b) Written approval from the property owner of the mobile food court to operate on said property.
 - (c) A copy of the approved food license from the Macomb County Environmental Health Services.

- (d) A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.
- (e) Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.
- (f) A copy of the approved mobile food site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(2) **Insurance:**

- (a) If the mobile food vending unit is a licensed motor vehicle, proof of vehicle registration with the State of Michigan and proof of motor vehicle or other applicable insurance for the unit in an amount meeting State of Michigan minimum requirements.
- (b) Proof of a comprehensive general liability policy written on an occurrence basis having policy limits of no less than \$1,000,000.00 per occurrence. A certificate of insurance naming the city as an additional insured shall be filed by the licensee with the approved application. The certificate shall provide that the city will receive 30 days written notice of cancellation or non-renewal.

d. **Review Process.** Mobile food vending permits shall be submitted and reviewed by the City Manager or their designee. The submittal process for a mobile food vending permit is as follows:

- (1) **Submittal of Application.** A complete application, required proof of insurance, and required fee must be submitted to the City Manager or their designee.
- (2) **Permit Review.** The City Manager or their designee will review the mobile food vending application for compliance with subsection g.
- (3) **Inspections.** Prior to the issuance of any mobile food vending permit, electrical, mechanical, fire safety, and all other inspections deemed necessary by the City must be completed and approved.
- (4) **Permit Issuance.** If the mobile food vending application is compliant with all applicable zoning ordinance standards and all required inspections are completed and found in compliance, a mobile food vending permit will be issued.

e. **Annual Renewal.** Permits shall be valid for a period of 1 year after issuance. Certificates of Occupancy may be renewed annually.

f. **Revocation of Permit.** An approved mobile food vendor permit may be revoked by the Building Official upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

g. **Requirements.** Mobile food vendors, mobile food vending units, and mobile food vending shall comply with the following requirements and regulations:

- (1) Mobile food vending units may operate on private property in the CN, CBD, CG, LI, and GI districts if the mobile food vending is accessory to a permitted use or approved special land use in the subsequent district and is in compliance with the applicable provisions of the Zoning Ordinance.
- (2) Mobile food vendors shall not operate on city-owned property or on public streets or right-of-ways unless approval is obtained for street closure and except as such times and in such locations permitted by the City Council. When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
- (3) No food shall be sold, prepared or displayed outside of the mobile food vending unit while on the location noted on the permit.
- (4) Mobile food vendors shall provide appropriate waste and recycling receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the mobile food vendor or customers on a daily basis. Spills of food or food by-products shall be cleaned up by the vendor, and no dumping of gray water on the ground or streets.

- (5) Mobile food vendors shall not use any flashing, blinking or strobe lights, or similar effects to draw attention to the mobile food vending unit: all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (6) Mobile food vendors shall not use loud music, amplification devices, video/LED screens or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the city.
- (7) There shall be no signage used by mobile food vendors except for what is on the mobile vending unit itself and one 2 x 3 foot weighted A-frame sign not placed in the right-of-way.
- (8) When operating the mobile food vendor shall not place personal property outside of the unit including but not limited to dining furniture, fixtures and equipment.
- (9) No mobile food vendor or unit shall utilize any electricity or power without the prior written authorization of the power customer; no power cable shall or similar device shall be extended across any street, sidewalk or parking lot except in a safe manner as approved by the Building Official.
- (10) No mobile food vendor or unit shall utilize any power from utility poles or directly from the power company.
- (11) Mobile food vendors shall comply with all applicable city, county and state laws, regulations and ordinances, including those regulating noise, signage and loitering.
- (12) Only one mobile food vendor shall operate per zoning lot at any one time unless permitted by the city.
- (13) The location of the mobile food vendor on the lot shall not create any unsafe access to the business or vendor.
- (14) Mobile food vendors must comply with the site frequency of not more than 30 total days at any one location in every 12-month period either consecutively or throughout the year at any location in the city. This pertains to all lots or parcels with shared usage such as strip malls. Site frequency is exempt for grand opening events at new businesses.
- (15) Mobile food vendors shall operate between the hours of 6:00 a.m. and 10:00 p.m. The vehicle must leave the lot and no overnight parking of the vehicle is permitted.
- (16) Mobile food vendors shall not represent the granting of a permit under this chapter as an endorsement of the city.
- (17) Prior to approval, the property owner or lessee must be in compliance with the city's code of ordinances including outstanding ordinance enforcement actions such as pavement condition, overgrown grass and weeds, open storage, etc., any open permits, unpaid taxes or water bills.

Section 32-67 Manufactured Housing

a. **General Requirements:**

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

b. **Manufactured Housing Communities:**

(1) **Lot Size:**

- (a) The minimum parcel area for a manufactured housing community shall be 25 acres.

- (b) The minimum area of an individual manufactured home lot shall be 5,000 square feet.
- (2) **Perimeter Setbacks.** No manufactured house shall be located closer than 40 feet from any public road rights-of-way and 20 feet from all other property lines.
- (3) **Internal yard setbacks.** The placement of manufactured housing within a manufactured housing community shall observe the following setback requirements:
 - (a) 20 feet from another manufactured home, or any structure attached thereto used for living purposes.
 - (b) 10 feet from an attached or detached structure or accessory structure of an adjacent manufactured home which is not used for living purposes.
 - (c) 50 feet from permanent park-owned structures (e.g., community centers, offices, etc.).
 - (d) 10 feet from the curb of an internal street.
 - (e) 7 feet from the inner edge of a common pedestrian walkway.
- (4) **Height.** Permanent structures or manufactured home shall not exceed a height of 25 feet. Accessory structures shall not exceed a height of fifteen (15) feet but shall in no case exceed the height of the structure unto which it is accessory.
- (5) **Access, Internal Streets, and On-Street Parking.** Internal circulatory streets within a manufactured housing community shall be curbed and drained and shall comply with the following standards:
 - (a) A. Individual mobile home sites within the manufactured home park shall be accessed internally rather than directly from public roads.
 - (b) Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
 - (c) The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side of the street, and 33 feet where parallel parking is permitted along both sides.
 - (d) A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.
 - (e) All streets within the manufactured housing park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications.
 - (f) Internal concrete sidewalks shall be constructed within the manufactured home park to provide adequate access between individual manufactured home lots and community facilities.
- (6) **Outdoor Storage and Accessory Buildings.** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured home park, but shall be limited to use only by residents of the manufactured housing community. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard required around the perimeter of the manufactured housing community. Such storage area shall be adequately screened from view from adjacent residential properties. Each manufactured home lot shall be permitted one (1) detached storage building, not including a garage or carport.
- (7) **Utilities.** All individual manufactured home sites shall be provided with municipal water and sanitary sewer service.
- (8) **Housing Design Standards.** Any manufactured home installed in a manufactured housing community shall comply with the construction standards of all State and Local authorities applicable to the construction of manufactured homes and the current standards of the Manufactured Home Construction and Safety Standards as adopted by the Housing and Urban Development (HUD) Department. Further, all manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.

- (9) **Site Plan Review.** Manufactured Housing Communities are subject to Site Plan review, per **Article XIII.**

Section 32-68 Multi-Unit Dwellings

- a. **Applicability.** The provisions in this section apply to multi-unit dwellings which include dwelling units with two or more attached units, but does not include single detached dwelling units, single attached dwelling units, single duplexes, single triplexes, upper-level residential, or accessory dwelling units.
- b. **Site Plan Approval.** Multi-unit dwellings are subject to planning commission site plan approval in accordance with **Article XIII.**
- c. **Internal Setbacks.** In multi-unit developments containing more than one principal structure, a minimum internal setback of 10 feet shall be provided between structures.
- d. **Accessibility.** Multi-family developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures.
- e. **Façade Variation.** Each multiple-unit building shall feature a variety of massing elements, wall planes, roof lines, and other characteristics which divide facades into human-scaled proportions. Variation may be provided by one or more of the following means:
- (1) Building projections and recesses
 - (2) Balconies
 - (3) Covered box or bay windows
 - (4) Changes in roof plane and elevation
 - (5) Dormers or gables
 - (6) Variation in building height or cornice heights
 - (7) Change of wall material or wall color
- f. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The City Planner or Planning Commission may consider alternative accent materials.
- g. **Parking.** To the maximum extent feasible, parking structures, carports, and garages shall not be located between the front or primary façade of a multi-family building and the street frontage/internal drive frontage adjacent to the front lot line. Parking shall be internalized within building groups so as not to be directly visible from the street frontage.

Section 32-69 Outdoor Dining

- a. Outdoor seating and dining are permitted as an accessory use to any legal permitted restaurant or food-related use or approved restaurant or food-related special land uses, subject to the following standards:
- (1) **Hours of Operation.** The hours of operation shall not exceed the normal hours of operation for the principal use.
 - (2) **Location.** Outdoor seating areas shall be located in a manner to maintain a minimum pathway of 6 feet (clear of structures, such as light poles, trees, and hydrants) along the private sidewalk area so as not to interfere with pedestrian traffic. In instances where the minimum width for the pathway cannot be maintained, an alternate pathway may be provided to maintain pedestrian connectivity.
 - (3) **Access.** Outdoor dining areas shall be connected to an entrance to the principal building by a paved, barrier free path.

- (4) Properties that directly abut residential districts are subject to the following additional standards:
 - (a) Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts residential district(s). Portions of outdoor seating areas that directly face residential districts or uses shall be screened in a manner to reduce visual and noise impacts to residential neighbors.
 - (b) Outdoor seating areas shall not be used between the hours of 11:00 p.m. and 7:00 a.m.
 - (c) Outdoor seating areas on a second story balcony or above, or rooftop, shall require special land use approval.
 - (d) External speakers or live entertainment may be permitted up to close of business and shall not exceed 25 decibels at the property line abutting the residential district.
- (5) Properties that do not directly abut residential districts are subject to the following additional standards:
 - (a) Outdoor seating on a second story balcony or above, or rooftop, may be permitted by right.
 - (b) External speakers or live entertainment may be permitted up to close of business and shall not exceed 65 decibels between the hours of 7:00 a.m. and 11:00 p.m. or 50 decibels between the hours of 11:00 p.m. and 7:00 a.m. at the property line.
- (6) **Enclosure and Shade Structures.** Proposed enclosures or shade structures are subject to the following standards:
 - (a) Outdoor seating areas shall be enclosed by a permanent edge feature where there is alcohol service or when located within 15 feet of parking or maneuvering lanes. Enclosures shall be a minimum of 36 inches tall and shall consist of metal railings, wood railings, brick walls, bollards, or other suitable materials, subject to approval of the approving body.
 - (b) Temporary open shade structures such as an umbrella similar to what is used in a residential backyard may be permitted without a building permit.
 - (c) Enclosed structures which exceed 120 square feet in area, such as tents, canopies, pergolas, etc. shall require a building permit.
- (7) **Maintenance.** Chairs and tables shall be of quality durable material such as metal or wood. Waste receptacles shall be provided in instances where wait staff does not clear all tables. The outdoor dining area must be kept sanitary, neat, and clean at all times.
- (8) **Application Requirements:**
 - (a) For outdoor seating areas requiring additional hardscape improvements in excess of 1,500 square feet, a site plan shall be submitted in accordance with [Section 32-142.c.](#) (Planning Commission Site Plan Review) and must be approved by Planning Commission.
 - (b) For outdoor seating areas which do not involve additional hardscape improvements in excess of 1,500 square feet, or do not require additional site improvements, a site plan shall be submitted in accordance with [Section 32-143.b.](#) (Administrative Site Plan Review) and must be approved administratively in accordance with [Section 32-142.b.](#)

Section 32-70 Outdoor Sales

a. Exemptions:

- (1) Items sold or displayed outdoors that are 6 feet or less from the edge of the storefront (including private sidewalk areas), where the aggregate display area does not exceed 25% of the linear frontage of the storefront or 20 linear feet, whichever is greater. In such cases, a minimum continuous pavement walkway and clear pedestrian path of not less than 5 feet in width shall be maintained.
- (2) Temporary outdoor sales and display areas or temporary seasonal sales lots, [Section 32-78.](#)
- (3) Accessory outdoor storage, [Section 32-71.](#)

- (4) Outdoor dining, [Section 32-69](#).
 - (5) The outdoor sales/display of vehicles at a vehicle sales and rental establishment, [Section 32-82](#).
- b. **General Standards.** Permanent Outdoor Sales, which are utilized more than 6 consecutive months in a period of 12 consecutive months, are subject to the Following Standards:
- (1) Permanent outdoor sales and display areas are permitted as listed within the Permitted Use Table, [Section 32-30](#), as an accessory use to a principal use listed in the same district. Only those products that are sold or similar to the products sold within the principal building on the sale lot shall be sold or displayed outdoors.
 - (2) Outdoor sales and display areas shall be subject to the minimum setback standards of the zoning district.
 - (3) Outdoor sales and display areas shall not be permitted within 50 ft. of any residential zoning district or residential use, with the exception of mixed-use buildings.
 - (4) Outdoor sales and display areas shall not be located within any designated parking areas, vehicle circulation areas, pedestrian circulation areas, fire lanes, or required landscape areas.
 - (5) Outdoor sales and display areas shall be located immediately adjacent to the front, side, or rear building façade.
 - (6) A permanent barrier must maintain a separation between the outdoor sales and display area and any parking or drive aisles.
 - (7) Outdoor sales and display areas greater than 500 square feet shall be enclosed with a solid fence or wall to screen views from public rights of way and adjacent properties. The design of the fencing or wall shall be compatible with the principal building(s).
 - (8) The area used for permanent outdoor sales and display areas shall not exceed twenty-five percent (25%) of the gross floor area of the corresponding principal commercial building.
 - (9) Outdoor sales and display areas shall be paved with asphalt, concrete, or other material that can be maintained in a dust-free condition. Gravel is not permitted.

Section 32-71 Outdoor Storage

- a. **Applicability.** Permanent outdoor storage and display areas are permitted as listed within the Permitted Use Table, [Section 32-30](#), as an accessory use to a principal use listed in the same district.
- b. **Exemptions.** Vehicle Sales and Rental are exempt from these provisions but are subject to use standards found in [Section 32-82](#).
- c. **Surface.** Open storage areas shall be hard surfaced with gravel or other suitable approved material and drained to meet city engineering requirements. If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards or provided with a surface acceptable to the City Engineer.
- d. **Screening.** Outdoor storage areas must be screened in accordance with [Section 32-116.d](#).

Section 32-72 Pawn Shop

- a. **Buffering.** No portion of the property upon which such business is situated is permitted within 1,100 feet of any of the following uses. The method of measurement shall utilize the 2 property edges closest to each other, measured with a direct line.
 - (1) A residentially-zoned district;
 - (2) Property upon which a residential use exists;
 - (3) A religious institution;

- (4) A K-12 school;
- (5) A child care center;
- (6) Any public park.

Section 32-73 Public Utility

- a. **Generally.** This use is permitted where government/municipal services are permitted.
- b. **Utility Approval.** Except as provided elsewhere in this chapter, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require city council approval pursuant to Article VII, Section 29, of the 1963 Michigan Constitution, after review and recommendation by the planning commission based on the standards outlined in Article XII of this chapter and of Act 368 of the Public Acts of the State of Michigan 1925, as amended.

Section 32-74 Single Attached Dwelling Unit

- a. **Applicability.** This provision applies to the following:
 - (1) Single attached dwelling units that include 4 or more consecutive units sharing a common wall.
 - (2) A single attached dwelling unit development that includes 2 or more buildings with 2 or more consecutive units sharing a common wall.
- b. **Site Plan Approval.** Single attached dwelling units are subject to planning commission site plan approval in accordance with [Article XIII](#).
- c. **Location.** Multiple single attached dwelling units may be placed on a single parcel, similar to a multi-family development, or be placed on individual fee-simple lots.
- d. **Number of Units.** A single attached dwelling unit shall include a minimum of 2 and a maximum of 8 consecutive units sharing a common wall.
- e. **Internal Setbacks.** In single attached dwelling unit developments containing more than one principal structure, a minimum internal setback of 10 feet shall be provided between structures.
- f. **Accessibility.** Single attached dwelling unit developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures.
- g. **Facade Variation.** Each multiple-unit building shall feature a variety of massing elements, wall planes, roof lines, and other characteristics which divide facades into human-scaled proportions. Variation may be provided by one or more of the following means:
 - (1) Building projections and recesses
 - (2) Balconies
 - (3) Covered box or bay windows
 - (4) Changes in roof plane and elevation
 - (5) Dormers or gables
 - (6) Variation in building height or cornice heights
 - (7) Change of wall material or wall color

- h. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The City Planner or Planning Commission may consider alternative accent materials.
- i. **Parking.** To the maximum extent feasible, parking structures, carports, and garages shall not be located between the front or primary façade of a multi-family building and the street frontage/internal drive frontage adjacent to the front lot line. Parking shall be internalized within building groups so as not to be directly visible from the street frontage.

Section 32-75 Site Condominium Subdivision

- a. **Intent.** The intent of these requirements is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of the City.
- b. **Applicability.** Single unit detached condominiums may be allowed as a permitted use in the RL and RM zoning districts, subject to site plan review by the Planning Commission. Commercial and industrial condominiums that result in condominium unit(s) that exceed the building envelope(s) shall also be regulated by this section.
- c. **Submission Requirements.** All site condominium subdivision plans shall be submitted for review, as required by **Article XIII** of this Zoning Ordinance (site plan review requirements and procedures) and **Section 66** of the Condominium Act, and include the following additional information:
 - (1) A boundary survey of the site condominium subdivision-site.
 - (2) A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
 - (3) The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
 - (4) A copy of the master deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Act 228 of 1969, at some future date.
- d. **Review Procedures.** Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans for site condominium projects shall require approval by the planning commission before units may be sold or site improvements initiated. In determining whether to approve a site condominium subdivision plan, the planning commission shall consult with the City Attorney, City Planner and engineer regarding the adequacy of the submission as it relates to this chapter and requirements of the Condominium Act. The review process shall consist of the following two steps:
 - (1) **Preliminary Plan Review.** In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans with all applicable provisions of this chapter. The master deed is not required to be submitted during this phase.
- e. **Final Plan Review.** Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by the submission requirements. Such plans and information shall be reviewed by the City Attorney, City Engineer, And City Planner. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
- f. **District Requirements.** The development of any site condominium subdivision shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of the project (including the number of dwelling units per acre in residential projects) shall be no greater and spacing (yards) no less than would be permitted if the property were subdivided.

- g. **Design Standards.** All development in a site condominium subdivision shall conform to the design standards of **Chapter 26** of the city Code, being Articles VII and VIII. This includes the requirement that all streets and roads be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.
- h. **Utility Easements.** The site condominium subdivision plan shall include all necessary easements granted to the city for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and stormwater run-off across, through and under the property, subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- i. **Final Acceptance.** The City shall also require all the appropriate inspections. After construction of the site condominium subdivision, an as-built reproducible mylar of the completed project shall be submitted to the city for review and approval by the city engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the city.
- j. **Conversions.** A majority of co-owners, as defined pursuant to Condominium Act, Public Act 1978 No. 59, as amended, may require that the project be platted in accordance with the Subdivision Control Act of 1967. Public Act 1967 No. 288. Platting of such condominium projects shall not terminate the project unless four-fifths ($\frac{4}{5}$) of co-owners vote for such termination.

Section 32-76 Smoking Lounges

- a. **General Requirements:**
 - (1) Such facilities shall comply with all other county health laws and other applicable federal, state or local laws.
 - (2) All such uses shall ingress and egress directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least 120 feet.
 - (3) All activities other than the parking of motor vehicles and loading or unloading shall be conducted within a completely enclosed building except for an outdoor activity specifically approved and/or licensed by the city.
 - (4) No buildings shall be closer than fifty (50) feet to any property line.
 - (5) Maximum lot coverage will not exceed thirty (30) percent.
 - (6) No uses shall abut an existing residential district on more than 1 side.
- b. **Operational Requirements:**
 - (1) No such business shall operate earlier than 11:00 a.m. nor later than 12:00 midnight.
 - (2) No person under 18 years shall be permitted to be present, including, but not limited to as a patron or employee upon the premises.
- c. **Buffering.** No building allowing such use shall be located within 1,250 feet of any public or private school or child care center property.

Section 32-77 State Licensed Residential Facilities

- a. **Licensing.**
 - (1) The licensee must permanently reside as a member of the household.
 - (2) The following uses must be registered with the applicable state licensing authority prior to operation.
 - (a) State Licensed Family Child Care Home (Up to 7 children)
 - (b) State Licensed Group Child Care Home (up to 14 children)

- (c) State Licensed Foster Care, Family Home
 - (d) State Licensed Foster Care, Family Group Home
 - (e) State Licensed Foster Care, Adult Family Home (1-6 persons)
 - (f) State Licensed Foster Care, Adult Small Group Home (7-12 persons)
 - (g) State Licensed Foster Care, Adult Large Group Home (13-20 persons)
- b. **Accessory Use.** When permitted as an accessory use in a zoning district, state licensed residential facilities are only permitted as accessory to a single detached dwelling unit.

Section 32-78 Temporary Uses

- a. **Intent.** Temporary uses, such as mobile vendors and outdoor sales, serve as effective tools for activating underutilized spaces. Depending on their nature, these uses may be short-term or long-term and play a key role in placemaking, fostering entrepreneurship, and supporting a business-friendly environment within the City. This section outlines various types of temporary uses and establishes standards to minimize adverse impacts on surrounding areas while maintaining a high-quality environment. No temporary use described in this section shall display goods or merchandise in a manner that obstructs pedestrian or vehicular traffic safety or violates fire or police regulations.
- b. **Types of Temporary Uses.** Below is a table of temporary uses differentiating between those that require a temporary use permit from the City Clerk's office, and those that do not require a permit or license.
- (1) Temporary Uses Requiring a Temporary Use Permit:
 - (a) Outdoor Sales
 - (b) Seasonal Sales Lots
 - (c) Special Events
 - (2) Temporary Uses Not Requiring a Temporary Use Permit:
 - (a) Garage or Yard Sales
 - (b) Emergency Facilities: Temporary facilities to accommodate emergency health and safety needs and activities.
 - (c) Temporary Construction Yards – on-site: Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
 - (d) Temporary Construction Office or Temporary Real Estate Office. A temporary construction or real estate office used during the construction of a principal building, buildings, or uses on the same site, subject to building permits and trade permits.
 - (e) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the Zoning Ordinance or Municipal Code.
 - (f) Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.
 - (g) Temporary portable on-site storage units in accordance with [Section 32-85.h](#).
- c. **Submittal Requirements:**
- (1) **Complete Application.** A completed application and required fee.
 - (2) **Written Description.** A written statement describing the requested use and the proposed hours and days of operation.

- (3) **Illustrative Plan.** An illustrative plan that shows the following, plus any other information needed to demonstrate compliance with the specific use requirements contained within this article as requested by the Building Official:
 - (a) The site boundary.
 - (b) Location of fire hydrants.
 - (c) Existing and proposed buildings / structures.
 - (d) Boundaries of proposed sales or activity areas.
 - (e) Location and method of waste disposal.
 - (f) Any other information deemed necessary by the Planning and Building Departments.
 - (4) **Signs.** Temporary signs are permitted as part of a temporary use with the following standards:
 - (a) Signs must be in the same location as the vendor/display.
 - (b) Signs located on a canopy or vending unit must be banner.
 - (c) Signs located apart from a canopy or vending unit must be a yard sign or sandwich board sign.
 - (5) **Proof of Ownership / Property Owner Permission.** Proof of ownership or, if the applicant is not the owner of the land, written permission from the owner to use the property for said use. If the activity is proposed to occur in public right-of-way, then Public Safety must provide written permission.
 - (6) **Liability Insurance.** A temporary use permit applicant must provide a copy of their insurance policy demonstrating the company and policy number upon application submission.
 - (7) **Additional Permits / Approvals.** Outside agency permits and approvals must be obtained, if necessary.
- d. **Review Process.** Temporary use permits shall be submitted and reviewed by the City Manager or their designee. The submittal process for a temporary use is as follows:
- (1) **Submittal of Application.** A complete application, required proof of insurance, and required fee must be submitted to the City Manager or their designee.
 - (2) **Permit Review.** The City Manager or their designee will review the temporary use application for compliance with subsection e.
 - (3) **Inspections.** Prior to the issuance of any temporary use permit, electrical, mechanical, fire safety, and all other inspections deemed necessary by the City must be completed and approved.
 - (4) **Permit Issuance.** If the temporary use application is compliant with all applicable zoning ordinance standards and all required inspections are completed and found in compliance, a temporary use permit will be issued.
- e. **Standards Applicable to all Temporary Uses.** All temporary uses, including but not limited to those listed in this Section, shall comply with the following standards:
- (1) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience, and general welfare, either on or off the premises.
 - (2) Temporary uses shall be set back a minimum of 25 feet from abutting residentially-zoned parcels or residential uses, with the exception of existing mixed-use buildings.
 - (3) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, clear vision triangle, ADA spaces or aisles, or egress from buildings on the lot or on adjoining property.
 - (4) Temporary uses shall provide adequate parking area and improvements adequate to accommodate anticipated vehicular traffic. Safe pedestrian accessibility shall be provided between parking areas and the temporary use, with a separation between vehicular and pedestrian traffic areas.

- (5) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City authorizes the use of City-owned property or right-of-way.
 - (6) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area.
 - (7) Signs for temporary uses shall be permitted only in accordance with the following:
 - (a) Signs must be in the same location as the vendor/display.
 - (b) Signs located on a canopy or vending unit must be banner.
 - (c) Signs located apart from a canopy or vending unit may only be a yard sign, "A" frame or inverted "T" portable sign, air-blown sign, or feather sign.
 - (8) Temporary uses shall comply with all requirements of the Fire Code and other applicable codes and regulations.
- f. **Allowed Temporary Uses and Use-Specific Standards.** The following temporary uses may be permitted via approval from the Planning and Zoning Administrator, subject to satisfying use-specific standards.
- (1) **Temporary Outdoor Displays/Sales.** The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, sidewalk sales, and parking lot sales, may be conducted accessory to an otherwise lawfully permitted or allowed principal use on the same site, subject to the following:
 - (a) Temporary outdoor displays and sales shall only be permitted in a non-residential zoning district, accessory to an existing business located on the same property.
 - (b) Products displayed and sold outdoors shall relate to the on-site use and business, and all activities shall be conducted within the lot.
 - (c) Temporary outdoor displays and sales are limited to a period of 30 consecutive days. Two 30-day periods are permitted per calendar year, which may or may not be consecutive.
 - (d) Sales and display areas may not occupy more than 15% of the parking area and shall not substantially alter the existing circulation or fire access on site.
 - (2) **Seasonal Sales Lots.** Temporary seasonal sales activity (e.g., Christmas trees, pumpkin sales, plant sales, fireworks sales) may be permitted, subject to the following:
 - (a) Seasonal sales lots may be permitted in any non-residential zoning district, or on any public, quasi-public, or institutional site.
 - (b) Temporary seasonal sales are limited to a period of 30 consecutive days. Two 30-day periods are permitted per calendar year, which may or may not be consecutive.
 - (c) Sales and display areas may not occupy more than 15% of a parking area and shall not substantially alter the existing circulation or fire access on site.
 - (3) **Special Events.** Special events such as auctions, craft fairs, and carnivals, may be permitted, subject to the following:
 - (a) Special events may be permitted in any non-residential, or on any property approved for public, quasi-public, or institutional uses.
 - (b) The temporary special event is limited to a maximum of 7 consecutive days. A total of 3 seven-day periods are permitted per year, separated by a stretch of 14 consecutive days.
 - (c) Permitted hours of operation shall be limited to between 8:00 a.m. to 10:00 p.m.

- g. When a temporary use is not specifically mentioned in this section, the City Planner may determine that such use is similar in nature to listed use(s) above and shall establish the term, and make necessary findings and conditions for the particular use. The City Planner reserves the right to refer any request for a temporary use permit to the Planning Commission for action.
- h. In issuing a temporary use permit, the approving authority may impose conditions which it finds necessary for the protection and preservation of property rights and values of adjacent properties.

Section 32-79 Twenty-Four Hour Operations

- a. **General Requirements:**
 - (1) The site shall not be contiguous to any residence or residential district and shall not be located within 300 feet of the property line of any public or private school, or playground.
 - (2) The site shall be so located as to abut a major or secondary thoroughfare right-of-way, and all ingress and egress to the site shall be directly from said thoroughfare.
 - (3) The building, or part thereof, devoted to such use or activity shall be designed and constructed in such a manner that no audible sound may be heard by adjoining tenants or at the lot line.

Section 32-80 Upper-Level Residential

- a. **Intent.** To encourage and provide for the economic vitality of the Central Business District, residential occupancy shall be permitted in buildings of two stories in height or greater, subject to the conditions in this Section.
- b. **Ground Level Residence Prohibited.** No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.
- c. **Mixed Uses on Same Floor.** In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - (1) Compatible hours of operation.
 - (2) Noise of operation or occupancy that would be detrimental to the business operation or vice versa.
 - (3) Excessive foot traffic.
- d. **Parking.** Off-street parking shall be provided in accordance with Article VII of this chapter and shall be provided in designated off-street parking areas within 1,320 feet of the dwelling unit they are to serve.

Section 32-81 Vehicle Repair / Service Shop

- a. **General Requirements:**
 - (1) All repair activities shall be confined to the interior of the building and adequate measures shall be taken to ensure that any noise, dust, smoke, odor, fumes or other negative environmental impacts are confined to the site.
 - (2) No outdoor storage is permitted.
 - (3) An adequate means of waste disposal shall be provided so that the byproducts of automobile repairs and services and other waste are disposed of properly. Solid waste, rubbish and trash storage areas shall be screened by decorative poured concrete wall of six (6) feet in height enclosing three (3) sides.

Section 32-82 Vehicle Sale / Rental

- a. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 20,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.
- b. **LI/GI Special Land Use when abutting Residential.** Within the LI and GI zoning districts, special land use approval shall be required when the vehicle sales or vehicle rental use shares a property line with a residentially-zoned or used parcel.
- c. **Vehicular Access and Circulation:**
 - (1) Vehicle sales facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than 35 feet from the intersection of the property lines at the corner.
 - (2) A maximum of 2 curb cuts are permitted per street frontage.
- d. **Paving.** Auto display, parking, and circulation areas shall be paved with a durable surface.
- e. **Vehicle Display and Storage.** Outdoor vehicle display, sales and storage areas, when permitted, shall be located a minimum of 10 feet from all property lines and right-of-way lines and shall be screened in accordance with Section 32-116(1) (Parking Lot Landscaping). Within the LI and GI zoning districts, vehicle display areas may be permitted in the front yard a minimum of 20 feet from right-of-way lines. All display vehicles shall be parked in designated display spaces and shall not be parked in required parking spaces. Vehicles displayed for sale shall not be artificially elevated above grade.
- f. **Sales Office.** A minimum of 500 square foot permanent structure shall be provided on the lot to serve as offices and restrooms for vehicle sales use.
- g. **Accessory Vehicle Repair / Service Shop.** Vehicle repair and service associated with the vehicle sales use shall receive separate approval for “Vehicle Repair / Service Shop”, in districts where permitted, and shall be subject to the use specific standards for “auto repair and service facilities” in [Section 32-81](#).

Section 32-83 Vehicle Wash (Automatic & Self)

- a. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of an auto wash facility (e.g., buildings, access drives, vacuuming areas, parking areas) and the property line of a residentially zoned or used parcel, screened and landscaped in accordance with [Section 32-116.b](#).
- b. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 14,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.
- c. **Vehicle Wash Design:**
 - (1) All washing services, except vacuuming and handtowel drying, shall be completely within an enclosed building.
 - (2) Bay doors facing a right-of-way shall be adequately screened with landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of [Section 32-116.a](#).
 - (3) The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.
- d. **Vacuum Stations.** Outdoor vacuum station areas shall comply with the minimum setbacks for the principal structure, with the following additional provisions:
 - (1) Vacuum areas shall be set back a minimum of fifty (50) feet from the property line of a residentially-zoned or used parcel.
 - (2) Outdoor vacuum stations shall not be permitted between the principal building and the principal street right-of-way, nor project closer to the principal street right-of-way line than the principal building.

- (3) Outdoor vacuum stations and related equipment visible from a street or adjacent residential property shall be adequately screened by landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of [Section 32-116.a.](#)
- e. **Stacking Spaces.** Stacking spaces for waiting traffic shall be provided in accordance with [Section 32-62.b.](#)
- f. **Vehicular Access and Circulation:**
 - (1) Vehicle wash facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the intersection of the property lines at the corner.
 - (2) A maximum of one (1) curb cut is permitted per street frontage. All curb openings shall not exceed thirty-five (35) feet in width at the property line.
 - (3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
 - (4) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
 - (5) All maneuvering areas, stacking lanes, and exit driveways shall be located within the auto wash property. Exit driveways leading immediately from the auto wash building shall not directly connect to the public right-of-way.
- g. **Hours of Operation.** No vehicle wash services or vacuuming shall be performed before 7 a.m. or after 10 p.m.

Section 32-84 Wireless Communication Towers

- a. Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be designed and located in such areas so as to have a limited visibility and impact on neighboring residential areas and shall be in conformance with the following requirements:
 - (1) The applicant shall submit verification of FCC and FAA compliance.
 - (2) A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure and/or antennae to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible. Such towers shall be designed to accommodate at least 3 additional co-locators antennae structures. In all cases, communication towers shall be designed to blend into the surrounding environment to the maximum extent feasible.
 - (3) In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the city, co-location of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible. Applicants shall provide the name, address and telephone number of contact persons for potential co-locations for verification purposes. Applicants shall also provide signal propagation maps which clearly convey the need for such tower at the proposed location and clearly shows that existing towers and preferred locations do not work. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:
 - (a) Promptly responding to any requests for information from a potential co-user of their tower/antenna;
 - (b) Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and

- (c) Make no more than a reasonable charge for a shared use lease.
 - (4) If the application involves co-location on an existing tower or structure, the public hearing requirements shall be waived, and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Co-location may be permitted by the planning commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located.
- b. **Requirements to Show Colocation is not Possible.** Approval of a communication tower facility shall not be granted until such time that the applicant has demonstrated all of the following:
- (1) The proposed facility is needed because the telecommunications provider is unable to co-locate its facility with another provider or other structure; and
 - (2) The proposed facility is needed to correct a significant gap in coverage.
 - (3) The applicant shall also demonstrate that there are no suitable tower sites within the preferred industrial zoning districts or on city-owned properties.
- c. **Siting.** The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning districts in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:
- (1) Towers shall be permitted in the LI and GI zoning districts upon site approval and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other zoning districts in the city, unless the applicant can demonstrate that no suitable site exists for a tower within the LI and GI districts. Upon such a finding, tower locations shall be sought based on the hierarchy listed below. The applicant shall demonstrate that no suitable site exists in each zoning district listed, prior to requesting the next district on the list. District Hierarchy:
 - (a) CG Zoning District
 - (b) CBD Zoning District
 - (c) CN Zoning District
 - (d) RH Zoning District
 - (e) RT Zoning District
 - (f) Other Remaining Districts
 - (2) The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the city, and any such tower/antenna shall not exceed 120 feet in height above the average grade around the structure it is mounted upon.
 - (3) The tower site shall meet all city standards relating to drainage, lighting, landscaping, general safety and other applicable standards. All landscaping shall be placed in an aesthetically pleasing and functional manner. Such landscaping shall be incorporated along access drives servicing the tower site and around fencing and all associated cabinets.
 - (4) Maintenance of all landscaped areas associated with the construction of a tower or the co-location of an antenna shall be the sole responsibility of the tower owner. All landscaped areas shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition. All unhealthy and dead material shall be replaced within one (1) year.
 - (5) All communication towers and facilities shall be surrounded by a six (6) foot high fence to prevent unauthorized access and vandalism. Two (2) staggered rows of six (6) foot high evergreen screening trees, as approved by the city, shall be placed outside of said fence to screen the tower base and ancillary facilities, unless the topography and elevation of the site permit another form of landscaping obscurement as

determined by the planning commission. Each row of trees shall be planted at intervals of ten (10) foot on center. The fence surrounding the tower shall be a decorative vinyl coated chain-link material (earthen color) or other similar decorative fence determined appropriate by the commission.

- d. **Lighting.** Lighting associated with communication towers and facilities shall comply with all applicable FAA regulations. Such lighting shall not exceed FAA minimum standards. Where ground level lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties. Ground level lighting shall operate on motion detectors to minimize any negative impacts.
- e. **Access.** A 12-foot-wide paved access road shall be provided and maintained in a good condition to provide access for service and emergency vehicles. Such access road shall meet all city engineering design requirements.
- f. **Setback.** Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this section. Minimum setback requirements, unless otherwise provided for, are as follows:
 - (1) When adjacent to nonresidential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a non-residential zoning district may be reduced to one-half (½) the overall height of the tower. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring Greenbelt.
 - (2) When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any residential district may be reduced to the overall height of the tower/antenna. In no instance shall any tower be located within a required front yard. Accessory buildings and uses shall be screened in the same manner as communication towers and facilities. Accessory buildings shall be constructed of a brick material, the color selection as approved by the planning commission to provide for harmonization with the surrounding area. Roof design, i.e., gable or flat roof, shingled and color shall be determined and approved by the planning commission so as to provide harmony and obscurement in relation to the existing area and surrounding uses.
 - (3) Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
- g. **Accessory Structures.** Cellular antennae and supporting structures shall be permitted to be attached to buildings and structures in all zoning districts whether or not they are accessory to the building use, subject to the following conditions.
 - (1) The principal use is a conforming use and the building is a conforming structure.
 - (2) If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae or antennae with supporting structure may not exceed twenty (20) feet in height.
 - (3) The structure that supports antennae may not exceed ten (10) feet in height.
 - (4) Such antennae with supporting structure shall not be credited to the overall height of the building.
 - (5) Any structure that supports antennae shall be setback from the outermost vertical wall or parapet of the building, a distance equal to at least two (2) times the height of such supporting structure.
- h. **Review.** In addition to site plan review, the planning commission, with a majority vote, may require an independent third-party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one (1) or more of the following findings:
 - (1) The applicant has not substantiated a need for a proposed tower to the satisfaction of the commission.
 - (2) The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the commission.

- (3) The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
- (4) The data supplied by the applicant is determined to be disorganized, confusing or misleading by the commission.
- i. All structures, buildings and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. Every telecommunication provider with sites located in Fraser shall provide the city with an annual report disclosing the radio frequency emissions of each tower or antenna it has within the city. The city may by resolution require annual inspections of radio frequency emissions of each tower or antenna by the city to ensure that they are being operated within the requirements of the Telecommunications Act of 1996. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the city council. The city shall charge a fee for the annual inspection to cover its costs.
- j. A condition of every approval of a wireless communication facility shall be adequate provision for the removal of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with topsoil. For purposes of this section, the removal of towers, antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

Article IX.

General Provisions



Section 32-85 Accessory Buildings, Structures, and Uses

- a. **Permit.** A zoning permit is required for any accessory buildings or structures included in this section.
- b. **Accessory Buildings:**
 - (1) **Accessory Buildings for Single Detached Dwelling Units, Duplexes, and Triplexes:**
 - (a) No accessory building shall be constructed prior to the enclosure of the main building.
 - (b) An accessory building, irrespective of location, shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation.
 - (2) Accessory Buildings for Uses **Other Than Single Detached Dwelling Units, Duplexes, and Triplexes:**
 - (a) When an accessory building is intended for other than the storage of accessory motor vehicles, the proposed accessory use shall be verified by the City Planner as truly accessory to the principal permitted use.
 - (3) **Schedule Of Regulations for Accessory Buildings.** The following standards are applicable to accessory buildings.

Accessory Building Type	Minimum Setback			Maximum Height	Misc. Standards
	Front Yard	Side Yards (each side)	Rear Yard		
Attached Accessory Building	Where an accessory building is structurally attached to a main building, it shall conform to all regulations of this chapter applicable to the main building.				
Detached Accessory Building (Single Detached Dwelling Units, Duplexes, and Triplexes)	Not Permitted in the Front Yard	3 feet	6 feet	15 feet ^A	An accessory building shall not exceed 2/3 of the main building. An accessory building shall be a minimum of ten (10) feet from main building.
Detached Accessory Building (uses other than Single Detached Dwelling Units, Duplexes, and Triplexes)		Same as district standard	10 feet	20 feet ^A	An accessory building shall be a minimum of 10 feet from main building.
Accessory Dwelling Units	See Section 32-59				

A. *The maximum building height for structures with pitched roofs shall be measured to the midpoint of the roof. The midpoint is defined as the average height between the eave and the highest point of the roof (ridge).*

c. **Carports, Pergolas, and Gazebos.** All carports, pergolas, gazebos, and similar structures shall be subject to the following regulations:

(1) **Setbacks.** The following setbacks shall be observed for decks, porches, and patios.

Structure	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Carports (residential)	Not Permitted in Front Yard	Same as District Standard	6 feet
Carports (non-residential)	Not Permitted in Front Yard	Same as District Standard	10 feet
Pergolas and Gazebos	Not Permitted in Front Yard	Not Permitted in Side Yard	6 feet

(2) **Impervious Surface.** Carports, pergolas, and gazebos shall not be counted towards impervious surface maximum calculations provided they are constructed so that there is permeable surface under the entire structure.

(3) **Stormwater.** Carports, pergolas, and gazebos shall be designed and constructed to prevent stormwater runoff from flowing onto adjacent properties.

d. **Decks, Porches, and Patios.** All decks, porches, patios, and similar structures shall be subject to the following regulations:

(1) **Setbacks:**

(a) The following setbacks shall be observed for decks, porches, and patios.

Structure	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Above-Grade Decks	Not Permitted in Front Yard	Same as District Standard	15 feet
Above-Grade Uncovered or Covered Porch and Covered Decks	50% of the minimum setback for the zoning district.	Same as District Standard	15 feet
At-Grade Patio	Not Permitted in Front Yard	1 foot	1 foot

- (b) No portion of the deck or porch located in the required rear yard shall contain covered structures such as gazebos, screened or covered porches. Decks or porches sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered.
- (c) If covered structures are installed on a deck or porch they shall be subject to the standards applicable to the main structure and in the applicable zoning district.

(2) **Second-Story Decks:**

- (a) Second-story decks, including any walkway connecting the second-story deck to a first-story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback, provided it does not extend more than fourteen feet from the rear of the dwelling.
- (b) The area of a second-story deck shall not count toward the permitted impervious surface coverage for accessory buildings and structures.
- (c) If covered or enclosed, a second-story deck is subject to the minimum setbacks that apply to the main structure on the property, as set out the applicable zoning district.

(3) **Impervious Surface.** Decks, porches, and patios shall be included in the computing of maximum impervious surface for a lot, with the exception of second-story decks.

e. **Swimming Pools.** Swimming pools, spas, hot tubs, and similar devices shall be permitted in all zoning districts, subject to the regulations below:

(1) **Setbacks.** The following setbacks shall be observed for Swimming pools, spas, hot tubs, and similar devices.

Structure	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Residential Use	Not Permitted in Front Yard	Not Permitted in Side Yard	6 feet
Non-Residential Use	Same as District	10 feet	10 feet

(2) **Security Fencing.** Swimming pools, spas, hot tubs and similar devices that contain twenty-four inches or more of water in depth at any point shall provide a permanent security fencing and closable gate that meets the requirements of the city building code.

f. **Flag Poles.** See [Section 32-120.b](#).for additional standards regarding flagpoles and flags.

g. **Utility Structures.** All ground-mounted transformers, generators, air conditioner units, mechanical equipment, and similar equipment shall be subject to the following regulations:

(1) **Setbacks.** The following setbacks shall be observed for utility structures.

Structure	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Residential Use	Not Permitted in Front Yard	5 feet (a)	10 feet
Non-Residential Use	Not Permitted in Front Yard	Same as District	feet

- (a) Such structures may be permitted within an interior side yard, provided it is screened completely with an enclosure. Such enclosure shall be constructed of masonry materials similar/compatible to the building(s) to which they are accessory and shall obscure all utility structures within.

(2) **Screening.** Non-residential utility structures shall be screened in accordance with [Section 32-116.f](#).

(3) **Impervious Surface.** Utilities structures shall be including in the computing of maximum impervious surface for a lot.

h. **Portable Storage Units.**

- (1) Portable storage units, including shipping containers or cargo containers, are not permitted as permanent structures in any zoning district.
- (2) On residentially zoned or residentially used properties, portable storage units are permitted only for temporary use, subject to the following:
 - (a) The container may be placed for a maximum of 14 consecutive days within a calendar year.
 - (b) One 14-day extension may be granted by the Building Manager or their designee.
 - (c) The container must be placed in the driveway or rear yard, comply with setbacks for accessory structures, and shall not be used for commercial purposes.
- (3) On non-residentially zoned properties, portable storage units are permitted in any zoning district, subject to the following:
 - (a) The container is limited to 60 consecutive days within a calendar year.
 - (b) The container shall not exceed 8.5 feet wide, 20 feet long, and 8 feet high.
 - (c) The container must be located in the rear yard and comply with setback requirements for accessory buildings.
 - (d) Additional time or placement may be granted by the Building Manager upon demonstration of need and provided that visibility, access, and neighborhood character are not adversely impacted.

i. **Above Ground Storage Tanks.** In LI and GI districts, outdoor placement of above-ground storage tanks shall satisfy the following standards:

- (1) Above-ground storage tanks shall be accessory to an otherwise permitted use.
- (2) Above-ground storage tanks shall be located in a non-required rear or interior side yard.
- (3) Above-ground storage tanks shall be in compliance with the city's adopted Fire Code and any applicable State of Michigan and federal regulations related to such use.

j. **Antennas:**

- (1) Television and radio antennas, including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory structure in any district subject to the following conditions of this section.
- (2) Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of **Section 32-84**.
- (3) Satellite dishes shall be located on the building roof or ground.
 - (a) Building-Mounted:
 1. The receiving portion of a building-mounted reception antenna shall not exceed a dimension of seven square feet of wind resistance surface in any residential district.
 2. The receiving portion of a building-mounted reception antenna shall not exceed a dimension of fifty square feet of wind resistance surface in any nonresidential district.
 3. Reception antenna shall not exceed a height of more than three feet above the highest point of the roof on which it is mounted in any residential district.
 4. In any nonresidential zoning district, the total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the district in which it is located.
 5. Roof-mounted reception antenna shall be placed on a section of the roof in the rear yard.

6. Reception antenna shall be designed to withstand a wind force of eighty-five miles per hour without the use of supporting guy wires.
7. Reception antenna shall not be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the television reception antenna.

(b) Ground-Mounted:

1. The receiving portion of a ground-mounted antenna shall not exceed a dimension of fifty square feet of wind resistance surface.
2. The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.
3. The reception antenna, including its concrete base slab or other substructure, shall be set back a minimum of ten feet from any property line or easement in any residential district and a minimum of five feet from any property line or easement in any nonresidential district.
4. Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.
5. Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.
6. A reception antenna shall not exceed a height of fourteen feet.
7. Wiring between a reception antenna and receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.
8. Reception antenna shall be designed to withstand a wind force of seventy-five miles per hour without the use of supporting guy wires.

(c) General:

1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
2. No more than three antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
3. The color of the antennae shall be of tones similar to the surroundings.

(d) **Temporary Permits for Mobile Units.** Mobile reception antenna units may be granted temporary permits for periods not to exceed seventy-two hours by the building official. The unit shall be located in accordance with location requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, the temporary installation shall not be permitted to exceed a twenty-four-hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

(4) **Exemptions.** Conventional television antennae and satellite dishes less than 3.3 feet (one meter) in diameter for a residential use and 6.6 feet (two meters) in diameter for a nonresidential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line.

k. **Use-Specific Standards for Accessory Uses.** Certain accessory uses are explicitly permitted in the Permitted Use Table, [Section 32-30](#). Certain accessory uses may have use-specific standards; refer to [Article IV](#), Use Standards.

Section 32-86 Animals

- a. **Generally.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that non-vicious dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes. All other provisions pertaining to animals, including wild animals, pets, and livestock, are pursuant to Chapter 5 of the Code of Ordinances.

Section 32-87 Building Grades

When a new building is constructed on a vacant lot between 2 existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water run-off solutions from new buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the building official. Where final grades are 2 feet or more above the grade of the fronting road, or when the building official deems necessary, a "certificate of grading and location of building" shall be duly completed and certified by a registered engineer or land surveyor before final grades are approved.

Section 32-88 Building Materials Schedule of Regulations

- a. The following standards apply to all buildings (except for single detached dwelling units, duplexes, and triplexes):
- (1) Primary materials comprise a minimum of 75% of the first-floor façade and 50% of the façade for upper floors.
 - (2) Secondary materials comprise a maximum of 25% of the first-floor façade and 50% of the façade for upper floors.

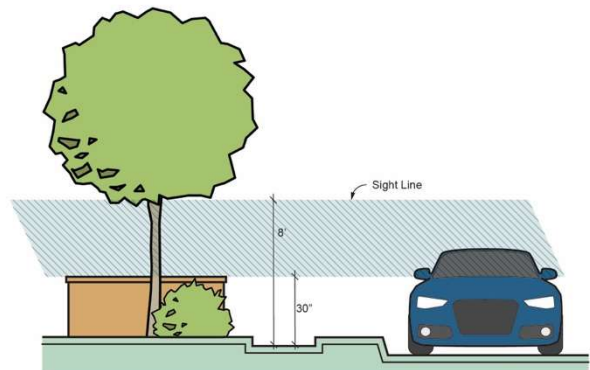
Material	Zoning District					
	Non-Residential Uses in RL, RM, RT, or RH	CN	CBD	CG	LI	GI
Masonry <ul style="list-style-type: none"> • Brick (natural, glazed, painted) • Stone (natural, synthetic) • Terra Cotta 	Primary, Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary
Concrete <ul style="list-style-type: none"> • Cast in Place • Precast 	-	Primary, Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary
Concrete Masonry Units (CMU) <ul style="list-style-type: none"> • Burnished and Split Face 	-	Secondary	Secondary	Primary, Secondary	Primary, Secondary	Primary, Secondary
Siding <ul style="list-style-type: none"> • Wood (natural, composite) • Fiber Cement Board (e.g. Hardi Panel) 	Secondary	Secondary	-	-	-	-
Stucco <ul style="list-style-type: none"> • Traditional cementitious • Synthetic EIF 	Secondary	Secondary	Secondary	Primary, Secondary	-	-

Architectural Metal Panel							
<ul style="list-style-type: none"> Insulated Composite 	-	-	-	Secondary	Primary, Secondary	Primary, Secondary	

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

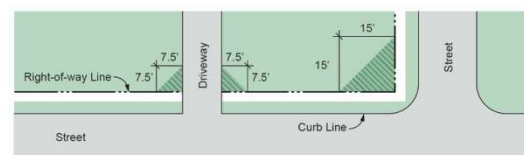
Section 32-89 Clear Vision Area

- a. Within a clear vision area, there can be no fence, structure, or planting between 30-inches to 8-feet in height to enable an unobstructed view of approaching traffic. This standard does not apply to buildings.
- b. The clear vision area is defined as the following:
 - (1) **Two Streets.** The area at the intersection of two streets within a required setback, measured 15-feet on each street along the lot line.
 - (2) **Driveway and a Street.** The area at the intersection of a driveway and the right-of-way, measured 7.5-feet on both the driveway and street along the lot line.



Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features



Section 32-90 Engineering Code

All improvements required in this chapter shall comply with the design and construction standards of the City Engineering Code.

Section 32-91 Fences

- a. **Generally:**
 - (1) **Permit.** Installation of a fence or gate on any lot requires a permit.
 - (2) **Residential Fences.** All fences in residential areas shall be of an ornamental type and shall not be more than 6 feet, nor less than 3 feet in height above the established grade level of the land where the fence is erected.

- (3) **Industrial or Commercial Fences.** All fences in areas zoned or used for nonresidential purposes shall not be less than 6 feet, nor more than 8 feet in height above the established grade level of the land where the fence is erected.

b. **Location:**

- (1) All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners.
- (2) The City shall not be responsible for determination of the location of any fence to be erected on lot lines.
- (3) No fence or wall shall be erected, established, or maintained within the clear vision area of any lot except in compliance with **Section 32-89**.
- (4) Fences shall be set back a minimum of one foot from public rights-of-way.
- (5) No residential fence shall be constructed in the front yard setback.
- (6) On corner lots, fences located may be permitted in the side street setback provided they are in compliance with the clear vision requirements of **Section 32-89**.
- (7) Only one fence may be installed along a shared property line. Where a new fence is proposed adjacent to an existing fence, a minimum separation distance of two feet shall be provided between such fences. Sufficient access shall be provided to the area between the fences to facilitate maintenance.

c. **Construction:**

- (1) Material specifications:
 - (a) Fences must be constructed of materials designed for a decorative effect such as vinyl, split-rail, wood, wrought iron, aluminum metal, and extruded plastic. Powder-coated chain link is encouraged if chain link fencing is proposed.
 - (b) Wood fences must be constructed of cedar, redwood, or other decay-resistant and treated wood. 3
 - (c) Razor edge or barbed wire fences, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge of any fence, is prohibited.
 - (d) No fabric, plastic slats, tarps or other similar items shall be hung from a fence.
- (2) **Finished Fence Side.** The finished side of any fence must face the exterior of the lot it is built on

- d. **Walls:** When desired, a screen wall constructed of brick or other suitable quality masonry material approved by the Building Official may be substituted for a fence, subject to the same height and location requirements.

Section 32-92 Frontage

Every dwelling or principal building shall be located on a lot which fronts upon an improved public or an existing private street, road or highway. Modification of this requirement may be permitted by the zoning board of appeals in cases where unusual land or geographic conditions exist.

Section 32-93 General Exceptions

- a. **Access through yards.** For the purpose of this chapter, access drives may cross a required front yard or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, driveway or other pavement servicing a like function shall, for the purpose of this chapter, not be considered to be a structure and shall be permitted as necessary in any required yard.

- b. **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 which primarily serve the city from the application of this chapter.
 - (1) **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.
- c. **Height limitations and exceptions.** The height limitations of this chapter may be modified by the Planning Commission in their application to all structures that are customary and incidental to principal and accessory structures, including church spires, belfries, cupolas, domes, water towers, power transmission lines and towers, radio and television towers, masts and aerials, smokestacks, ventilators, satellite dishes, derricks, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and accessory to the permitted uses of the zoning districts in which they are located.
- d. **Projections into Yards.** Architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard, and may extend or project into a required front or rear yard not more than 3 feet.
- e. **Railroad lines, sidings, and spurs.** The installation or extension of all railroad lines, sidings and spurs shall be subject to prior approval of the city council. In any case where such installation will cross a street or highway, plans shall first be submitted for approval as to public safety to the city engineer, city public safety department and Macomb County Road Commission.

Section 32-94 Performance Standards

- a. **Intent.** It is the intent of this subsection to regulate all uses and require that each permitted use shall be a good neighbor to adjoining properties by control of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc. The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained herein. Compliance with the provisions of this subsection by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted. In case of conflict among these standards and federal and state regulations, the most restrictive standard or regulation shall apply.
 - (1) **Noise.** See Fraser Code **Chapter 14.5 (noise chapter)**.
 - (2) **Airborne Emissions.** It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.
 - (3) **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.
 - (4) **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
 - (5) **Vibration.** Vibration shall not be discernible at any property line to the human sense of feeling.
 - (6) **Smoke.**
 - (a) **Density.** It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart.
 - (b) **Exception.** Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any 30 minutes shall be permitted.
 - (c) **Method of Measurement.** For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this

chapter, shall be the standard. However, the Unbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

- (d) **Exemption.** Emission from fireplaces used for non-commercial or purpose shall be exempt.
- (7) **Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions are subject to regulations established in conjunction with the Air Pollution Act, Michigan PA 348 of 1965, as amended, the federal Clean Air Act of 1990, as amended, and any other applicable state or federal regulations.
- (8) **Electrical radiation.** Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.
- (9) **Hazardous Substances:**
- (a) Any person, firm, corporation or other legal entity operating a business of conducting an activity with uses, stores, or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate federal, state or local authority having jurisdiction. The city shall be informed of any and all inspections conducted by a federal, state or local authority in connection with a permit and/or license.
- (b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a **hazardous materials survey on a form supplied by the city** in conjunction with the following:
1. Upon submission of a site plan.
 2. Upon any change of use or occupancy of a structure or premise.
 3. Upon any change of the manner in which such substances are used, handled, stored, and/or in the event of a change in the type of substances to be used, handled or stored. Plan review and approval. Site plans for facilities with hazardous substances shall be reviewed by the fire marshal or his/her designee prior to the approval by the planning commission.
- (10) **Fire and Explosive Hazards.** The storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).
- (11) **Waste and Rubbish Dumping.** No garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, wastepaper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers or piled, placed, stored or dumped on any land within the city in such a manner as to constitute a nuisance or create a hazard to health, safety, morals and general welfare of the citizens of the City.

Section 32-95 Renewable Energy Systems

- a. **Permitted.** Active and passive renewable energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to zoning permit and building permit.
- b. **Setbacks.** Ground-mounted renewable energy devices are only permitted in the rear yard and must conform with accessory building setbacks for the zoning district which they are situated.
- c. **Maximum Height of Structures.** Active and passive renewable energy devices, systems or structures shall not exceed the maximum building height in the zoning district which they are situated.

Section 32-96 Well Systems

A well system on any site for any proposed use shall be tested and approved in accordance with the requirements of the Macomb County Health Department prior to the issuance of any occupancy permit for such site and use and, if for human and domestic consumption, it shall be found satisfactory for domestic consumption.

Article X. Lighting

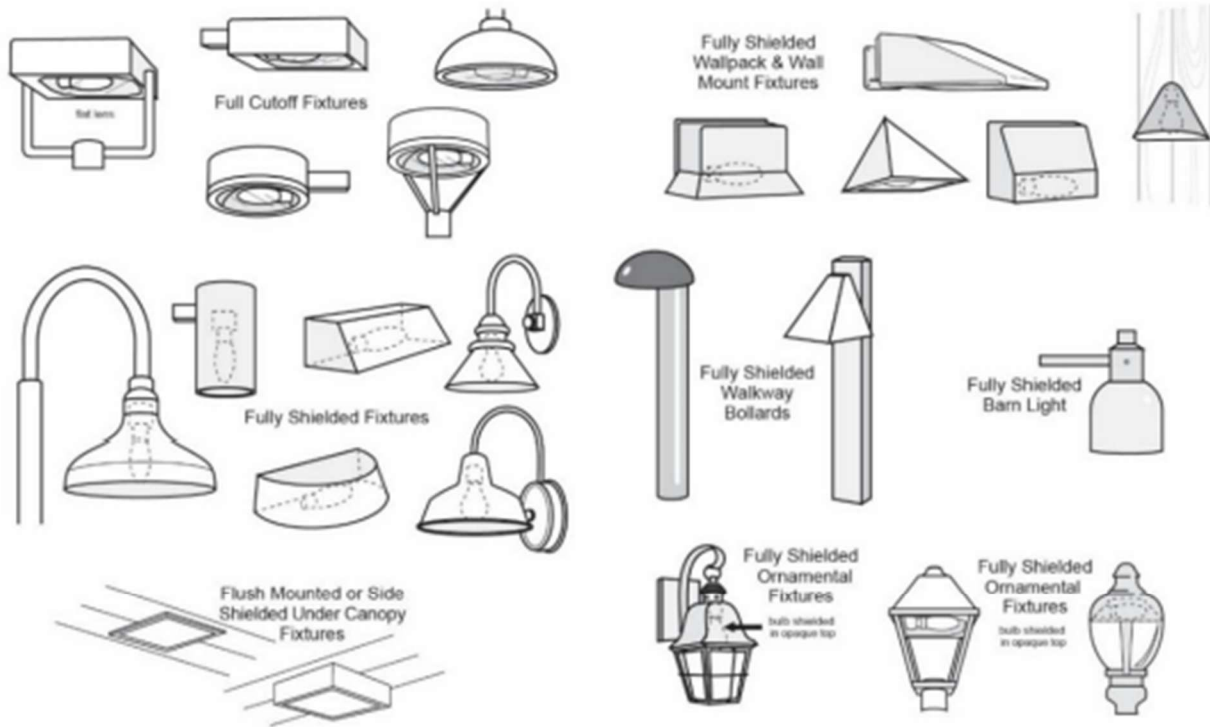


Section 32-97 Intent

- a. The regulations in this section are intended to:
- (1) Require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, outdoor task areas, and common areas to ensure the security of property and safety of persons.
 - (2) Prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste.
 - (3) Permit and encourage the use of lighting that complements and enhances the aesthetics of the city in general while providing the above-mentioned benefits.

Section 32-98 General Requirements

- a. **Applicability.** These standards apply to any proposed exterior light source and any light source that is visible from any lot line, or beyond, for the site from which the light is emanating.
- b. **Shielding.** All exterior lighting, excluding accent lighting in residential districts, must be fully cut off and shielded so the surface of the source of the light is not visible, and is directed downward and shielded away from adjacent properties. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.



Acceptable Light Fixtures

- c. **Non-Essential Lighting.** Non-essential lighting must be turned off after business hours, except for the minimum necessary security lighting.
- d. **Lighting Heights.** Free standing light poles are measured from the grade to the top of the fixture:

Zoning District	Maximum Height (feet)
RL, RM	15
RT, RH	20
CN, CBD	22
CG, LI, GI	25

- e. **Intensity.** The intensity of outdoor lighting in all use districts shall be limited to the following maximum amounts measured horizontally at grade:

Illumination of	Maximum Level of Illumination
Overall Average for the site	5.0 fc
At any point within the site (except Gas Stations, Drive-Throughs, or Outdoor Vacuum Stalls)	10.0 fc
At any point along property line	0.5 fc
Pump Canopy Areas of Gas Stations	20.0 fc
Drive-Throughs or Outdoor Vacuum Stalls	15.0 fc

No light measured (at eye level) at the property line between any non-residential use and any residential district or use shall be greater than one-quarter ($\frac{1}{4}$) foot candle at the side and rear property line, nor greater than one-half ($\frac{1}{2}$) foot candle or the intensity of the available street lighting at the front property line, whichever is greater.

- f. **Rope Lighting.** Rope lighting is only allowed to outline windows or other transparent openings (fenestration). It must not block visibility through the glass. Only one continuous row of rope lighting is allowed per window or fenestration feature.
- g. **Prohibited Lighting:**
- (1) Flashing, moving, animated, or intermittent lighting, except bulbs on marquee lighting.
 - (2) String lighting when used to cover an exterior façade, or portion thereof.
 - (3) Laser source light or any similar high intensity light for outdoor advertising or entertainment that projects above the horizontal plane of the fixture.
 - (4) Searchlights.
- h. **Exceptions.** The following sources of light are exempt from the requirements of this section:
- (1) Public streetlights and traffic control signs.
 - (2) Lighting for permitted temporary uses.
 - (3) Lighting necessary for construction operations, or emergencies, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
 - (4) Any lighting required by the FAA for air traffic control, navigation, or warning purposes.
 - (5) Additional exceptions permitted upon a determination by the Zoning Board of Appeals finding that unique or special conditions on the site warrant the exception
 - (6) Lighting of public or private outdoor recreational facilities during a permitted recreational or sporting event.
 - (7) Holiday lighting

Article XI.

Parking, Loading, and Access Management



Section 32-99 Intent

- a. The intent of the provisions of this article are established to:
 - (1) Prevent congestion on public streets by requiring developments to provide clearly defined parking areas that are separated from roadways;
 - (2) To remove the hazard to pedestrians emerging between parked vehicles onto a public street;
 - (3) To facilitate proper storm-water runoff;
 - (4) To prevent the generation of dust into the area; and
 - (5) To make clear the availability and arrangement of spaces to all users.

Section 32-100 General Requirements

- a. **Generally.** Unless otherwise noted in this Article or Zoning Ordinance, there shall be provided in all districts at the time of erection or enlargement of any main building or structure, or at the time of change of use, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed.
- b. **Use of Parking Spaces.** The use of required parking spaces for material storage, refuse storage and containers, storage and display of vehicles and/or other merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
- c. **Location.** Off-street parking areas shall be sited in accordance with the Schedule of Regulations ([Section 32-31](#)).
- d. **Landscaping.** Off-street parking areas shall be screened and landscaped in accordance with [Article XII](#) (Landscaping).
- e. **Lighting.** Off-street parking areas shall comply with the [Article X](#) (Lighting).

- f. **Snow Removal and Storage.** All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, standing water, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of the Article, except for temporary periods of no more than 5 days in the event of heavy rainfall or snowfall. All parking lots shall have adequate areas for snow storage that do not interfere with the required parking or circulation.
- g. **Off-street Parking Facilities for Residential Uses.** The following provisions are applicable to residential off-street parking spaces for single detached dwelling units, duplexes, and triplexes:

(1) Driveway Dimension Requirements

	Maximum Width at the Property Line	Maximum Width	Side Setback
Attached Garages	Width of garage	Width of garage plus 9 feet (a,b)	1 ft
Detached Garages	12 feet	Width of garage plus 9 feet(a,b)	1ft
No Garages	12 feet	20 feet	1ft

- a. Driveway must use side yard first before using the front yard for creation or expansion of driveway exceeding the width of the garage.
 - b. If driveway exceeds the width of the garage, the expansion must include a 45-degree or less taper from the intersection of the driveway and sidewalk, or Right-of-Way if no sidewalk exists, to the end of the expanded driveway.
- (2) Parking shall be restricted to asphalt or concrete surfacing. The City Engineer may approve alternative improved surfaces.
 - (3) All driveways shall be designed and constructed to prevent stormwater runoff from flowing onto adjacent properties. Driveways must be graded to direct runoff toward appropriate drainage infrastructure, such as swales, culverts, or stormwater management systems.
 - (4) Driveways must adhere to the impervious surface maximums specified in [Section 32-31](#).
 - (5) Horseshoe drives may be permitted so long as the maximum impervious surface is not exceeded. Horseshoe drives do not need to adhere to the provisions in Section 32-92(10)(a) but must not exceed a width of 12 feet at the property line.
 - (6) Replacing up to 25% of the existing driveway area does not require building or zoning permits.

Section 32-101 Vehicle Parking Requirements

- a. **Recreation Vehicles and Equipment.** Motels, tourist cabins, motor homes, trailers or tents shall not be allowed or considered a legal use in a residential district. This shall not prohibit the storage of recreation vehicles or small utility trailers in the side or rear yard, and which is the property of the occupant, provided:
 - (1) The recreation vehicle parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
 - (2) If the recreation vehicle is parked or stored outside of a garage, it shall be parked or stored in the side or rear yard only. The setback requirement from the side and rear yard shall be a minimum of 3 feet. Corner lots shall observe the same street setbacks as the required side yard.
 - (3) Notwithstanding the provisions of subsection (2) above, a recreation vehicle may be parked in the driveway for active loading or unloading purposes.
 - (4) The city manager or his designate may issue a permit for the parking or storage of a recreational vehicle in a driveway for up to 72 hours, upon application showing good cause and payment of a permit fee as may be set by resolution of the council from time-to-time. The permit shall be displayed in the lower left-hand corner of the front windshield of the recreational vehicle.

- (5) All recreational equipment stored outside must be kept in good repair and carry the current year's license or registration.

b. Commercial Vehicles:

- (1) Commercial vehicle shall not be parked in residential districts.
- (2) Storage of commercial vehicles shall comply with [Section 32-71](#).

Section 32-102 Minimum Number of Off-Street Parking Spaces

- a. **For Those Uses Not Specifically Mentioned.** The requirements for off-street parking facilities for such uses shall be in accordance with a use which the approving body considers is similar in type. If no use is deemed to be similar, the applicant shall propose a minimum count based on a parking study or another acceptable alternative, subject to the approval of the approving body.
- b. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
 - (1) **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area, unless otherwise noted herein. For purposes of minimum parking calculations, when a floor plan is not available, usable floor area (UFA) shall be considered 75 percent of total gross floor area.
 - (2) **Occupancy.** For requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal.
 - (3) **Number of Employees.** For requirements stated in terms of number of employees, the calculation shall be based on the number of employees in the largest working shift.

Use	Minimum Parking Spaces Required
Residential Uses	
Single Detached Dwelling Unit	2 per dwelling unit
Single Attached Dwelling Unit	2 per dwelling unit
Duplex	2 per dwelling unit
Triplex	2 per dwelling unit
Multi-Unit Dwelling (4+ units)	2 per dwelling unit
Upper-Level Residential	2 per dwelling unit
Accessory Dwelling Units (ADUs)	-
Manufactured Housing	2 per dwelling unit
Home Based Businesses	-
State Licensed Foster Care, Adult Family Home (1-6 persons)	0.5 per bedroom in addition to single detached dwelling unit requirements
State Licensed Foster Care, Adult Small Group Home (7-12 persons)	0.5 per bedroom in addition to single detached dwelling unit requirements
State Licensed Foster Care, Adult Large Group Home (13-20 persons)	0.5 per bedroom in addition to single detached dwelling unit requirements
State Licensed Family Child Care Home (Up to 7 children)	-
State Licensed Group Child Care Home (up to 14 children)	-
State Licensed Foster Care, Family Home	-
State Licensed Foster Care, Family Group Home	-
Senior Living Facility (assisted / independent)	3 per 4 units
Transitional Housing / Shelters	0.5 per bedroom in addition to single detached dwelling unit requirements if applicable
Planned Unit Development	Varies See Article VII

Commercial Uses	Minimum Parking Spaces
Adult Business	1 per 300 sq. ft. UFA
Artisan / Maker Space	1 per workstation
Bar	1 per 2 seats + 1 per employee
Body Art / Tattoo Shop	1 per tattoo station + 1 per employee
Child Care Center	1 per 400 sq. ft. UFA
Crematories	1 per employee
Drive-Thru Facility	Stacking spaces in accordance with Section 32-62 + parking for principal use
Event Hall	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the Fire Marshal.
Financial Institution	1 per 200 sq. ft. UFA
Funeral Home / Mortuary (without crematories)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the Fire Marshal.
Gas Station	1 space at each pump + retail, restaurant, and auto service components are subject to associated standards listed in this section
Grocery Store	1 per 300 sq. ft. UFA
Hospitals	1 space per bed + 1 space per employee + parking for emergency facilities shall be provided on the basis of 1 space per 100 sq. ft. UFA of the emergency room, patient treatment areas and waiting areas
Hotel / Motel	1 per occupancy unit + 1 per employee
Hotel, Bed and Breakfast	1 per occupancy unit + 1 per employee
Nursery / Greenhouse	1 per 200 sq. ft. of sales area
Laundry / Dry Cleaner	1 per 1,000 UFA
Massage Establishment	1 per 300 sq. ft. UFA
Medical Office	1 per 300 sq. ft. UFA
Museums / Galleries	1 per 3 people in the capacity authorized by the Fire Marshal
Brewery / Distillery / Winery	1 per 2 seats + 1 per employee
Mobile Vending	-
Office	1 per 300 sq. ft. UFA
Outdoor Dining	-
Outdoor Sales	-
Pawn Shop	1 per 300 sq. ft. UFA
Pharmacy	1 per 300 sq. ft. UFA
Personal Service Establishment	1 per 300 sq. ft. UFA
Pet Grooming / Pet Boarding Facility	1 per 700 sq. ft. UFA
Physical Fitness Facility	1 per 250 sq. ft. of exercise area + 1 per employee
Restaurant, Sit Down	1 per 4 seats + per employee
Restaurant, Take Away	1 per 100 sq. ft. UFA (excluding kitchen areas)
Retail Sale Establishment, Small	1 per 300 sq. ft. UFA
Retail Sale Establishment, Large	1 per 400 sq. ft. UFA
Secondhand / Rummage Shop	1 per 300 sq. ft. UFA
Smoking Lounge (Hookah or Cigar)	1 per 2 seats + 1 per employee
Studio (Dance, Art, Photography)	1 per 3 people in the capacity authorized by the Fire Marshal
Theatre	1 per 3 people in the capacity authorized by the Fire Marshal
Tobacco / Smoke Shop	1 per 300 sq. ft. UFA
Twenty-Four Hour Operations	-
Vehicle Repair / Service Shop	2 per auto mechanical service stall + 1 per employee
Vehicle Sales / Rental	1 per 400 sq. ft. UFA in the sales or rental room + 1 per employee
Vehicle Wash (automatic)	1 per employee + stacking spaces in accordance with Section 32-62
Vehicle Wash (self-service)	1 per employee + stacking spaces in accordance with Section 32-62
Veterinary Clinic	1 per 700 sq. ft. UFA

Industrial Uses	Minimum Parking Spaces
Contractors Yard / Office	1 per 800 sq. ft. UFA
Distribution Center	1 per 800 sq. ft. floor area
Equipment Sales, Repair, Rental	1 per 800 sq. ft. floor area
Lumber / Building Material Yard	1 per 1,000 sq. ft. of floor area used for office purposes, minimum 4 spaces
Manufacturing Facility - Low Intensity	1 per 800 sq. ft. floor area
Manufacturing Facility- High Intensity	1 per 800 sq. ft. floor area
Trucking Facility	1 per 1,000 sq. ft. floor area
Outdoor Storage	1 per 200 sq. ft. of floor area used for office purposes
Recycling Facility	1 per 800 sq. ft. UFA
Reuse Facility	1 per 800 sq. ft. UFA
Research and Development Facility	1 per 600 sq. ft. UFA
Self-Storage Facility	1 per 200 sq. ft. of floor area used for office purposes
Junk Yard	1 per 1,000 sq. ft. of floor area used for office purposes, minimum 4 spaces
Warehousing	1 per 1,500 sq. ft. floor area
Wholesale Facility	1 per 1,500 sq. ft. floor area

Public / Semi-Public Uses	Minimum Parking Spaces
Cemetery (without crematoriums)	See Section 32-61
Government/Municipal Services	1 per 300 sq. ft. UFA
Cultural Centers	1 per 300 sq. ft. UFA
Libraries	1 per 500 sq. ft. UFA
Institution of Higher Education	1 per employee + 1 per 3 students + 1 per 3 seats in an auditorium / stadium (if applicable)
K - 8 School	3 per classroom
9 - 12 School	1 per employee + 1 per 3 students + 1 per 3 seats in an auditorium / stadium (if applicable)
Membership Organization / Non-Profit Social Club	1 per 300 sq. ft. UFA
Recreation - Indoor	1 per 3 people in the capacity authorized by the Fire Marshal
Recreation - Outdoor	1 space per 1,000 sq. ft. of use area
Religious Institution	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the Fire Marshal.
Trade / Vocational School	1 per employee + 1 per 3 students + 1 per 3 seats in an auditorium / stadium (if applicable)
Wireless Communication Facilities	-

Section 32-103 Reduction from Minimum Off-Street Parking Standards

- a. **Intent.** It is the intent of this subsection to recognize that, based on site-specific conditions, certain uses may function with less off-street parking than required in the table above. Further, the City of Fraser recognizes the benefit of reducing the amount of unnecessary impervious surface. As such, reductions in the requirement for minimum parking spaces may be permitted as follows:
- (1) **Administrative Waiver.** When reviewing a site plan administratively, outside of the Planning Commission site plan review process, the City Planner may grant up to a twenty (20) percent reduction in the minimum required number of parking spaces where the applicant can demonstrate that the project can satisfy the standards listed in subsection b below.
 - (2) **CBD Waiver.** The City Planner, or Planning Commission where required, may grant up to a fifty (50) percent parking reduction for properties located within the CBD where the applicant can demonstrate that the project can satisfy the standards for parking reductions listed in subsection b), below.

- (3) **Planning Commission Waiver.** As part of the site plan review process outlined in **Article XVII**, the Planning Commission may grant up to a thirty (30) percent reduction in the minimum required number of parking spaces for properties outside of the CBD where the applicant can demonstrate that the project can satisfy the standards listed in subsection b, below.
- b. **Standards for Parking Reductions.** As permitted above, the approving body may reduce minimum parking requirements where the applicant can demonstrate that one of the following standards can be satisfied (in order of importance):
- (1) Documentation of other instances of similar land uses in comparable settings within the Detroit metropolitan area and the appropriateness of those parking conditions. If the evidence and data presented under this evidence category is based upon local data that conflicts with evidence and data from a national source, the local evidence and data under this category shall take precedence.
 - (2) Statistical information documenting parking demand for the site during the immediately preceding two-year period, any evidence of parking congestion or a need for parking in excess of the amount being proposed, or any projections regarding anticipated increased parking needs arising from any changes to the site arising from the pending request. If the evidence and data presented under this evidence category is based upon site specific information that conflicts with evidence and data from a national source, the site specific information under this category shall take precedence.
 - (3) Additional data supporting the proposed parking requirement modification, as deemed appropriate in the discretion of the planning commission and after receiving input from the city planner.
 - (4) The average parking demand for the subject use set forth in the most current version of "Parking Generation" by the Institute of Transportation Engineers or, if that document has not been updated within the preceding two (2) years, the most current version or an equivalent authoritative source on the subject of average parking demand.
- c. **Revocation.** The City reserves the right to revoke any previously approved reductions in minimum off-street parking requirements if it determines that the minimum parking is necessary, and the reduction is negatively affecting public safety.

Section 32-104 Maximum Off-street Parking Requirements

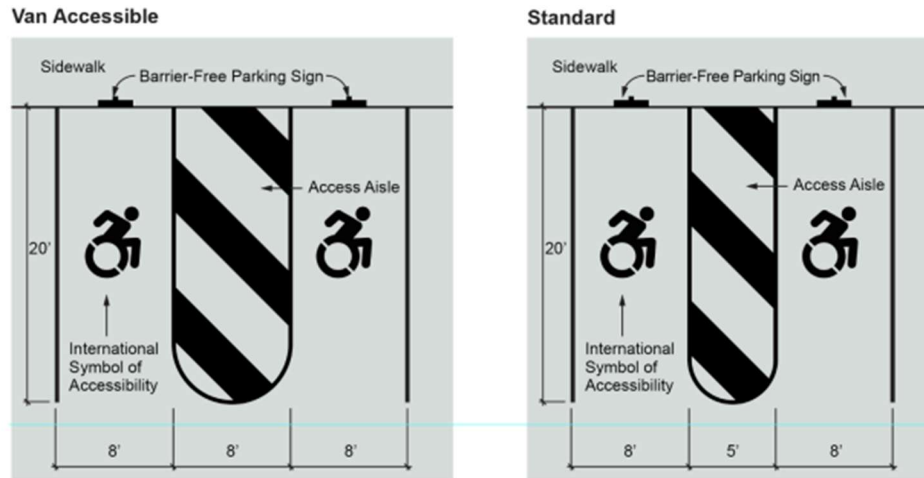
- a. In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed 130 percent (130%) of the minimum parking requirements of [Section 32-102](#). This requirement shall not apply to single detached dwelling units, single attached dwelling units, duplexes, or triplexes.
- b. Planning Commission, where required, may permit additional parking over and above the maximum parking if the applicant proposes low impact development techniques such as permeable pavement, rain gardens, bioswales, or other methods that are satisfactory to the Planning Commission. A variance from the Zoning Board of Appeals shall be required for projects exceeding 130% of minimum parking requirement that do not achieve low impact development requirements.

Section 32-105 Shared Parking

- a. The parking and loading regulations for any premises with multiple uses must be the sum of the minimum requirements for the individual uses on the premises.
- b. In order to meet the minimum amount of required off-street parking spaces for a given use, application must be made to the Planning Commission for the right to engage in the joint use of owned parking spaces. Prior to approving the joint use of parking spaces to meet the minimum amount of required off-street parking for a given use in a given district, the Planning Commission must verify by a preponderance of the evidence that each of the following statements are true:
 - (1) The shared use of off-street parking spaces is unlikely to have overlapping times.
 - (2) The number of parking spaces designated for shared use shall include no less than seventy-five (75%) of the combined minimum number of required off-street parking spaces.
 - (3) The parking spaces designated for shared use are within 700 lineal feet of the applicant's primary entrance.
 - (4) Written agreements between the applicant and the owner/operator of the parking spaces approve this shared use. Written agreements shall be to the satisfaction of the City Attorney and shall be recorded with the Macomb County Register of Deeds.
 - (5) There must be adequate pedestrian access provided between the shared parking lot and the associated buildings and uses.

Section 32-106 Barrier-Free Parking Spaces

- a. Each parking lot that serves a building, except single detached dwelling units, duplexes, and triplexes must provide parking spaces that meet the requirements for barrier-free access. A barrier-free route of travel from accessible parking spaces to the nearest barrier-free building approach shall be provided. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1996 as amended, and the Americans with Disabilities Act.



- b. A minimum number of barrier-free spaces is required, as described in the schedule below:

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

Section 32-107 Bicycle Parking Facilities

a. Applicability:

- (1) Any development project which meets the threshold of requiring a site plan review as required by [Section 32-142.a.\(2\)](#) (Planning Commission Site Plan Review) shall provide bicycle parking facilities in accordance with the provisions of this section.
- (2) Bicycle parking facilities shall be provided if a site requires more than 5 parking spaces. Any use that requires bicycle parking and has more than 40 off-street vehicle parking spaces shall provide one additional bicycle parking space for every 20 vehicle parking spaces above 40.

b. Required Bicycle Parking.

A minimum of 4 bicycle parking spaces shall be provided when bicycle parking facilities are required. One “U” shaped rack may be counted as 2 bicycle parking spaces.

c. Location:

- (1) Bicycle parking facilities shall be no greater than 50 feet from the entrance being served and shall be in an area which is deemed reasonably visible by the Zoning Administrator.
- (2) Minimum required bicycle parking spaces shall not be removed unless equal facilities are provided elsewhere.

d. Layout and Design Standards:

- (1) In accordance with the Association of Pedestrian and Bicycle Professionals Bicycle Parking (APBP) Guidelines, acceptable bicycle parking facility designs include:
 - (a) Inverted U (loop)
 - (b) Post & Ring
 - (c) Wheelwell Secure
- (2) In accordance with the Association of Pedestrian and Bicycle Professionals Bicycle Parking (APBP) Guidelines, prohibited bicycle parking facility designs include:
 - (a) Wave
 - (b) Schoolyard
 - (c) Coathanger
 - (d) Wheelwell
 - (e) Bollard
 - (f) Spiral
 - (g) Swing Arm Secured
- (3) All bicycle parking areas must be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.

e. Access.

All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of five feet.

INVERTED U

also called
staple, loop



POST & RING



WHEELWELL- SECURE



RACKS TO AVOID

WAVE

also called undulating
or serpentine



SCHOOLYARD

also called
comb, grid



COATHANGER



WHEELWELL



BOLLARD



SPIRAL



SWING ARM SECURED



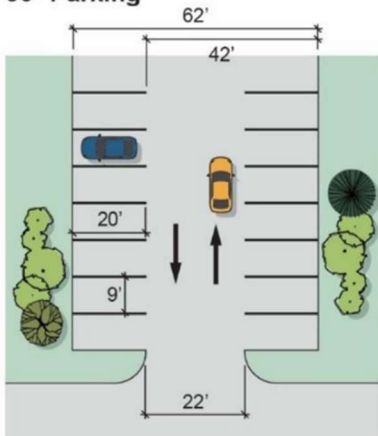
- f. **Waiver.** Upon the written request of an applicant, the Planning Commission may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

Section 32-108 Off-Street Parking Space Layout Standards, Construction and Maintenance

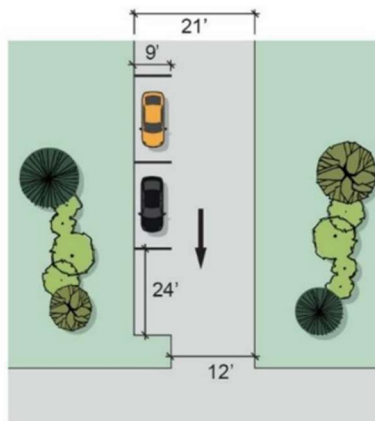
Wherever the off-street parking requirements in [Section 32-98](#) above require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- a. **Permits.** No parking lot shall be constructed unless and until a permit therefor is issued by the building department. Applications for a permit shall be submitted as per the requirements of site plan review ([Article XVII](#)).
- b. **Surface.** The entire parking area, including parking spaces and maneuvering lanes, required under this Article shall be provided with asphaltic, concrete surfacing, and/or pervious concrete/pavers of equable durability in accordance with specifications approved by the City Engineer.
- c. **Dimensional Requirements.** Each off-street parking space shall be in accordance with the following table and figure. Access drives shall be a minimum of 12 feet in width for one way access and 22 feet for two-way ingress and egress. Where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles. All dimensions below are measured from back of curb to back of curb.

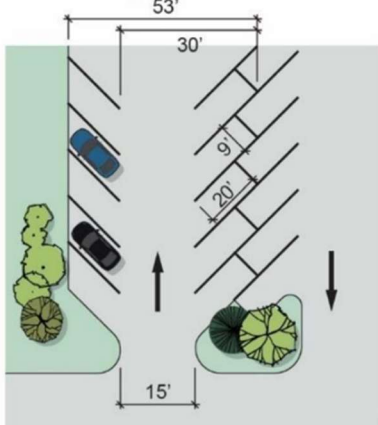
90° Parking



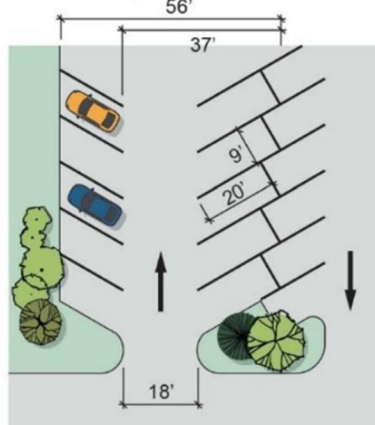
Parallel Parking



45° Parking



60° Parking



Parking Pattern	Parking Space Width	Parking Space Length	Maneuvering Lane Width	One Tier of Parking & Maneuvering Lane	Two Tiers of Parking & Maneuvering Lane
90 degrees	9 feet	20 feet	22 feet	42 feet	62 feet
60 degrees	9 feet	20 feet	18 feet	37 feet	56 feet
45 degrees	9 feet	20 feet	15 feet	30 feet	53 feet
Parallel	9 feet	24 feet	12 feet	21 feet	

- d. **Curbing.** Except for those parking areas serving a single unit detached dwellings, duplexes, and triplexes, concrete curbs (6 inches high) shall be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines or required setback areas. The approving body may approve an alternative design or waive curb requirements when opportunity exists to substantially improve the water quality of the site subject to approval by the City Engineer. In all cases where parking lots abut public sidewalks, a concrete curb at least 6 inches high shall be installed so that a motor vehicle cannot be driven or parked within 2 feet of a public sidewalk. The use of bumper blocks is prohibited, except in unique circumstances as determined by the Planning Commission.
- e. **Drainage.** Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the city's engineering design standards chapter.
- f. **Landscaping.** Right-of-way screening, parking lot landscaping, and screen walls shall be provided in accordance with [Article XII](#), Landscaping and Screening.
- g. **Electric Vehicle (EV) Charging Stations.** EV charging stations may be located in any parking lot, as long as the required dimensions and number of spaces required by this Article are maintained within the lot. Parking spaces for EV charging may be included in the parking space count when determining minimum amount. Related EV-charging equipment, such as transformers, switchgear, or other similar items, must be screened with a fence, wall, berm, evergreen landscaping, or any combination thereof.
- h. **Access.** All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly into a street.
- i. **Noise.** The use of any loud noise-producing device or public address system shall be prohibited.

Section 32-109 Parking Structure Development Standards

It is intended that the provision of parking within structures or buildings shall serve to increase the value and convenience of related development and to enhance, rather than detract from, the appearance of the overall development. It is further intended that the provision of such facilities shall not negatively impact the safety and security of the public. The following standards, referenced standards, or modifications of standards contained elsewhere in this section shall thus apply to parking structures or garages and developments including such facilities:

- a. Parking structures shall be physically integrated into the overall design and functioning of the site. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.
- b. The development of parking structures shall be in accordance with safety and security requirements established by the city as part of site plan review.

Section 32-110 Off-Street Loading and Unloading

- a. On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such loading space(s) shall be subject to the following standards:
- (1) Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface.
 - (2) Loading and unloading of freight shall be on those sides of the building which do not face any street or proposed street.
 - (3) Loading areas shall be designed so that maneuvering of vehicles will take place off the public right-of-way.
 - (4) Off-street loading space areas shall not be counted as off-street parking spaces.
 - (5) No loading areas shall be located closer than 50 feet to any residentially zoned or residentially used parcel, unless wholly within a completely enclosed building or enclosed on all sides by a wall.
 - (6) Loading areas shall be 10 feet by 50 feet, with 15 feet height clearance, and shall be provided according to the following schedule:

Gross Floor Area	Loading and Unloading Spaces Required (Square Feet of Useable Floor Area)
0 - 2,000 sq. ft.	None.
2,001 - 20,000 sq. ft.	1
20,001 - 100,000 sq. ft.	1 + 1 for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,001 - 500,000 sq. ft.	5 + 1 for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	10 + 1 for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Section 32-111 Access Management

- a. **Cross-Access.** At the time of Site Plan review, as applicable, the City may require a site to include cross-access easements for all driveways, maneuvering lanes, and curb cuts to ensure that the internal circulation system connects to the internal circulation system on adjacent parcels. Where cross-access is anticipated to an adjacent site, the City may require a driveway or maneuvering lane termination at the lot line shared with the adjacent site. The cross-access agreement must be recorded with the Macomb County Register of Deeds and provide for reciprocal cross access for connection to adjacent parcels and curb cuts without limitation. Reciprocal cross-access easements throughout the city will have the long-term effect of reducing traffic on roads, reducing curb cuts, and encouraging more cohesive development.
- b. **Pedestrian Connectivity.** All principal uses shall be connected to the adjacent public sidewalk system with a minimum 5-foot wide concrete sidewalk(s) meeting the City's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access. Pathways or crosswalks shall be distinguished from asphalt driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
- c. **Driveway Location:**
- (1) Nonresidential driveways, entrances and exits shall be subject to approval by the City engineer and DPW Supervisor after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
 - (2) Entrance to such parking areas shall be only from the adjoining principal use or the adjoining alley or street.

- (3) Ingress and egress to a parking lot, loading area, or to a use other than residential, shall not be permitted across or upon land zoned as residential. This provision shall not apply if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

d. **Driveway Spacing:**

- (1) Driveways serving single attached dwelling unit, multi-unit, and non-residential uses shall be spaced, at minimum, as follows, measured from centerline to centerline.
 - (a) Two-lane street: 100 feet.
 - (b) Multi-lane street: 150 feet
 - (c) These driveway spacing requirements do not apply to the distance between two one-way driveways on a single parcel (driveway pair). However, a driveway pair must be separated from another driveway or driveway pair by the distances listed above.
- (2) Driveways and curb-cuts shall be located a safe distance from existing intersections, as determined by the City Engineer. The City Engineer may prohibit curb cuts within a given distance of an intersection or prohibit turning movements from or to a curb cut to ensure proper safety.
- (3) In the event that a particular parcel(s) lacks sufficient road frontage to maintain adequate spacing, effectively prohibiting access to the site, the property owner may:
 - (a) Request a waiver of the minimum spacing requirements from the Planning Commission to allow for 1 driveway entrance to provide access to and from the property; or
 - (b) Establish a common driveway with an adjacent property owner that serves both the subject property and the adjacent property. A recorded access easement for the driveway shall be provided to the Macomb County Register of Deeds.

e. **Driveway Width:**

- (1) Driveway widths for detached single detached dwelling units, duplexes, and triplexes are regulated in **Section 32-100.g.**
- (2) Driveway widths for single attached dwelling unit, multi-family or non-residential uses shall not exceed 44 feet measured at the right-of-way line. Two-way driveways must be a minimum of 30 feet measured at the right-of-way line. One-way driveways must be a minimum of 12 feet measured at the right-of-way line.

Article XII.

Landscaping and Screening



Section 32-112 Intent

- a. The proper management of trees, plants, and vegetation is essential to the health, safety, and welfare of the City, and to the quality of Fraser's natural environment. Standards for the development, installation, and maintenance of landscaping are to accomplish the following:
 - (1) Preserve existing trees and vegetation.
 - (2) Conserve energy, provide adequate light and air, prevent the overcrowding of land, reduce impervious surfaces, and efficiently manage stormwater runoff.
 - (3) Incorporate native plant materials and a diversity of species in plantings.
 - (4) Provide visual buffers and enhance the beautification and character of Fraser.
 - (5) Safeguard and enhance property values and protect public and private investment.
 - (6) Promote a high-quality standard of life for all residents.

Section 32-113 Applicability

- a. These provisions apply to any lot that is subject to Administrative site plan approval or Planning Commission site plan approval under [Section 32-142](#). Additionally, all residential developments, even developments exempt from site plan review, must comply with residential frontage landscaping as provided in [Section 32-115.c](#).
- b. Each requirement must be met independently; landscaping provided to comply with one requirement does not count towards meeting other requirements. Existing, healthy trees of non-invasive species may count towards the requirements.
- c. All landscaping must be located on site. Any tree planted or removed from the Right-of-Way must be approved by the DPW Superintendent.

Section 32-114 General Landscaping Requirements

- a. **Landscape Area Materials.** The entire landscaped area (including lawn areas and landscape islands) must be planted with grass, groundcover, shrubbery, or other suitable plant material (excluding areas used as paved patios, terraces, sidewalks, and similar site features). Landscaping areas cannot consist of loose dirt or gravel.
- b. **Maintenance of Existing Landscaping.** All existing landscaping must be maintained in good condition to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead materials must be replaced within 45 days of notice from the City (or within the next planting period, whichever comes next). Landscape inspections may be conducted by the City on a regular basis to ensure long-term compliance.
- c. **Preservation of Existing Vegetation.** Existing healthy vegetation must be protected during construction with temporary fencing around the drip line. Trees must also be preserved in accordance with [Section 32-115](#) (Tree Preservation).
- d. **Planting Setbacks.** The trunks of trees cannot be planted closer than 4-feet to a property line where possible. Trees must be located in a manner that avoids future conflicts between roots and paved areas or building foundations; this distance will vary based on the species of tree, the spread of the roots, and its planting location.
- e. **Plant Minimum Requirements.** Trees must conform to the list of recommended species of trees for community planting, as amended, published by the Michigan Department of Natural Resources (MDNR) Forest Resources Division.
- f. **Mulch.** Planting beds must present a finished appearance, with shredded hardwood bark mulch or a similar natural material at a minimum depth of 3-inches. All mulched areas must be refreshed seasonally.
- g. **Irrigation.** Where irrigated, sprinklers may only operate between the hours of 6:00 p.m. and 10:00 a.m. Where possible, water-conserving landscaping is highly encouraged.
- h. **Species Variety.** A landscape plan cannot contain more than 33% of any single plant species. Landscape plans with less than 3 required plants are exempt from this requirement.
- i. **Minimum Planting Size.** All plantings must meet the following:

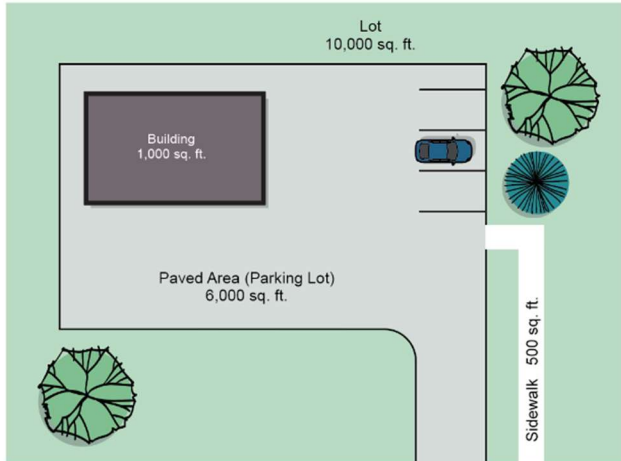
Planting Type	Minimum Size at the Time of Planting
Deciduous Tree	2.5-inches in caliper, measured 4.5-feet above grade
Ornamental Tree	2-inches in caliper, measured 4.5-feet above grade
Evergreen Tree	4-feet in height, measured from grade
Shrub	36-inches in height, measured from grade

- j. **Prohibited Species.** All invasive plant species, not suitable for community planting according to the Michigan Department of Natural Resources is prohibited. The City may prohibit other species not listed. If damaged, diseased, removed during construction, or otherwise destroyed, a prohibited plant cannot be replanted or encouraged to continue.
- k. **Installation.** All landscaping must be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscape plan, and the following:
 - (1) All trees must be balled and burlapped at the time of planting.
 - (2) Plant material must be freshly dug, nursery grown, and of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae.
 - (3) Trees must have straight trunks with leaders intact, undamaged, and uncut.
 - (4) A minimum of 4-inches of topsoil must be provided for all lawn areas, groundcovers, berms, and planting beds.

- (5) All tags must be left on planted materials and may only be removed after the site passes the landscape inspection.

Section 32-115 Required Landscaping

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



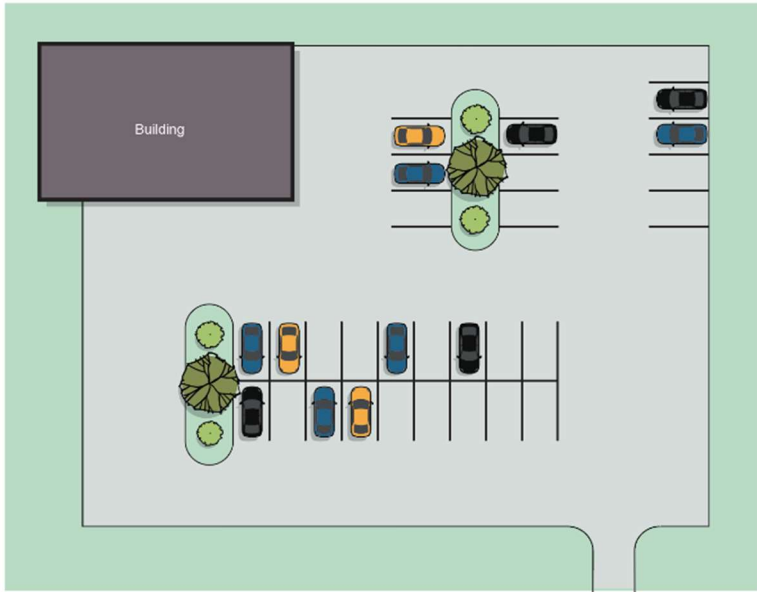
Lot – (Building + Paved Area + Sidewalk) / 1,000 = Required Number of Trees

$$10,000 - 7,500 / 1,000 = 2.5 = 3 \text{ Trees}$$

- b. **Street Frontage Landscaping.** Where a lot fronts on the street right-of-way, frontage landscaping must be provided adjacent to the right-of-way or within the right-of-way, as calculated in the table below. For the purposes of computing the length of the street frontage, openings for driveways and sidewalks are counted towards the total linear frontage. Fractions shall be rounded up to the nearest whole number.

Type of Landscaping	Minimum Required per Linear Foot of Street Frontage
Deciduous Tree	1 per 20 linear feet
Ornamental Tree	1 per 50 linear feet
Shrubs	1 per 10 linear feet

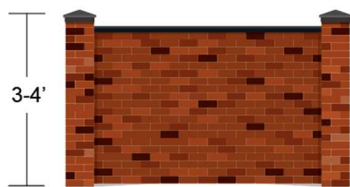
- c. **Residential Frontage Landscaping.** One deciduous tree shall be provided along each street frontage of a residentially zoned or residentially used parcel.
- d. **Parking Lot Landscaping.** To improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of parking lots, surface parking lots with 20 or more parking spaces must dedicate at least 5% of the total parking lot area to interior landscape islands:
 - (1) Each island must be a minimum size of 150 square feet.
 - (2) Each island must contain at least 1 deciduous tree, 2 shrubs, and covered with grasses or alternative groundcover.
 - (3) Landscaped islands may be located below grade if serving as a swale or other form of bio-retention. If used for bio-retention adjacent to a parking lot or right-of-way, salt and sediment-tolerant plants must be selected.



Parking Lot Site Landscaping

Section 32-116 Required Screening

- a. **Parking Lot Screening.** Where parking lots are adjacent to sidewalks, streets, and other public rights-of-way, or located within 50 feet of a right-of-way, landscaped screening shall be provided between the public right-of-way and the parking area consisting of one or a combination of the following:
- (1) **Landscaped Screening.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. Shrubs shall be planted a maximum of 30 inches on center. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.
 - (2) **Screening Wall.** Walls shall be between 3 and 4 feet in height and decorative/ornamental in nature, featuring elements such as decorative masonry pillars and wrought-iron railing.

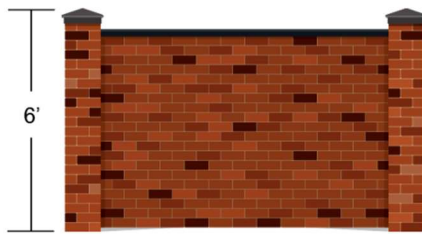


Screen Wall / Fence



Vegetated Buffer

- b. **Screening from Residential Uses.** All non-residential uses that abut a residentially zoned or used property, including those separated by a right-of-way, must provide screening by one or a combination of the following:
- (1) **Screen Wall.** A reinforced, decorative masonry wall, 6-feet in height above grade. Required walls must be located on the lot line except where underground utilities interfere and except in instances where this Code requires conformance with front yard setback lines in adjacent residential districts. Masonry walls may be constructed with openings however, the openings must be so spaced as to maintain the obscuring character required and cannot be used to reduce the minimum height requirement. Screen walls must be reduced in height to meet the clear vision area ([Section 32-89](#)) requirements when applicable.
 - (2) **Vegetated Buffer.** A minimum 10-foot-wide greenbelt with evergreen trees forming a continuous screen (trees planted 10-15 feet apart (on center) in two staggered rows).



Screen Wall



Vegetated Buffer

- c. **Dumpster / Refuse Containers.** Dumpsters must be screened by a decorative masonry or composite wall at least 6-feet in height above grade, or 1-foot above the object which it is screening, whichever is greater, with posts or bumpers installed at the opening doorway to the screening walls. A solid gate constructed from metal, wood, or composite material is required; chain link fencing with obscuring fabric or slats is prohibited. The enclosure must be situated on a reinforced concrete pad at least 6-inches thick, and the concrete pad must extend at least 6-feet beyond the opening of the enclosure. The name, address and telephone number of the owner and lessee must be clearly marked on each dumpster.
- d. **Outdoor Storage.** Outdoor storage areas must be screened from all adjacent rights-of-way with an obscuring wall or fence, no less than 4-feet, 6-inches in height or the height of the materials being screened, whichever is greater.
- e. **Roof-Mounted Fixture Screening.** Roof-mounted appliances greater than 1 foot in height, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening so as not to be visible from off the site. The design of the screening shall be compatible with the architectural design of the building upon which it is located.
- f. **Ground-Mounted Fixture Screening:**
- (1) All ground-mounted mechanical equipment over 30 inches in height must be screened from view by a fence, wall, dense hedge, or combination of such features providing at least 85% direct view blocking. The hedge, fence or wall must be at least as tall as the tallest part of the equipment. The hedge, if used, must be this tall at the time of planting.
 - (2) The following are exempt from the requirements of this section:
 - (a) Solar panels, wind energy or similar renewable energy devices.
 - (b) Communication devices in accordance with all applicable state or federal law and FCC regulations.
 - (c) Equipment serving single detached dwelling units, duplexes, triplexes, or accessory dwelling units.

Section 32-117 Tree Preservation

a. Tree Replacement Requirements:

- (1) For any project requiring site plan approval, special exception approval, subdivision plat approval or condominium approval, a tree survey shall be prepared to scale and shall identify the location and type of all trees seven inches or greater DBH and all conifers greater than 20 feet in height. All trees must be tagged in the field with numbers using noncorrosive metal tags.
- (2) "DBH" is defined as diameter at breast height which is the diameter of the tree at a height measured 4.5 feet above grade.
- (3) "Protected trees" are defined as all trees eight inches DBH or greater, provided they are not classified as landmark trees.
- (4) Landmark trees are defined by size and species, as listed in the chart below:

Common Name	Botanical Name	DBH
All trees	--	24"
American hornbeam	Ostrya Virginiana	8"
Arborvitae	Thuja	18"
Beech (American)	Fagur grandifolia	18"
Beech (blue)	Carpinus Caroliniana	8"
Birch	Betula	18"
Black walnut	Juglans nigra	20"
Cedar (red)	Juniperus Virginiana	12"
Chestnut	Castanea	10"
Crabapple/hawthorne	Malus/crataegus	12"
Dogwood (flowering)	Cornus Florida	8"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	18"
Hickory	Carya	18"
Kentucky coffee tree	Gymnocladus dioicus	18"
Larch/tamarack	Larix	12"
London plane/sycamore	Platanus	18"
Maple	Acer	18"
Oak	Quercus	18"
Pine	Pinus	18"
Redbud	Cercis canadensis	8"
Sassafras	Sassafras albidum	15"
Serviceberry	Amelanchier	8"
Spruce	Picea	18"
Sweet gum	Liquidamber styraciflua	16"
Tulip poplar	Liriodendrom tulipifera	18"
Wild cherry	Prunus	18"
Witch hazel	Hamamelis Virginiana	8"

- (5) Landmark trees must be replaced at a rate of 100% of the total DBH removed.
- (6) Protected trees must be replaced at a rate of 50% of the total DBH removed.
- (7) Replacement trees shall be at least 2 1/2 caliper inches for deciduous trees and seven feet in height for evergreens. Replacement for evergreens shall be equivalent to one inch equals 2.8 feet in height. Consideration may be given to allow smaller trees if they are part of a replacement plan that specifies a mixture of sizes and is intended to simulate as natural woodland habitat.
- (8) Deciduous trees shall be replaced with deciduous trees, and evergreen trees shall be replaced with evergreen trees. Where all of the trees being removed are entirely deciduous or evergreen, the Planning Commission may approve substituting up to 10% evergreen for deciduous or deciduous for evergreen. Alternatives may be based on site-specific conditions.

- (9) The proposed location of transplanted trees and required woodland replacement trees must be provided on the landscape plan. Transplanted and replacement trees shall be clearly distinguished from landscape elements.
- (10) All replacement trees shall satisfy the installation standards in [Section 32-114.k](#).
- (11) Where it is not reasonable and desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location within the City.

Article XIII.

Signs



Section 32-118 Intent

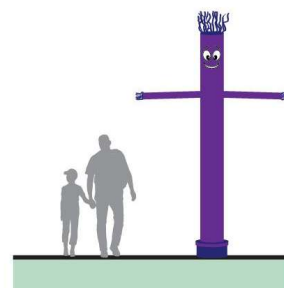
This chapter sets forth guidelines and criteria governing the installation, placement, maintenance, and removal of all signs, excluding those specifically exempted. Its purpose is to protect the public health, safety, and welfare, as well as to preserve a visually appealing environment, all while providing reasonable identification and communication outlets for sign users. To fulfill these purposes, the following objectives shall guide this chapter and any subsequent revisions, additions, or modifications:

- a. **Generally.** Ensure that signs are located, designed, constructed, installed, and maintained in a way that protects health, safety, property, and the public welfare.
- b. **Public safety.** Protect public safety by prohibiting signs that
 - (1) Are structurally unsafe or poorly maintained;
 - (2) Cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and
 - (3) Impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
- c. **Protect aesthetic quality of districts and neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Avoid glare, light trespass, and skyglow through selection of proper fixture type(s) and location, lighting technology, and control of light levels.
- d. **Business identification.** Allow for adequate signage for business identification and other commercial speech, noncommercial speech, and dissemination of public information, including but not limited to public safety information and notification as may be required by law.
- e. **Foster economic development.** Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.
- f. **Discontinue nonconforming signs.** Facilitate the removal or replacement of all noncompliant signs in the city as alterations are made to sites and signs throughout the area.

The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this Section is intended to prohibit the right to convey and receive messages, particularly noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.

Section 32-119 Definitions

- a. **Air-Blown Sign.** A balloon or other air-borne flotation device (“wind dancers”) which is tethered to the ground or to a building or other structure.
- b. **Awning Sign.** A sign painted or attached to the surface of a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building.
- c. **Banner Sign.** A temporary sign typically on paper, cloth, fabric, or other flexible or combustible material of any kind that is attached against a permanent sign face or strung between two poles or structures.
- d. **Bench Sign.** A sign which has painted on, or in any other way attached to, a bench, chair, or an attachment to a building which provides a bench, chair, or seating device.
- e. **Canopy Sign.** A sign painted on or attached to the surface of a structure that is supported by columns or posts affixed to the ground and provides protection from the elements.
- f. **Changeable Copy Sign.** A changeable copy sign is a sign that permits alteration of letters, characters, or illustrations without altering the sign's surface or face. This can be achieved by rearranging or adding new letters or messages without the need to remove and replace the sign's face.
- g. **Directional Sign.** A sign the primary purpose of which is to facilitate the flow of traffic within a site.
- h. **Directory Sign.** A ground or building sign that lists tenants or occupants of a building or project with unit numbers, arrows, or other directional information.
- i. **Electronic Message Board Sign.** An electrically activated changeable copy sign whose variable message and/or graphic presentation capability can be electronically programmed.
- j. **Changeable Copy Sign.** A changeable copy sign is a sign that permits alteration of letters, characters, or illustrations without altering the sign's surface or face. This can be achieved by rearranging or adding new letters or messages without the need to remove and replace the sign's face.



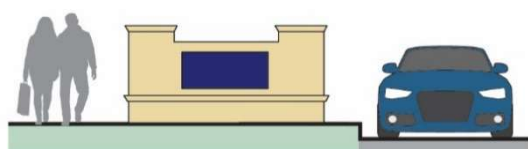
Air-Blown Sign



Awning Sign



Banner Sign

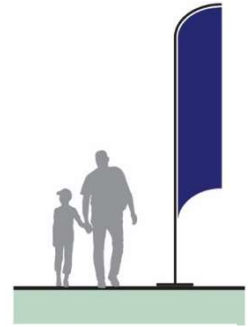


Electronic Message Board Sign

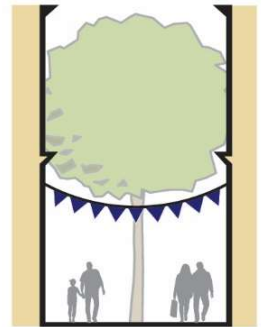


Canopy Sign

- k. **Feather Sign.** A form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support.
- l. **Festoon Sign.** A sign where incandescent light bulbs, banners or pennants, or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve.
- m. **Flag.** Any sign printed, sewn, painted, or affixed on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only 1 edge or supported or anchored at only 2 corners.
- n. **Ground Sign.** A sign supported by structures or supports that are placed on, or anchored in, the ground, and which is independent and detached from any building or other structure.
- o. **Identification and Nameplate Sign.** A wall sign identifying the occupant, business name, and/or address of a building or parcel of land.
- p. **Menu Board.** A sign providing items and prices associated with on-site products or services.
- q. **Monument Sign.** A base-mounted ground sign. A Monument Sign includes a solid supporting base with a width equal to or greater than the width of the sign face.
- r. **Moving Sign.** A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means. This definition does not include Changeable Copy Signs and Electronic Message Board Signs that comply with this Section.
- s. **Off-Premises Sign.** A sign that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- t. **Pole or Pylon Sign.** A ground sign which is supported by 1 or more poles.
- u. **Portable Sign.** A sign without a permanent foundation and not permanently attached to a fixed location which can be carried, towed, hauled, or driven and is primarily designed or installed to be mobile rather than be limited to a fixed location regardless of modifications that limit its mobility, such as, but not limited to, vehicles, trailers, "A" frame, "T"-shaped, or inverted "T"-shaped sign structures.
- v. **Projecting Sign.** A sign which is affixed to any building or structure, or part thereof, which extends beyond the building wall or structure by more than 12 inches.
- w. **Public Sign.** A sign required by law or governmental regulations, including but not limited to legal notices and traffic controls or similar regulatory devices.
- x. **Residential Identification Sign.** A permanent sign installed to exhibit the name of the residential development within which it is installed.
- y. **Roof Sign.** A sign that is erected, constructed, or maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet is considered a Wall Sign.



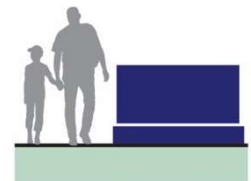
Feather Sign



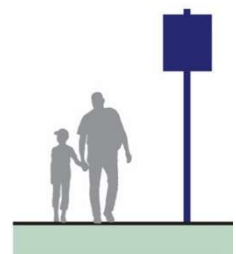
Festoon Sign



"A" Frame Portable Sign



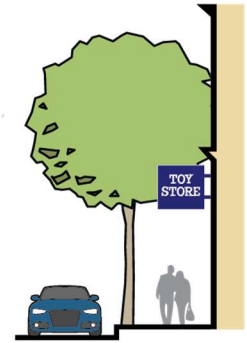
Monument Sign



Pole Sign

z. **Sign.** Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from outside of the parcel on which it is situated. The definition does not include goods displayed in a window.

aa. **Sign Area.** The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two faces, the area of both faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and less than 24 inches apart, the area of the sign shall equal the area of one face.



Projecting Sign

bb. **Sign Construction.** Shall mean to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

cc. **Sign Face.** The portion of the sign used for display of sign copy, including all background area, pictures, and any other advertising devices shown in or on the sign. Sign frame and supports are excluded from this definition.

dd. **Sign Height.** The height of the sign measured from the ground to the highest point of the sign from the ground.

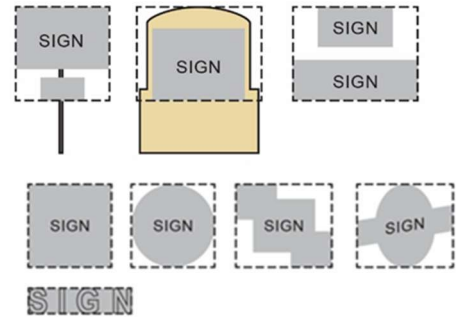


Roof Sign

ee. **Temporary Sign.** A type of sign that will only be displayed for a limited duration of time and is not intended to be permanent.

ff. **Vehicle Sign.** A vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device (including electronic message boards) displaying the name of any business, product, or service.

gg. **Wall Sign.** A sign attached to and placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall.



hh. **Window Sign.** Any sign that is applied, painted on, or affixed to a window, or placed inside a window, facing the outside of the building.

ii. **Yard Sign.** A small sign inserted into the ground that is temporary and disposable in nature.

Computation of Sign Area

■ Sign Area
 □ Computed Sign Area



Vehicle Sign



Wall Sign



Window Sign

Section 32-120 Permits

- a. **Permit Required.** It is unlawful for any person to erect, alter, or structurally change a sign (unless the sign is specifically exempt) without first obtaining a permit from the city. Any sign that makes use of electricity must, in addition to a sign permit, have an electrical permit.
- b. **Signs Exempt from Permits.** The following signs are allowed in all zoning districts and do not require a permit:
 - (1) Directional signs, no larger than 4-square feet in area.
 - (2) Flags, subject to the following:
 - (a) Flags and flagpoles cannot be located within any right-of-way.
 - (b) Flagpoles may not exceed the maximum building height in the district in which they are located.
 - (c) No more than 1 flag and 1 flagpole is permitted per parcel in a residential district, and no more than 3 flags and 3 flagpoles are permitted per parcel in all other districts.
 - (d) The maximum total flag area for residential districts is 45 square feet, with no single flag exceeding 15 square feet.
 - (e) The maximum total flag area for non-residential districts is 75 square feet, with no single flag exceeding 40 square feet.
 - (f) 1 official United States flag and 1 official flag of the State of Michigan are permitted and do not count toward the maximum number of flags allowed but are included in the maximum flag area.
 - (3) Historic markers that are in compliance with state and federal law.
 - (4) Identification and name plate signs, no larger than 2-square feet in area.
 - (5) Menu signs affixed to the wall of the correlating restaurant.
 - (6) Numerals that identify the address of the property in accordance with applicable laws, codes, and regulations, so that public safety responders can easily identify the address from the public street.
 - (a) Unless an alternative requirement is adopted in the City Code or as part of a technical code adopted by the city, address numbers for all commercial buildings shall be displayed on the facade of the building adjacent to a public entrance to the building and each tenant space with its own address, and on a freestanding sign at the front of the site. For multiple tenant buildings, the freestanding sign shall include the address range of all addresses contained within the building. Further, numerals shall also be displayed at the rear entrance of the building/tenant space if there is access to a hard-surfaced area upon which vehicular traffic may maneuver. All address numbers shall be at least 4 inches in height. The color of the required numbers shall starkly contrast the background to which they are affixed. Because the required numbers are for emergency responders, they shall be excluded from any calculations of the property's total permitted signage.
 - (7) Signs installed by a governmental entity, including those used to identify public facilities, government buildings, parks, and temporary government signs used for decoration, public announcements, or for seasonal events or holidays, including but not limited to highway and street signs and signs authorized by a road agency in conjunction with infrastructure improvements.
 - (8) Signs installed by MISS DIG, utility companies, lawn treatment companies, "No Trespassing," and similar signs intended to warn of a danger or alert the reader to a potentially dangerous condition or the existence of utility pipes or lines on the property.
 - (9) Signs required by law.
 - (10) Temporary Signs.
 - (11) Traffic control devices on public property, installed and maintained to comply with the Michigan Manual on Uniform Traffic Control Devices and, if not covered, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Traffic control devices on private property may be installed

and maintained if substantially similar to the regulations of the Michigan Manual on Uniform Traffic Control Devices and/or as approved by the Fraser Public Safety Department.

(12) Window signs.

Section 32-121 Review Process.

- a. Applications for a sign permit shall be submitted to the Building Department on a form approved by the city and must include the following:
 - (1) The name, address, email, and telephone number of the applicant.
 - (2) Letter of approval, which provides the consent of the property owner, if different from the applicant.
 - (3) The location of the building, structure, or lot to which or upon which the sign is attached or installed.
 - (4) Photographs showing the location of the proposed sign.
 - (5) Two sets of plans and specifications indicating the method of construction and attachment to the building or the ground.
 - (6) A copy of the stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by the current Michigan Building Code. A registered engineer must approve the structural design.
 - (7) The name of the person or company installing the structure.
 - (8) An elevation of the proposed sign with dimensions, materials, colors, and wording.
 - (9) Any other information deemed necessary by the city to ensure public safety.
- b. The City Planner reviews all final sign applications and determines if the proposed request meets all the requirements of this Section.
- c. Prior to the issuance of a sign permit, a fee must be paid, as established by the City's fee schedule.
- d. Signs for which a permit has been issued shall be inspected by the building official, or designee, once installed. Approval is granted only if the sign is constructed in compliance with the approved plans and all applicable Zoning and Building Code standards.
- e. All rights and privileges acquired by any person under the provisions of this Section may be revoked upon violation of any of the conditions herein. If the work authorized under a permit has not been started within 6 months after the date of issuance, the permit is null and void.

Section 32-122 Temporary Signs

- a. **Generally.** Temporary signs shall be maintained free of rust, corrosion, peeling, breakage, graffiti, obfuscation, and all other damage or defacement. A temporary sign shall not be installed in such a manner that it interferes with vehicular or pedestrian traffic.
- b. **Placement.**
 - (1) Temporary signs shall only be located on property with the approval of the person or entity with authority to approve it.
 - (2) All temporary signs shall be subject to removal by the city if the signs are placed within any right-of-way, or after issuance of notice if they have become dilapidated, damaged, dangerous, faded, obsolete, out of compliance, or an attractive nuisance.

- (a) Signs removed by the city shall be held for ten days before disposal and may be retrieved during that time by the owner or individual responsible for the sign upon payment of any administrative processing fee established by the city's fee schedule.
- (b) The owner or individual responsible for the sign may appeal the city's determination regarding the improper condition of the sign to the Building Official. In such instance, the city shall retain the sign until the appeal is concluded but need not retain the sign for any future appeal efforts if the appeal is denied by the Building Official. If the Building Official grants the appeal and deems the sign to be satisfactory, the administrative processing fee shall be waived, and the sign shall be returned to the applicant within 1 business day and may not be removed by the city again for a minimum of 14 days or for such other period of time deemed appropriate by the Building Official.

c. Construction.

- (1) For real estate and real estate development signs, all ground-mounted support posts shall be constructed of four-inch by four-inch pressure-treated posts with decorative post caps. All support posts and decorative post caps, and other supporting framework, shall be painted a uniform color.
- (2) All temporary signs shall be stabilized so as not to pose a danger to public safety.

d. Schedule of Regulations for Temporary Signs.

Sign Type	Standards per Parcel	
Air-Blown Sign, Banner, Feather Sign	Only allowed in conjunction with an approved temporary use.	
Yard Sign (One Family Residential)	Maximum Area:	4 square feet per sign, 12 square feet total.
	Maximum Height:	4 feet.
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Duration:	Must be removed within 14 days of fulfilling intended purpose.
Yard Sign (Not One Family Residential)	Maximum Area:	12 square feet per sign, 36 square feet total.
	Maximum Height:	4 feet.
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Duration:	Must be removed within 14 days of fulfilling intended purpose.
Real Estate Sign (One Family Residential)	Maximum Area:	6 square feet per sign, 9 square feet total.
	Maximum Height:	4 feet.
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Duration:	Must be removed within 14 days of fulfilling intended purpose.
Real Estate Sign (Not One Family Residential)	Maximum Area:	16 square feet per sign, 32 square feet total.
	Maximum Height:	4 feet.
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Duration:	Must be removed within 14 days of fulfilling intended purpose.
Real Estate Development Sign	Maximum Area:	16 square feet per sign, 32 square feet total.
	Maximum Height:	4 feet.
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Duration:	Must be removed within 14 days of fulfilling intended purpose.
Portable Sign (excluding vehicle signs, which are not permitted)	Maximum Height:	4 feet
	Minimum Setback:	5 ft side yard setback. 1 ft front yard setback from right-of-way.
	Storage:	Temporary portable commercial signs can be placed outside only during the hours when the associated business is open to the public and must be stored indoors at all other times.
	Placement:	Temporary portable commercial signs may not be placed in any required sidewalk required for ADA compliance.
Window Sign	Maximum Area:	25% of each window.

Section 32-123 Prohibited Signs

- a. Signs that violate any federal, state, or local law, code, or regulation.
- b. Air-Blown Signs, unless approved as part of an authorized temporary use.
- c. Banner Signs, unless approved as part of an authorized temporary use
- d. Bench Signs.
- e. Festoon Signs, unless approved as part of an authorized temporary use.
- f. Pole and Pylon Signs.
- g. Roof Signs.
- h. **Off-Premises Signs.** Off-premises signs are not permitted in the city, except as may be permitted by any governmental entity not subject to city regulation or control.
- i. **Vehicle Signs.** Vehicle signs are not permitted between the structure(s) located on the property and any property line abutting any adjacent street or any public-right-of-way.
 - (1) Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.
 - (2) Vehicles engaged in the services advertised on the vehicle shall be exempt from this ordinance.
 - (3) Operable vehicles that are properly licensed and plated and which are adorned or embedded with permanent graphics, information, and/or messages that are visible to passersby shall only be parked on a property owned or operated by the vehicle owner or pertaining to an activity underway on the property where it is parked and shall be kept in a lawful vehicular parking or storage location a minimum of 30 feet from any public right-of-way.
- j. Signs whose construction, design, location, or other physical characteristics are determined by any code official or law enforcement official to create a safety hazard or to be detrimental to the general welfare, including but not limited to:
 - (1) Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as, or which may conflict with, a traffic control device, or which hide from view any traffic or street sign or signal.
 - (2) Signs consisting of moored balloons or other type of tethered floating signs unless approved by the city Planner in conjunction with an approved temporary use and if tethered to the ground. Floating signs cannot be tethered to the roof.
 - (3) Banners, pennants, LED lights, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure or other power source, unless approved by the city planner in conjunction with approval of a temporary use for a special event of limited duration, permitted as holiday decorations for a period of 180 days or less in a given calendar year, or otherwise permitted elsewhere in this section.
 - (4) Flashing, oscillating, or intermittent type of illuminated signs or displays and electronic signs with any of these characteristics are hereby prohibited.
 - (5) Signs that consist of or include a searchlight, beacon, strobe light, or similar form of illumination.

Section 32-124 General Requirements

- a. **Generally.** Signs must comply with all ordinances and regulations of the city, including zoning, regulatory, and building codes.
- b. **Support Location.** Signs shall not be placed in, project into, or overhang any public right-of-way or dedicated public easement, existing or proposed, unless placed or approved for placement by the city or applicable governmental entity or agency.
- c. **Construction.** Every sign, including the sign structure, shall be maintained in a safe structural condition and in a neat, clean, secure, and attractive condition, with upright, secure supports. All sign materials shall be kept free of defective or missing parts, peeling, corrosion, or other surface or support deterioration, and in compliance with the current provisions of the International Property Maintenance Code, with local amendments as adopted by the city. All sign copy shall be maintained intact, free of defacement, and free of missing characters. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in a manner that renders them safe and in proper working order.
- d. **Placement.**
 - (1) Signs shall not be placed:
 - (a) On city property unless placed or approved for placement by the city for city purposes, including but not limited to city events, public safety, and approval of requests from other governmental agencies.
 - (b) On utility poles, utility boxes, traffic control devices, telecommunications towers, sidewalks, lamp posts, hydrants, bridges, public property, public ways, easements, or trees unless placed or approved for placement by a governmental entity as public signs or warning signs.
 - (c) Above non-public sidewalks, driveways, and maneuvering lanes, unless approved by the public safety department.
 - (2) Permanent signs shall not be placed in a required side yard setback, unless otherwise provided in this Section.
- e. **Clear Vision Distance.**
 - (1) Signs shall not be placed in a manner that obstructs or diminishes sight lines for vehicular travel, obstructs driver vision, or creates potential hazards to pedestrian safety.
 - (2) No sign above a height of 2 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.
 - (3) No sign above a height of 2 feet from the established street grades shall be permitted within 15 feet, in either direction, from any driveway.
 - (4) The sight distance triangle may be extended by the city to conform to minimum Michigan Department of Transportation sight distance standards or in situations when the city planner determines that an extension is required for public safety due to topography, road alignment, or other physical conditions of the area.
- f. **Sign Faces.** Signs shall not have more than two sides.
- g. **Effects.** Signs shall not:
 - (1) Be equipped with audio capabilities and sound shall not be projected from any sign, except that menu boards approved as part of a drive through facility or signage designed for purposes of complying with laws enacted for the protection of persons with disabilities shall not be restricted by this provision.
 - (2) Project images beyond the face of the sign.
 - (3) Emit any odors or visible matter such as smoke or steam.

- h. **Obsolete Signs.** No person, entity, owner, business, or tenant shall allow an obsolete sign to be maintained on a property for more than 30 days after same has become obsolete because of discontinuance of the business, service, or activity which the sign advertises, relocation to another site, or for any other reason. The fact that the obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this Section.
- i. **Ground Signs.**
- (1) A permanent ground sign, excluding residential entranceway signs, shall not be closer than 100 feet, measured from the nearest point on the closest parcel line, from any adjacent residential zoning district or parcel being used for residential purposes.
 - (2) Up to 1/3 of a permitted ground sign may consist of an electronic message board or changeable copy area.
- j. **Wall Signs.**
- (1) A wall sign may be located on the front, rear, or side facade of the building.
 - (2) Wall signs shall not extend above the top of a parapet wall or an eave line at the wall, whichever is higher.
 - (3) No wall sign shall protrude more than 12 inches from the wall or structure on which it is mounted.
 - (4) A wall sign shall be installed only on the wall of the tenant space to which the sign pertains and shall be aesthetically and thematically compatible with the building, other wall signs, the overall development of the parcel, and nearby properties.
 - (5) No sign shall be painted directly onto the wall of a building, unless under the direction and control of the City.
- k. **Residential Entranceway Signs.**
- (1) No entranceway sign structure permitted under this Section shall be constructed of exposed concrete block, cinder block, precast concrete panels, or poured concrete.
 - (2) Any permitted residential subdivision identification sign shall be located in either a common area of the development or upon property for which a private easement has been granted to a subdivision association (or similar entity) which shall have the responsibility for maintaining the sign and any appurtenant structures. An agreement providing for the maintenance of the sign(s) or structure(s) in recordable form satisfactory to the city shall be furnished to the city prior to installation of the sign(s) or structure(s).
- l. **Electronic Message Boards.** Electronic Message Boards are permitted as part of an approved sign, subject to the standards of this Section and subject to the following standards:
- (1) The area of an electronic message board may not exceed 1/3 of the entire area of the sign.
 - (2) Display only static messages and/or images that remain constant in illumination intensity and do not have movement or the appearance of optical illusion or movement.
 - (3) Change from 1 message or image to another message or image no more frequently than once every 30 seconds, and the actual change process must be accomplished instantly with no effects.
 - (4) Not operate at a brightness more than 0.3 footcandles over ambient lighting conditions when measured at a distance of 150 feet.
 - (5) Be equipped with a fully operational light sensor that automatically adjusts the intensity of the electronic message board according to the amount of ambient light.
 - (6) The electronic message board shall operate only between the hours of 6:00 a.m. and 12:00 a.m.
 - (7) Electronic message boards may operate only when the nonresidential use to which they belong is open or between the hours of 6:00 a.m. and 10:00 p.m., whichever time period is shorter, if installed on a property located adjacent to a residential use, except that noncommercial uses may also operate an approved electronic message board until and during an event that is open to the public and held after 10:00 p.m. until the conclusion of the event.
 - (8) Be designed to either display a full black screen or turn off in the event of a malfunction.

- (9) The owner of an electronic message board shall allow the city to use the electronic message board to communicate emergency public service information approved by the city. The operational restrictions on electronic message boards set forth in this subsection shall not apply during any time that the electronic message board is used to communicate authorized emergency public service information for the city.
- (10) The owner agrees to (i) update with an approved emergency public service information communication, or (ii) discontinue the emergency public service message as soon as possible after receiving a request from the public safety director or designee. The owner shall file and keep current at all times with the city the name, email address, phone number, cell phone number, pager and other available emergency contact information of the employee(s) or representative(s) of the owner who has been authorized and designated by the owner to communicate the approved emergency public service message using the electronic message board.

m. Directional Signs.

- (1) Directional signs shall be considered incidental and shall not exceed 4 square feet in area and 4 feet in height.
- (2) Directional signs set at an entrance point may be located within a required yard subject to the sight line and clear vision restrictions set forth in this Section.
- (3) Directional, informational, and traffic control signs placed by government entities are permitted in all zoning districts and shall be installed, to the extent applicable, in accordance with the Manual on Uniform Traffic Control Devices.

n. Menu Boards.

- (1) 1 menu order board and 1 preorder menu board shall be permitted for each drive-thru lane.
- (2) The maximum height for such signs shall be 7 feet and the total sign area allowed for each drive-through lane shall not exceed 45 square feet.
- (3) Menu boards are exempt from the total sign area for permitted signs.
- (4) Menu boards shall be located on the interior of the lot or parcel and shall not be readable from the exterior of the lot.
- (5) The placement, size, content, coloring, or manner or illumination of the sign shall not cause a traffic or pedestrian hazard or impair vehicular or pedestrian flow.
- (6) The volume on the menu board or order board shall be maintained at the minimum level necessary so that it is audible to users but minimizes extraneous noise traveling off site.

o. Illumination. Internal and external illumination of signs shall be permitted and subject to the following standards.

- (1) No sign shall include or use flashing or intermittent illumination.
- (2) Rope lights, string lights, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a sign are prohibited.
- (3) Animation is prohibited.
- (4) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent roadway or adjacent property.
- (5) No exposed reflective type bulb, par spot, or incandescent lamp shall be exposed to direct view from a public street or highway, but may be used for external light illumination of the display surface of a sign, so long as the brightness does not exceed 0.3 footcandles over ambient lighting conditions when measured at a distance of 150 feet.
- (6) Internally illuminated signs are not permitted on properties utilized for residential purposes, with the exception of internal illumination for the address of the property if the address is affixed to a home, garage, or mailbox on the property.

Section 32-125 Regulations for Allowable Signs

The following conditions shall apply to all signs erected or located in the specified zoning district(s):

a. **Residential Districts:**

- (1) RL, Residential Low-Density
- (2) RM, Residential Medium-Density
- (3) RT, Residential Transition
- (4) RH, Residential High-Density

Sign Type	Residential Uses, Including Residential Developments	Non-Residential Uses
Awning/Canopy Signs	Not Permitted	Maximum Number: 1 sign per awning/canopy. Maximum Area: 15 square feet per sign.
Monument Signs	Maximum Number: One two-sided sign or 2 one-sided signs permitted per entrance located on a public road* *Only permitted for residential developments e.g., subdivisions, site condominiums, and multi-family. Placement: Shall be located in either a common area of the development or upon property for which a private easement has been granted to a subdivision association. Must be setback 6 feet from the right-of-way. Maximum Height: 4 feet Maximum Area: 24 square feet per sign	Maximum Number: 1 Minimum Setback: 12-foot front setback from right-of-way. Cannot be located in the side or rear setback of the zoning district in which the sign is located. Maximum Height: 4 feet Maximum Area: 24 square feet
Projecting Signs	Not Permitted	Maximum Number: 1 Maximum Area: 10 square feet
Wall Signs	Not Permitted	
Window Signs	Maximum Area: 25% of the window area in which the sign is located.	
Temporary Signs	See Section 32-122.d .	

b. **Non-Residential Districts:**

- (1) CN, Commercial Neighborhood
- (2) CBD, Central Business District
- (3) CG, Commercial General
- (4) LI, Light Industrial
- (5) GI, General Industrial

Sign Type	OS, OR, CN, CBD Districts	CG, IR, IC Districts
Awning/Canopy Signs	Maximum Number: 1 sign per awning/canopy. Maximum Area: 15 square feet per sign.	
Monument Signs	Maximum Number: 1* Minimum Setback: 8-foot front setback from right-of-way. Cannot be located in the side or rear setback of the zoning district in which the sign is located.* *For developments having more than 1 frontage on a major or secondary thoroughfare having a right-of-way of at least 86 feet or greater, one freestanding sign shall be permitted to be located on each frontage, provided the distance between the two signs is not less than 500 feet measured along the abutting right-of-way line. Maximum Height: 5 feet Maximum Area: 1 square foot for every 2 lineal feet of lot frontage up to a maximum of 48 square feet per sign, whichever is less.	Maximum Number: 1* Minimum Setback: 15-foot front setback from right-of-way. Cannot be located in the side or rear setback of the zoning district in which the sign is located.* *For developments having more than 1 frontage on a major or secondary thoroughfare having a right-of-way of at least 86 feet or greater, one freestanding sign shall be permitted to be located on each frontage, provided the distance between the two signs is not less than 500 feet measured along the abutting right-of-way line. Maximum Height: 15 feet Maximum Area: 1 square foot for every 2 lineal feet of lot frontage up to a maximum of 75 square feet per sign, whichever is less.
Projecting Signs	Maximum Number: 1 per public entrance, minimum separation of 20 feet between projecting signs on a single façade. Maximum Area: 10 square feet per individual sign.	
Wall Signs	Maximum Area: 10% of the structure frontage for each building or tenant space, not including windows, doorways, or other fenestration.	
Window Signs	Maximum Area: 25% of the window area in which the sign is located.	
Temporary Signs	See Section 32-122.d.	

Section 32-126

Nonconformity and Modification

- a. **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Section which does not fully comply with all provisions of this Section shall be considered a legal nonconforming sign and shall be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.
- b. **Continuance.** A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:
 - (1) Enlarged or extended.
 - (2) Replaced by another non-conforming sign.
 - (3) Moved to another location on the same lot or to any other lot.
 - (4) Structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a nonconforming sign if there are no other

structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.

- (5) Replaced or restored if the nonconforming sign is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage exceeds 50% of the sign.
- c. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage is 50% or less of the sign, may be replaced or restored provided that:
 - (1) The replacement or restoration is completed within 6 months after the date of the destruction or damage.
 - (2) The sign is not enlarged or extended.
- d. A nonconforming sign declared to be unsafe by a code enforcement official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.

Section 32-127 Enforcement

- a. For purposes of this subsection,
 - (1) "Issuance of notice" is defined to include any of the following:
 - (a) Facsimile, electronic mail, or first-class mail transmission of notice of a violation to either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner;
 - (b) Posting of notice of a violation on or reasonably near the sign which is in violation, so long as the posting is conspicuous from the distance at which the sign is generally readable;
 - (c) Posting of notice of a violation on or reasonably near one or more entrances of a habitable building on the same property as the sign, so long as the posting is conspicuous;
 - (d) Transmission of a telephone message which indicates that a violation exists, and which offers a brief explanation of the nature of the violation, recorded on an answering system of either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner.
 - (2) "Personal contact" means that a code enforcement official, or other duly authorized agent of the city, initiated a person-to-person conversation, or some other real-time communication via electronic means, whereby the officer or agent communicated the existence of the violation and a brief explanation of its nature.
 - (3) "Personal notice" means personal contact by a code enforcement official, or other duly authorized agent of the city, with either a person mentioned on the sign, the person responsible for placing the sign, the property owner, or the property owner's authorized representative or resident agent.
 - (4) "Person responsible" for a temporary sign is the person who places the sign, unless the person first notifies the city clerk's office in writing of another person who is responsible. Persons responsible for political campaign signs also include the candidate for the political office advertised on the sign, unless the candidate first notifies the city clerk's office in writing of another person who is responsible, and the property owner. In a campaign regarding a ballot measure, the president or chair of the committee supporting or opposing the ballot measure, as well as the property owner, shall be deemed the responsible person, unless the city clerk's office is notified in writing of another person who is responsible. The person who places the sign, the candidate, or the president as applicable must provide the name, address, telephone number, and signed consent of the other responsible person. Persons residing or located outside of Michigan may not be designated as responsible persons. The person placing the sign, or in the case of political campaign signs, the candidate, or in the case of a ballot measure, the committee president or chair, or in each of these cases the other responsible person if so designated, shall be liable to pay any fees or costs incurred for the removal

and storage of illegal signs upon retrieval. This subsection shall not be construed to place responsibility upon responsible persons for civil infraction or misdemeanor violations of the city code.

- b. Owners, lessors, and lessees may all be held equally responsible for violations of this Section.
- c. The city may remove any non-temporary sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this section within 48 hours of issuance of written notice of violation. The person responsible for the sign in violation shall be liable to pay any fees or costs incurred for the removal and storage of illegal signs upon retrieval.
- d. In the absence of prior permission having been granted by the property owner for the immediate removal of temporary signs in violation, the city may remove any such sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this ordinance within four hours of personal notice, or within 48 hours of issuance of notice. In the event that the sign is moved to another location, and such move does not remedy the violation, the city shall not be required to give any additional notice before impounding the sign as a nuisance pursuant to the terms of this Section.
- e. In the case of any sign which is located in, projects into, or overhangs a public right-of-way or public easement in violation of this section, the city may remove said sign without notice.
- f. Signs impounded under this subsection will be logged and stored by the city for retrieval by their owner. Before any removed sign is returned to its owner, a fee as determined by the city's fee schedule, shall be paid for the removal, storage, and reclamation. Any sign which is removed in accordance with this section shall be deemed abandoned if its owner or the person responsible for the sign does not reclaim it within 10 days of the date of its removal, after which the city may dispose of the sign without any further notice.
- g. Any entity or individual which files a false affidavit or application for any reason relating to signage under this section shall be guilty of a misdemeanor punishable in accordance with the penalties applicable to misdemeanors set forth in Chapter 1 of the City Code.

Article XIV.

Administrative Organization and Procedures



Section 32-128 Applicability for Types of Reviews

a. The following table summarizes the zoning reviews required for various development projects. This does not include other applicable reviews or permits from other agencies or officials.

Type of Review	Type of Project	Final Reviewing Authority
Temporary Use Permit (Section 32-78.c.)	<ul style="list-style-type: none"> Temporary Uses 	Building Department
Zoning Permit (Section 32-130)	<ul style="list-style-type: none"> Fences Flatwork (replacement of up to 25% of existing approved flatwork is exempt from a zoning permit) Accessory Structures Accessory Buildings Accessory Dwelling Units Certificate of Occupancy Single Detached Dwelling Unit Duplex Triplex Minor alterations to an approved site not listed under administrative or Planning Commission site plan review, as determined by the City Planner. 	Building Department
Administrative Site Plan Review (Article XVII)	<ul style="list-style-type: none"> Remodeling or altering an existing structure that does not modify the building footprint. Addition/expansion of existing structure that does not increase the gross interior or leasable floor area by more than 2,000 square feet and does not increase the total by more than 20% of the existing gross floor area and does not impact site grading, circulation, or utilities. In cases of multi-unit residential development, the application shall not increase the number of dwelling units. 	Building Department

	<ul style="list-style-type: none"> • Individual single attached dwelling unit developments (up to four units). • Addition, modification, or relocation of non-residential accessory structures or structures such as dumpster enclosures. • Change in building height that does not create new floor area. • Decrease in building size that does not impact site grading, circulation, or utilities. • Minor changes to building or site to accommodate barrier-free regulations. • Additions, modifications or substitutions of approved or existing landscaping or site lighting. • Internal rearrangement of parking lot that does not significantly change site circulation, create new parking spaces, or require the installation of new pavement or re-grading. 	
Planning Commission Site Plan Review (Article XVII)	<ul style="list-style-type: none"> • All new construction, structural alterations, or substantial changes in use that do not qualify for Administrative Site Plan review. • Remodeling or altering an existing structure that increases the building footprint or gross floor area by more than twenty percent (20%) or 2,000 square feet. • Any use, or change of use, that requires a change in traffic circulation patterns that impacts ingress/egress, parking layout or pedestrian circulation. • The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities. • Outdoor storage or parking areas. • Site condominium projects. • Any residential development with more than 5 units. • Planned Unit Developments. • All special land uses. • Any site plan forwarded to the Planning Commission by the City Planner. 	Planning Commission
Special Land Use (Article XVIII)	<ul style="list-style-type: none"> • All uses identified as special land use in a certain zoning district. 	Planning Commission
Variance / Appeal (Article XX)	<ul style="list-style-type: none"> • Appeal of administrative decision • Dimensional variance • Use variance 	Zoning Board of Appeals
Zoning Ordinance Amendments (Text, Map, Conditional Rezoning) (Article XIX)	<ul style="list-style-type: none"> • Zoning Ordinance text amendment • Zoning Ordinance map amendment (rezoning) • Conditional Rezoning 	City Council

Section 32-129 Building Permits

- a. It shall be unlawful to build or use or permit the building or the use of any structure or land or part thereof hereafter created, erected or altered or to change or enlarge the use of any building or land or part thereof until a building permit in accordance with the provisions of this Zoning Ordinance, properly endorsed as to occupancy in a manner herein provided, shall have been issued by the Building Department.

Section 32-130 Zoning Permits

- a. **Zoning Permit Required.** A zoning permit shall be required for the following:
- (1) A zoning permit is required when a building permit is also required, however, the City Planner may waive the zoning permit requirement when the building permit does not require zoning review.
 - (2) A zoning permit is required for any use of land or any part thereof; for the construction, use, or alteration of any building or structure; or for any change or enlargement of use of a building or land.

- b. **Application.** An application for a zoning permit shall be made to the Building Department and shall include the following.
 - (1) **Required Documentation.** The application must include a plot plan in duplicate, drawn to scale, showing:
 - (a) Exact dimensions of the land and structure.
 - (b) Lot or parcel lines under separate ownership.
 - (c) Width and alignment of abutting streets, alleys, easements of access, and public open space.
 - (d) Area, size, position, and height of all buildings or structures.
 - (e) Plans drawn to scale for the proposed structure or alteration.
 - (f) Any additional information necessary for proper enforcement of this chapter.
 - (2) **Fee.** The application must include a fee as established by resolution by City Council.
- c. **Accessory Building Exception.** A separate zoning permit is not required for an accessory building erected at the same time as the principal building if shown on the application.
- d. **Permit Issuance and Posting.** If the proposed buildings, land, and uses conform to the provisions of this chapter, the permit shall be issued and conspicuously posted on the premises until construction has concluded or a certificate of occupancy is obtained.
- e. **Permit Denial.** If the zoning permit is denied, the City Planner shall provide a written statement explaining the cause and reasons for the refusal.

Section 32-131 Certificate of Occupancy

- a. **General Requirements:**
 - (1) A building or structure shall not be used or occupied in whole or in part until a Certificate of Occupancy (CofO) has been issued by the Building Department.
 - (2) Certificates of Occupancy shall be approved by both the City Planner and Building Official. Additional approvals from reviewing departments may be required at the request of the City Planner or Building Official.
 - (3) A building or structure erected or altered in whole or in part shall not be used or occupied CofO has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy.
 - (4) A Certificate of Occupancy shall be issued when the work covered by a building permit, site plan, or any other City-issued permits or licenses has been completed in accordance with the permit, the code and other applicable laws and ordinances. When a building or structure is entitled thereto, the city shall issue a CofO within five business days after receipt of a written application on the prescribed form and payment of the fee to be established by City Council.
 - (5) An issued CofO shall certify that the building, structure and use are in compliance with Zoning Ordinance standards.
 - (6) The Certificate of Occupancy shall certify that the building or structure has been constructed in accordance with the site plan, building permit, the code and other applicable laws and ordinances.
 - (7) Certificates of Occupancy shall be issued to the occupant. In a multi-tenant building each individual occupant shall obtain a certificate.
 - (8) A copy of the Certificate of Occupancy shall be conspicuously posted in public view on the premises used for any purpose other than residential.

- b. **Certificates Not to be Issued.** No Certificate of Occupancy pursuant to the Building Code of the City of Fraser shall be issued for any building, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.
- c. **Expiration.** A Certificate of Occupancy shall expire immediately upon any change in the use, ownership or occupancy of an individual tenant space or structure, or a portion thereof.
- d. **Ownership Changes.** A CofO shall be required for ownership changes of any business, name change of any business, or significant operational changes of any business. Where only the ownership of a multi-tenant building changes the building owner shall be responsible for obtaining a new certificate for each tenant.
- e. **Certificates including Zoning Compliance.** Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance. Certificates of Occupancy applications shall be reviewed by the City Planner for compliance with the provisions of this Ordinance. All applications for a Certificate of Occupancy shall be accompanied by a detailed description of the proposed use, specifications, or any other information requested by the City Planner. The City Planner may waive information requirements that do not affect compliance with this Ordinance.
- f. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such structures, buildings, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial and/or industrial building or premises located within the City of Fraser which has been vacated by a tenant, lessee or owner, unless such person desiring to reoccupy such building or premises shall first make application for and obtain a Certificate of Occupancy from the Community and Economic Development Department.
- g. **Temporary Certificates of Occupancy.** Nothing in this Ordinance shall prevent the City from issuing a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of 6 months and may not be renewed more than once for a total of 1 year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary Certificate of Occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Fraser the required fees and performance guarantees established by resolution of City Council. On request of a holder of a building permit the city may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users.
- h. **Revocation of Certificate of Occupancy.** The Building Official shall have the ability to revoke a Certificate of Occupancy upon a finding that such use(s), building(s), site(s), and/or structure(s) are in violation of the Zoning Ordinance, City's Building Code, Property Maintenance Code, any conditions of approval applicable to said certificate, or any other regulations administered by the Building Official per the City's Code of Ordinances.
- i. **Residential Dwellings Exempted.** A Certificate of Occupancy is not required for the change of ownership or tenancy of an existing residential dwelling unit.

Section 32-132 Public Hearings

- a. **General Public Hearing Procedures.** The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, use variances, rezonings, and conditional rezonings, which are further outlined below.
 - (1) **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
 - (2) **Personal and Mailed Notice:**

- (a) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (b) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - (c) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 - (d) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
 - (e) The City shall prepare a list of property owners and occupants to whom notice was mailed.
- (3) **Content.** Any notice published in a newspaper and/or delivered by mail shall:
- (a) Describe the nature of the request.
 - (b) Indicate the property that is the subject of the request.
 - (c) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 - (d) When and where the public hearing will occur.
 - (e) When and where written comments may be submitted concerning the request.
- b. **Zoning Ordinance Amendment Public Hearing Procedures.** Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:
- (1) **Map Amendments Affecting 10 or Fewer Adjacent Parcels.** If the proposed map amendment will impact 10 or fewer adjacent parcels, newspaper publication and mailed notice shall be given as specified in [Section 32-132.a.](#)
 - (2) **Text Amendments or Map Amendments Affecting 11 or More Adjacent Parcels.** If a text amendment is proposed or map amendment is proposed that will impact 11 or more adjacent parcels, notice shall be given by publication in a newspaper of general circulation as specified in [Section 32-132.a.\(1\)](#). The personal and mailed notice requirements of [Section 32-132.a.\(2\)](#) do not apply.
 - (3) **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
 - (4) **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.
- c. **Use Variances, Rezoning, and Conditional Rezoning Public Hearing Procedures.** Public hearings for use variances, rezonings, and conditional rezonings shall be noticed as follows:
- (1) **General Notification.** Notice shall be given as specified in the General Public Hearing Procedures specified in [Section 32-132.](#)
 - (2) **Physical Notification.** Notice must be given in the form of a sign posted on the subject property notifying the public of the request for use variance, rezoning, or conditional rezoning. The City will not incur costs to create or post the sign. The sign shall meet the specifications:

- (a) Black letters on a white background.
- (b) Size of sign - minimum 4 ft. (vertical) by 6 ft. (horizontal).
- (c) Sign face shall be an exterior plywood, aluminum, or similar material.
- (d) Wording shall detail the proposed use variance with a minimum of 8-inch-high lettering, the date, time, and location of the public hearing with a minimum of 6-inch-high lettering, and contact information for the Building Department with a minimum of 4-inch high lettering.
- (e) A sketch depicting the relative location of the parcel with nearest crossroads must be included on the sign.
- (f) Must be located on the site and be visible from the right-of-way.
- (g) Cannot be located in the right-of-way without permission from the owner of the right-of-way in which the sign will be placed.

Article XV.

Planning Commission



Section 32-133 Establishment

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

Section 32-134 Membership Composition

- a. **Membership.** The Planning Commission shall consist of 7 members who shall be representative of the entire City, to the extent practicable, and of important segments of the community, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. Members must be qualified electors of the City, except that 1 member of the Planning Commission may be a qualified elector of another local unit of government.
- b. **Appointment.** Members shall be appointed by the Mayor with the approval of the City Council. Members of the Planning Commission shall hold no other municipal office, except that one such member may be a member of the Zoning Board of Appeals.
- c. **Term.** The term of each member shall be 3 years, commencing on January 1st, with terms staggered so that 3 terms expire in 1 year, 2 terms expire in another year, and 2 terms expire in another year. A member whose term has expired may continue to hold office until his/her successor is appointed if he/she is willing and able to continue to serve.
- d. **Officers.** The Planning Commission shall annually elect:
 - (1) A chairperson who shall preside at all meetings of the board; and
 - (2) A vice-chairperson who shall preside in the absence of the chairperson; and
 - (3) A secretary who shall keep minutes of all meetings and submit a copy of them to the city clerk.

- e. **Removal.**
 - (1) Any Commissioner may after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the City Council.
 - (2) The administrative liaison to the Planning Commission may report to the City Council any member's absence from 3 consecutive regular meetings without a valid excuse for possible removal action by the City Council, in accordance with the provisions of the Planning Enabling Act.
- f. **Conflict of Interest.** A Commissioner must disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 32-135 Organization

- a. **Bylaws.** The Planning Commission must establish its own rules of procedure with bylaws. The Planning Commission may adopt, amend, modify, and revoke its rules from time to time.
- b. **Meetings.** At a minimum, the Commission must hold four regular meetings a year. All provisions of the Michigan Open Meetings Act (PA 267 of 1976), as amended, apply to the proceedings of the Commission.
- c. **Requesting Expertise.** The Planning Commission has the power and authority to call upon any branch or department of the City, at any time, for information and advice needed by the Commission in the prosecution of its work.
- d. **Quorum.** A quorum shall consist of a simple majority of the Planning Commission members.
- e. **Decisions.** Any decision must state, in the record of its proceedings, the grounds for the actions taken concerning each development proposal and list any conditions imposed.
- f. **Motions.** A majority of the Planning Commission is necessary for the passing of a proposed motion, unless specified otherwise in the Zoning Ordinance. A tie vote is a failure of the proposed motion.
- g. **Conditions.** Conditions imposed in a decision must comply with the following:
 - (1) Conditions must be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Conditions must be necessary to meet the intent of this Zoning Ordinance, related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards.
- h. **Meeting Minutes.** Minutes of all meetings must be recorded and contain the grounds of every determination made by the Planning Commission including all documents and material submitted by any person or entity with respect to the application, findings of fact and conclusions drawn by the Planning Commission for every case, together with the votes of the members and final disposition of each case.
- i. **Public Hearing.** The following applications are required to have a public hearing: special land use, PUD, rezoning and conditional rezoning, and text amendments.
- j. **Compensation.** The City Council may authorize the remuneration of the members of the Planning Commission for attendance at each meeting.

Section 32-136 Powers and Responsibilities

- a. **Zoning Ordinance.** The Planning Commission is responsible for formulation of this Zoning Ordinance; the formulation, review, and recommendation of amendments; and the reporting of its findings and recommendations to the City Council.
- b. **Public Hearings.** The Planning Commission is charged with holding public hearings on Development Proposals and other matters before it, in accordance with [Section 32-132](#).
- c. **Development Proposals.** The Planning Commission is responsible for reviewing applications, including, but not limited to, site plans, special land uses, planned unit developments (PUD), rezonings and conditional rezonings, text amendments, vacations, and nonconformities.
- d. **Master Plan Review and Revisions.** The Planning Commission is charged with maintaining a relevant master plan and reviewing it at least every 5-years to determine whether revisions are necessary.
- e. **Annual Planning Report.** The Planning Commission shall prepare and deliver to the City Council, pursuant to the Michigan Planning Enabling Act (PA 33 of 2008), as amended, an annual written report concerning the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development, as well as the Planning Commission's determinations made during the preceding calendar year, which report shall be delivered during the first quarter of the calendar year, or as soon thereafter as practicably possible if no meetings are held during the first quarter, or if the data for the report has not been made available to the Planning Commission.
- f. **Other Duties and Responsibilities.** The Planning Commission is responsible for reviewing all matters outlined in the Zoning Ordinance that require its approval, as well as any items referred by the City Council.

Article XVI.

Zoning Board of Appeals



Section 32-137 Establishment

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

Section 32-138 Membership Composition

- a. **Membership:**
 - (1) The Zoning Board of Appeals shall consist of 7 members. Under the Michigan Zoning Enabling Act, each member must be an elector of the City.
 - (2) A Board member may continue to serve beyond the expiration date of his/her term until a successor is appointed by the City Council if he/she is willing and able to continue to serve.
 - (3) The City Council may also appoint as many as 2 alternate members to serve on the Zoning Board of Appeals for the same terms as regular members, with the initial term for each coinciding with the terms of the members who have more than two years remaining. The alternate members shall be called on a rotating basis to sit as regular members of the board in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Once an alternate has been called to serve in a particular case, he or she shall continue to participate in that case until a decision has been rendered. The Zoning Board of Appeals may establish additional regulations governing the role and call of alternate members in its rules of procedure.
- b. **Appointment.** Members shall be appointed by the Mayor with the approval of the City Council. Members of the Planning Commission shall hold no other municipal office, except that one such member may be a member of the Planning Commission.
- c. **Term.** Each member shall be appointed for a term of 3 years. Terms shall be staggered as nearly as possible to provide for the appointment of an equal number of appointments each year.

- d. **Officers.** The Zoning Board of Appeals shall annually elect:
 - (1) A chairperson who shall preside at all meetings of the board; and
 - (2) A vice-chairperson who shall preside in the absence of the chairperson; and
 - (3) A secretary who shall keep minutes of all meetings and submit a copy of them to the city clerk.
- e. **Removal:**
 - (1) Any Member may after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the City Council.
 - (2) The administrative liaison to the Zoning Board of Appeals may report to the City Council any member's absence from 4 consecutive regular meetings without a valid excuse for possible removal action by the City Council.
- f. **Conflict of Interest.** A Member must disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 32-139 Organization

- a. **Bylaws.** The Zoning Board of Appeals must establish its own rules of procedure with bylaws. The Zoning Board of Appeals may adopt, amend, modify, and revoke its rules from time to time.
- b. **Meetings.** Regular meetings shall be held at the discretion of the Zoning Board of Appeals Chairperson. All provisions of the Michigan Open Meetings Act, as amended, apply to the proceedings of the Zoning Board of Appeals.
- c. **Requesting Expertise.** The Zoning Board of Appeals has the power and authority to call upon any branch or department of the City, at any time, for information and advice needed by the Commission in the prosecution of its work.
- d. **Quorum.** A quorum shall consist of a simple majority of the Zoning Board of Appeals members.
- e. **Decisions.** Any decision must state, in the record of its proceedings, the grounds for the actions taken concerning each development proposal and list any conditions imposed.
- f. **Motions:**
 - (1) The affirmative vote of a majority of the members of the Board is necessary to reverse any order, requirement, decision, or determination of any administrative official; to decide in favor of the applicant on any matter upon which the Board is required to pass under the Zoning Ordinance; or to effecting non-use variance under the Zoning Ordinance.
 - (2) The affirmative vote of 2/3 of the members of the Board is required to approve any use variance.
- g. **Conditions.** Conditions imposed in a decision must comply with the following:
 - (1) Conditions must be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Conditions must be necessary to meet the intent of this Zoning Ordinance, related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards.
- h. **Meeting Minutes.** Minutes of all meetings must be recorded and contain the grounds of every determination made by the Zoning Board of Appeals including all documents and material submitted by any person or entity with respect to the application, findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, together with the votes of the members and final disposition of each case.

- i. **Public Hearing.** The following applications are required to have a public hearing: non-use variance, use variance, Zoning Ordinance interpretations, and appeal of administrative decisions.
- j. **Compensation.** The City Council may authorize the remuneration of the members of the Zoning Board of Appeals for attendance at each meeting.

Section 32-140 Powers and Responsibilities

- a. **Zoning Ordinance.** The Zoning Board of Appeals is responsible for interpreting the Zoning Ordinance text and the Zoning Map whenever a question arises in the administration of this Zoning Ordinance as to its meaning or intent. Any interpretations must carry out the intent and purpose of this Zoning Ordinance, the Zoning Map, and the Master Plan and must be made in accordance with commonly accepted rules of construction for codes and laws in general.
- b. **Public Hearings.** The Zoning Board of Appeals is charged with holding public hearings on Development Proposals and other matters before it, in accordance with [Section 32-132](#).
- c. **Appeals of Administrative Decisions.** The Zoning Board of Appeals has the authority to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit decision, or refusal by the Zoning Administrator, zoning enforcement offices, or any other administrative official, board or commission in administering or enforcing the provisions of the Zoning Ordinance under [Section 32-156](#).
- d. **Variations.** Grant or deny variance requests made under [Section 32-157](#).

Article XVII.

Site Plans



Section 32-141 Intent

The purpose of this article is to provide the city with the opportunity to review the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety and general welfare and its relationship and harmony with adopted City ordinances and plans. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the City.

Section 32-142 Applicability

- a. Site Plan review, containing the required information as described in [Section 32-142](#), shall be required for the following:
 - (1) **Administrative Site Plan Review.** A Site Plan shall be submitted to the Building Department for the City Planner, and other applicable City Officials, to review and approval for any of the following activities, uses, or developments:
 - (a) Remodeling or altering an existing structure that does not modify the building footprint.
 - (b) Addition/expansion of existing structure that does not increase the gross interior or leasable floor area by more than 2,000 square feet and does not increase the total by more than 20% of the existing gross floor area and does not impact site grading, circulation, or utilities. In cases of multi-unit residential development, the application shall not increase the number of dwelling units.
 - (c) Addition, modification, or relocation of non-residential accessory structures or structures such as dumpster enclosures.
 - (d) Change in building height that does not create new floor area.
 - (e) Decrease in building size that does not impact site grading, circulation, or utilities.
 - (f) Minor changes to building or site to accommodate barrier-free regulations.
 - (g) Additions, modifications or substitutions of approved or existing landscaping or site lighting.

- (h) Internal rearrangement of parking lot that does not significantly change site circulation, create new parking spaces, or require the installation of new pavement or re-grading.
- (2) **Planning Commission Site Plan Review.** A Site Plan shall be submitted to the Building Department for the Planning Commission to review and approval for any of the following activities, uses, or developments:
- (a) All new construction, structural alterations, or substantial changes in use that do not qualify for Administrative Site Plan review.
 - (b) Remodeling or altering an existing structure that increases the building footprint or gross floor area by more than twenty percent (20%) or 2,000 square feet.
 - (c) Any use, or change of use, that requires a change in traffic circulation patterns that impacts ingress/egress, parking layout or pedestrian circulation.
 - (d) The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
 - (e) Outdoor storage or parking areas.
 - (f) Site condominium projects.
 - (g) Any residential development with more than 4 units.
 - (h) Planned Unit Developments.
 - (i) All special land uses.
 - (j) Any site plan forwarded to the Planning Commission by the City Planner.
- b. **Exemptions.** No Site Plan or Site Plan review is required for the following; however a zoning permit and other applicable permits are required:
- (1) Single Unit Detached Dwellings
 - (2) Duplexes
 - (3) Triplexes
 - (4) Accessory Dwelling Units
 - (5) Residential Accessory Structures.
 - (6) Non- Residential Accessory Structures (excluding buildings).

Section 32-143 Review Procedures

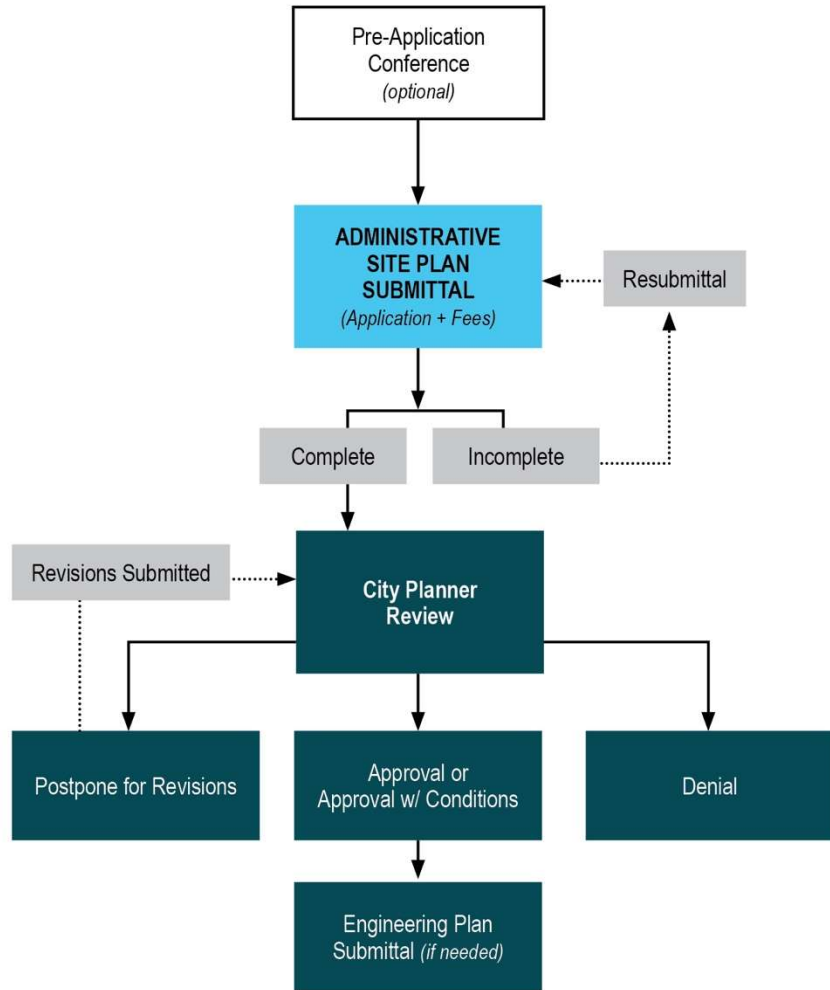
An applicant may initiate the site plan review process by submitting for Administrative or Planning Commission Site Plan approval. All materials shall be submitted to the Building Department for processing.

- a. **Pre-Application Conference (optional).** At the option of the applicant, prior to the submittal of a formal site plan review application, the applicant may submit a conceptual plan to the Building Department to be reviewed by the City Planner. The purpose of the pre-application conference is to discuss the review procedures, design elements, and ordinance requirements. At this conference, the City Planner may provide the applicant with an advisory opinion as to whether the site plan qualifies as a minor or major site plan, and whether the conceptual plan meets the standards of this Zoning Ordinance with respect to use, location, character, and zoning district requirements. The City's comments during a preapplication conference shall be advisory in nature only and shall not constitute approval of a site plan.
- b. **Application.** An Applicant initiates the Site Plan process by submitting the following materials to the Building Department.
 - (1) A completed application

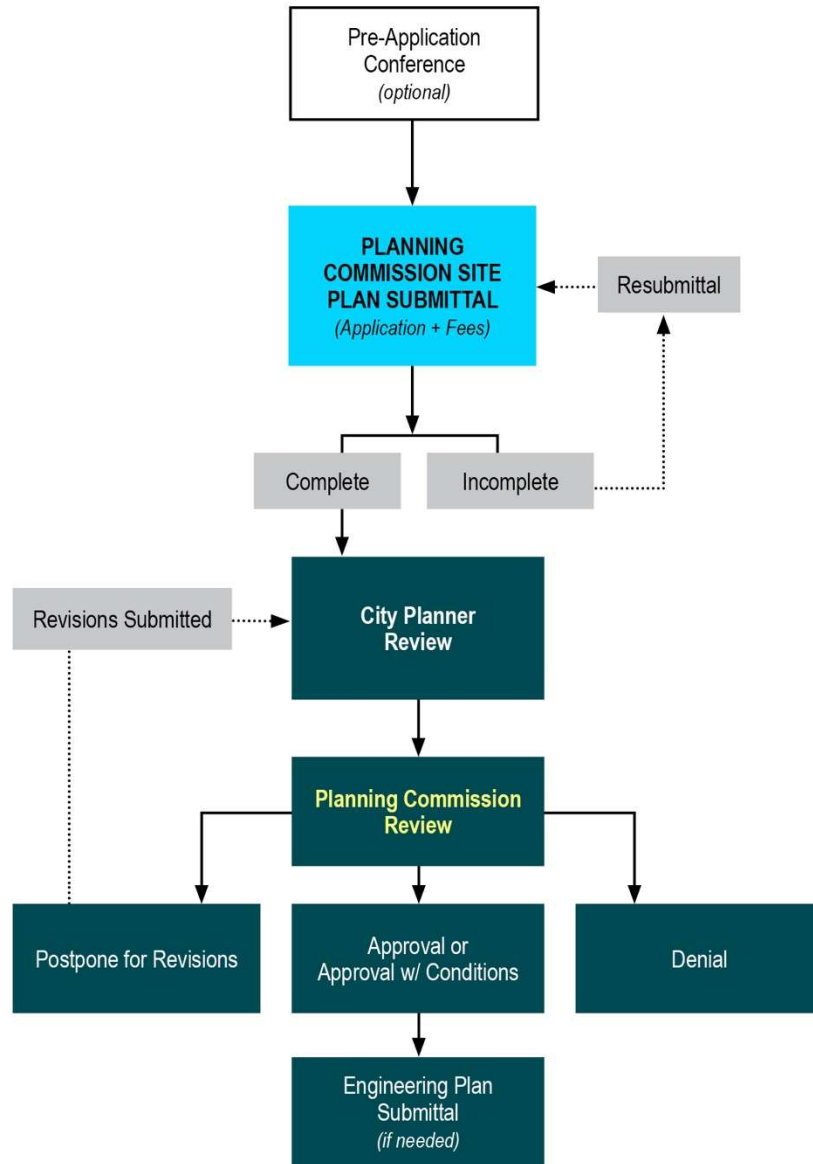
- (2) If the site plan is for administrative review, two folded 18" x 24" copies of the site plan containing all of the information set forth in [Section 32-144.b.](#) below.
 - (3) If the site plan is for Planning Commission review, ten folded 24" x 36" copies of the site plan containing all of the information set forth in [Section 32-144.c.](#) below.
 - (4) One copy of the site plan in digital (PDF) format
 - (5) All applicable fees as established by City Council.
- c. **Application Review.** The City Planner reviews the Site Plan application and materials for completeness.
- (1) **Administrative Site Plan Review.** The City Planner will proceed with the Site Plan Review after finding that all the required materials have been submitted. If incomplete, the City Planner will request required materials from the applicant.
 - (2) **Planning Commission Site Plan Review.** If complete, the City Planner places the site plan on the agenda for an upcoming Planning Commission meeting. If incomplete, the City Planner may request all necessary items prior to placing the item on the Planning Commission agenda.
- d. **Review.** The City Planner will review the site plans against the Zoning Ordinance Standards and may forward the site plan to additional reviewing agencies such as Public Safety, Engineering, Public Works, Building, etc. as needed.
- (1) **Administrative Site Plan Review.** The City Planner will review the site plan in accordance with [Section 32-145](#) and shall approve, approve subject to conditions, deny, or postpone action on the site plan.
 - (2) **Planning Commission Site Plan Review.** The Planning Commission shall review the site plan in accordance with [Section 32-145](#), with the assistance of the City Planner and other relevant City Agencies. The Planning Commission shall approve, approve subject to conditions, deny, or postpone action on the site plan.
 - (3) **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the City Planner or Planning Commission shall approve the site plan. A stamped copy of the approved site plan shall be sent to the applicant. The applicant shall apply for Engineering Plan approval.
 - (4) **Approval subject to Conditions.** The City Planner or Planning Commission may approve a site plan subject to 1 or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the City Planner shall approve the final site plan. A stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
 - (5) **Postponement.** Upon determination by the City Planner or Planning Commission that a site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the City Planner or Planning Commission may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Building Department in the same manner as the original submittal and be reviewed at the next available Planning Commission meeting, if applicable. The City Planner or Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.
 - (6) **Denial.** Upon determination by the City Planner or Planning Commission that a site plan does not comply with the standards and regulations set forth in this Ordinance or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.
- e. **Amendments of Approved Site Plans.** An approved site plan for a project which has not yet been completed may be amended by written application. Where the City Planner deems an amendment to be minor in scale, the City Planner may review and act upon the proposed amendment. Major changes, as determined by the City Planner, shall proceed to the body or board responsible for original site plan approval and shall satisfy all the substantive and procedural requirements for site plans. For purposes of interpretation, the following shall be considered minor changes:

- (1) The size of approved principal or accessory structures may be reduced or increased by up to five percent provided the overall density of units, where applicable, does not increase.
 - (2) Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
 - (3) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
 - (4) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (5) Changes of building materials to another of similar or higher quality, as determined by the Building Official.
 - (6) Changes in floor plans which do not alter the character of the use.
 - (7) Slight modification of sign placement or reduction of size.
 - (8) Changes required or requested by the city, county, state, or federal agency for safety reasons.
 - (9) Situations similar to the above, as determined by the City Planner.
- f. **Approval Period.** A site plan approval shall be valid for 1 year from the date of approval. If physical improvement of the site is not in actual progress at the end of a year and diligently pursued to completion, the approval shall be null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before expiration of the one-year period, then a new application and a new approval shall be required before a building permit may be issued.
- g. **Performance Bonds.** Where the Planning Commission finds it is appropriate, for reasons stated in writing, to the satisfactory completion of the site development in accordance with the site plan, the commission may require a cash deposit or irrevocable bank letter of credit acceptable to the city, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the city to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project, and any cash deposits shall be rebated in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
- h. **Appeals.** An applicant for a site plan approval may appeal the decision or absence of a decision of the Planning Commission to the Zoning Board of Appeals under [Section 32-156](#) of this chapter.

Administrative Site Plan Review Process



Planning Commission Site Plan Review Process



Section 32-144 Site Plan Submission Requirements

- a. **Application.** Applications for site plan review shall be made on forms available at the Building Department.
- b. **Administrative Site Plan Review.** The following information shall be required on all administrative site plans:
 - (1) Project address, names, north arrow, zoning designation
 - (2) Property lines and dimensions
 - (3) Dimensions for all setbacks and all site features.
 - (4) All existing and proposed:
 - (a) Buildings/Building Additions
 - (b) Parking areas and drive aisles
 - (c) Driveways
 - (d) Loading areas
 - (e) Sidewalks
 - (f) Rights-of-way/easements
 - (g) Bicycle rack(s)
 - (h) Trash receptacles/enclosures
 - (i) Landscaping
 - (j) Walls/fences
 - (k) Exterior lighting
 - (l) Stormwater facilities
 - (m) Ground signage
 - (5) Any other items deemed necessary by the City Planner to illustrate compliance with the standards of this Zoning Ordinance.
 - (6) The Planning and Zoning Administrator may waive particular minor site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.
- c. **Planning Commission Site Plan Review.** The following information shall be required on all Planning Commission site plans:
 - (1) **General Information:**
 - (a) Title block with name of proposed development, and the name, address and phone number of the property owner, developer and architect/engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.
 - (b) The site plan shall be drawn to scale not less than one-inch equals 50 feet.
 - (c) Date, north arrow, and scale.
 - (d) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (2) **Site Information:**
 - (a) Location map showing the proposed site location, zoning classifications and major roads.

- (b) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (c) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
 - (d) The percentage of land area devoted to building, paved, and open space.
 - (e) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within 50 feet of the subject property lines.
 - (f) Public or private wells on-site and on adjacent sites.
 - (g) Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
 - (h) Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 - (i) Existing and proposed underground and above-ground storage tanks and the material stored therein.
 - (j) Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - (k) Wetlands, watercourses, and drains.
 - (l) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service—Soil Survey.
 - (m) Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.
 - (n) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's engineer.
- (3) **Demolition Plan** (if applicable).
- (4) **Parking and Circulation:**
- (a) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property. The dimensions of proposed parking spaces and maneuvering lanes shall also be provided.
 - (b) The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
 - (c) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
 - (d) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
 - (e) Sidewalks and pedestrian or bicycle paths.
 - (f) Bicycle rack location(s) and details.
 - (g) Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
 - (h) Designation of fire lanes.
- (5) **Landscaping:**
- (a) Location and height of all walls and fences.
 - (b) Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.

- (c) Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
- (6) **Trash Removal.** Trash receptacle and transformer locations and method of screening, including details.
- (7) **Architectural Detail:**
 - (a) Colored Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures and percentage of each exterior building material used.
 - (b) Colored 3-D renderings of the proposed buildings.
 - (c) A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
 - (d) Density calculations for multi-unit projects.
 - (e) Principal and accessory buildings.
 - (f) Designation of units by type of buildings.
- (8) **Lighting.** Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with **Article X**, Lighting.
- (9) **Utilities.** All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- (10) **Signs.** Location, size and types of all proposed signs.
- (11) **Storm System.** Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
- (12) **Additional Information.** Planning Commission may require additional information, not listed in this section, to assist in their review of the site plan.
- (13) **Waiver.** Where it is determined by the Planning Commission that certain requirements of this section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the commission's minutes, together with the unique circumstances and reasons for such waiver.

Section 32-145 Site Plan Review Standards

- a. **Site Plan Review Criteria.** The approving body shall consider and require compliance with the following:
 - (1) All application and site plan review submittal criteria have been met.
 - (2) The site plan is in full conformance with all applicable Zoning Ordinance requirements including but not limited to:
 - (a) Schedule of Permitted Uses, **Section 32-30**.
 - (b) Schedule of Regulations, **Section 32-31**.
 - (c) If applicable, Use Standards, if applicable **Article VIII**.
 - (d) If applicable, General Provisions, **Article IX**.
 - (e) Lighting, **Article X**.
 - (f) Parking, Loading and Access Management, **Article XI**.
 - (g) Landscaping and Screening, **Article XII**.
 - (h) If applicable, Signs, **Article XIII**.

- (3) The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
- (4) On-site and off-site circulation of both vehicular, non-motorized and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site, including emergency vehicle access.
- (5) Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.
- (6) Utility service, including proposed water, sanitary sewer and the development and the recommendation of the city's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the department of health, drain commission or road commission, are a prerequisite or condition to approval.

Article XVIII.

Special Land Uses



Section 32-146 Intent

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

Section 32-147 Applicability

Special Land Use review is required for all uses identified as special land use in a certain zoning district.

Section 32-148 Review Procedures

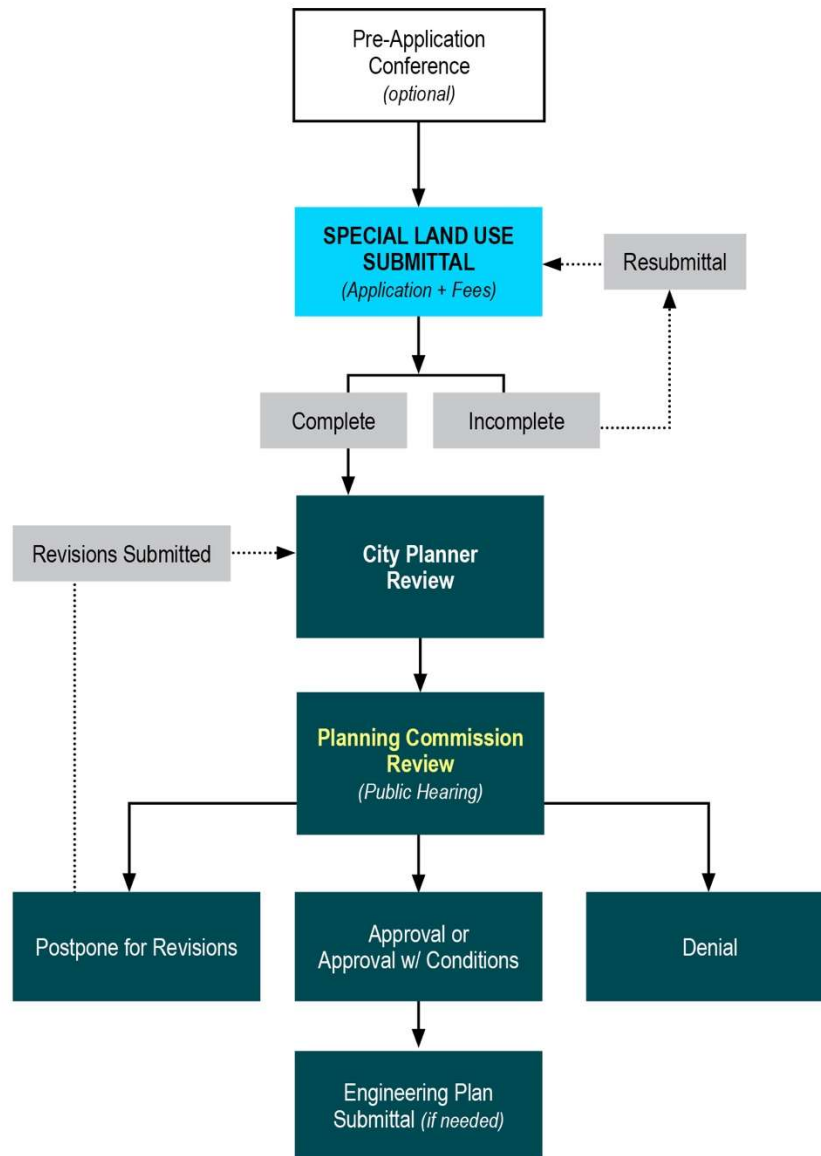
- a. All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:
 - (1) **Pre-application Conference.** An applicant may request a preliminary meeting with Building Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.
 - (2) **Application.** An Applicant initiates the Special Land Use review process by submitting the following materials to the Building Department.
 - (a) A completed application
 - (b) Report detailing project narrative and response to Special Land Use Review Standards ([Section 32-149](#)).
 - (a) Ten 18" x 24" copies of the site plan containing all of the information set forth in the Administrative Site Plan Submission Requirements, [Section 32-144.b](#).
 - (b) One copy of the site plan in digital (PDF) format

- (c) All applicable fees as established by City Council.
- (3) **Application Review.** The City Planner reviews the special land use application and materials for completeness. If complete, the City Planner schedules and notices the public hearing in accordance with **Section 32-132** and places the special land use on the agenda for an upcoming Planning Commission meeting. If incomplete, the City Planner may request all necessary items prior to placing the item on the Planning Commission agenda.
- (4) **Review.** The City Planner will review the special land use application against the Special Land Use Review Standards and may forward the site plan to additional reviewing agencies such as Public Safety, Engineering, Public Works, Building, etc. as needed.
- (5) **Public Hearing.** The Planning Commission shall hold a public hearing compliant with **Section 32-132** and all applicable state noticing requirements.
- (6) **Planning Commission Review.** Following the public hearing, the Planning Commission shall review the special land use in accordance with **Section 32-149**, with the assistance of the City Planner and other relevant City Agencies. The Planning Commission shall approve, approve subject to conditions, deny, or postpone action on the special land use.
 - (a) **Approval.** Upon determination that a special land use is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the special land use. A stamped copy of the approved special land use shall be sent to the applicant.
 - (b) **Approval subject to Conditions.** The Planning Commission may approve a special land use subject to 1 or more conditions necessary to address minor modifications to the plan. A stamped copy of the approved special land use shall be sent to the applicant. Such conditions shall meet the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - (c) **Postponement.** Upon determination by the Planning Commission that a special land use is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Planning Commission may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Building Department in the same manner as the original submittal and be reviewed at the next available Planning Commission meeting. The Planning Commission, prior to granting approval of a special land use may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the special land use.
 - (d) **Denial.** Upon determination Planning Commission that a special land use does not comply with the standards and regulations set forth in this Ordinance or would require extensive revisions to comply with said standards and regulations, the special land use shall be denied
- (7) **Approval Period** In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the city not later than 270 days thereafter, or such approval shall automatically be revoked, provided, however, the planning commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding another 270 days as it shall determine to be necessary and appropriate.
- (8) **Record.** The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving

authority and the landowner. The planning commission shall maintain a record of changes granted in conditions.

- (9) **Appeals.** Once a special land use has been approved, no zoning board of appeals requests shall be permitted without Planning Commission modification of the special land use approval.
- (10) **Conditional Rezoning.** Notwithstanding the other provisions of this section, the city council (and not the planning commission) shall have the authority to consider, approve, or deny special land uses which are proposed to be developed under a conditional rezoning as part of city council's review and approval of a conditional rezoning agreement under **Section 35-155**.

Special Land Use Review Process



Section 32-149 Special Land Use Review Standards

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

Article XIX.

Zoning Ordinance Amendments (Map and Text)



Section 32-150 Intent

- a. Zoning ordinance amendments, including both map (rezonings) and text changes, are intended to promote orderly growth, align regulations with the comprehensive plan, and respond to evolving land use needs. These amendments help ensure public health, safety, and welfare by guiding compatible development, supporting infrastructure efficiency, and minimizing land use conflicts. Additionally, they provide clarity, encourage economic development, and incorporate public input while allowing the community to adapt to changing market trends and environmental conditions.

Section 32-151 Applicability

- a. The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, City Planner, other City Staff, or any interested person or organization.

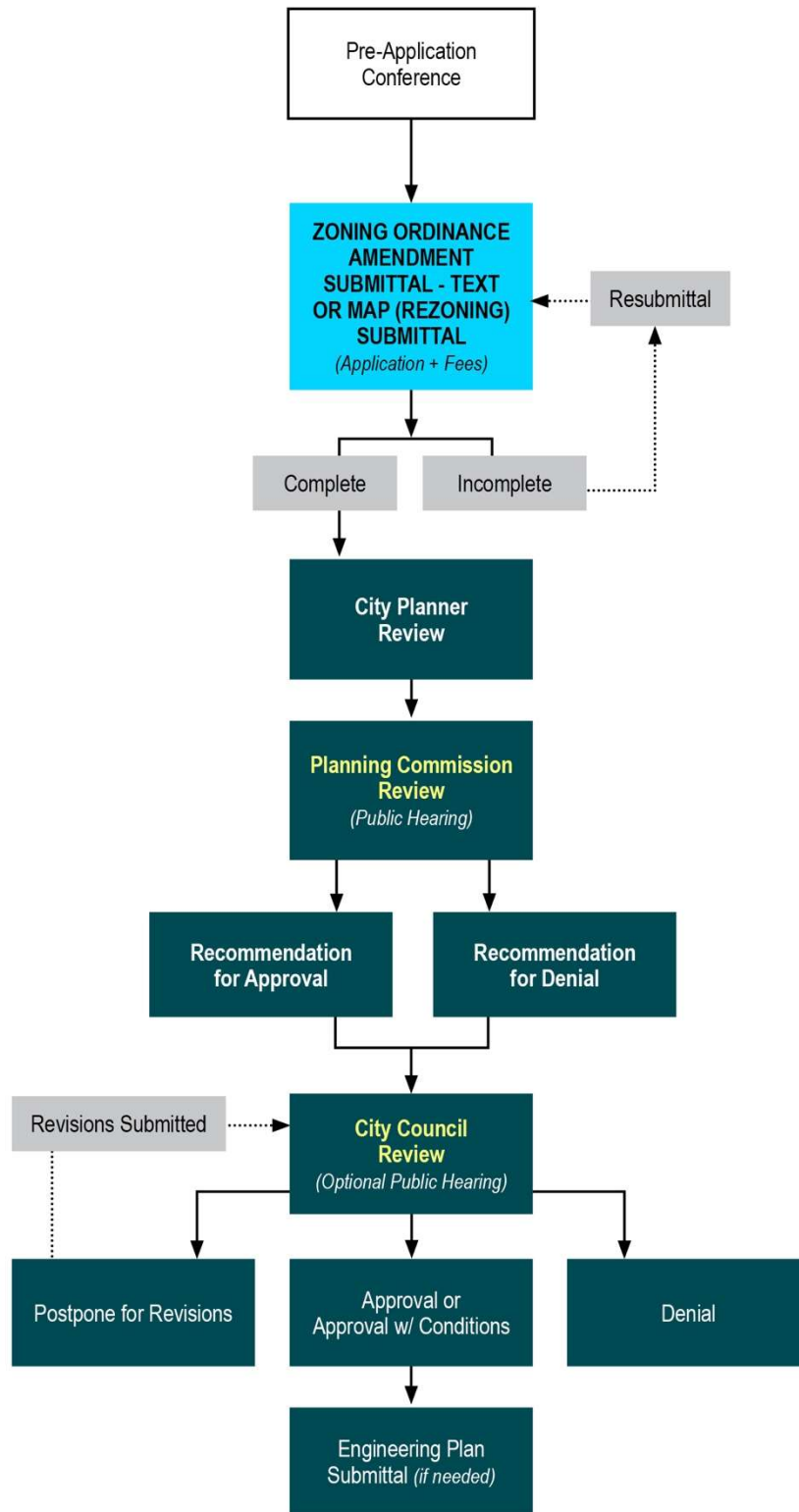
Section 32-152 Amendment Review Procedures

- a. **Generally.** The review process detailed in this section pertains to a situation where an interested person or organization initiates a zoning ordinance change. If the amendment is initiated by the City Planner, City Staff, or any appointed or elected boards, the steps in Section 32-151.b.(1) - Section 32-151.b.(3) shall not be applicable.
- b. The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Article and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
 - (1) **Pre-application Conference.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to the City Planner for review, comment, and recommendations. The

proposed amendment and application materials may also be distributed to applicable outside agencies and designated city consultants for review.

- (2) **Application.** An application 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 an application with the Building Department on the forms provided by the Department and accompanied by the fees specified. The application shall include the following:
 - (a) A completed application.
 - (b) A report detailing project narrative, including a description of the proposed amendment.
 - (c) Ten 18" x 24" copies of the plot plan containing all of the information set forth in the Zoning Ordinance Amendment Submission Requirements, **Section 32-153.c.**, if applicable.
 - (d) One copy of the plot plan in digital (PDF) format, if applicable.
 - (e) All applicable fees as established by City Council.
- (3) **Application Review.** The City Planner reviews the zoning ordinance amendment application and materials for completeness. If complete, the City Planner schedules and notices the public hearing in accordance with **Section 32-132** and places the zoning ordinance amendment on the agenda for an upcoming Planning Commission meeting. If incomplete, the City Planner may request all necessary items prior to placing the item on the Planning Commission agenda.
- (4) **Public Hearing.** A public hearing shall be held at a Planning Commission meeting in accordance with **Section 32-132**.
- (5) **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Council.
- (6) **City Council Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. City Council may, but is not required to, hold an additional public hearing. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
- (7) **Notice of Adoption of Amendment.** Following adoption of an amendment by the City Council, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall include all of the following information:
 - (a) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Fraser."
 - (b) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

Zoning Ordinance Amendment Review Process – Text or Map (Rezoning)



Section 32-153 Zoning Ordinance Amendment Submission Requirements

- a. **Application.** Applications for zoning ordinance amendments shall be made on forms available at the Building Department.
- b. **Text Amendments.** Along with a completed application and fee, the applicant shall submit a report including narrative to address the standards for text amendment review in [Section 152.a](#).
- c. **Map Amendments:**
 - (1) Along with a completed application and fee, the applicant shall submit a report including narrative to address the standards for text amendment review in [Section 154.b](#).
 - (2) A plot plan including the following elements.
 - (a) Project address, names, north arrow, zoning designation
 - (b) Property lines and dimensions
 - (c) Zoning designation for adjacent properties
 - (d) Dimensions for all setbacks and all site features
 - (e) All existing and proposed:
 1. Buildings/Building Additions
 2. Parking areas and drive aisles
 3. Driveways
 4. Loading areas
 5. Sidewalks
 6. Rights-of-way/easements
 7. Bicycle rack(s)
 8. Trash receptacles/enclosures
 9. Landscaping
 10. Walls/fences
 11. Exterior lighting
 12. Stormwater facilities
 13. Ground signage

Section 32-154 Zoning Ordinance Amendment Review Standards

- a. **Text Amendments.** In considering any petition for an amendment to the text of this Zoning Ordinance, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
 - (1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
 - (2) Consistency with the basic intent and purpose of this Zoning Ordinance.

- (3) Consideration of changing conditions since the Zoning Ordinance was adopted or a finding that there is an error in the Zoning Ordinance that justifies the amendment.
- b. **Map Amendments (Rezoning).** In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
- (1) Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
 - (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - (3) Consistency with the goals, policies and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
 - (4) The boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
 - (5) The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.
 - (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 - (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 - (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - (9) That the amendment will not be expected to result in exclusionary zoning.

Section 32-155 Conditional Rezoning (Map Amendments with Conditions)

- a. **Intent.** The Planning Commission and City Council recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.
- b. **Authorization and Eligibility:**
- (1) The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with the submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.
 - (2) In order to be eligible for consideration of a conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a Conditional Rezoning Agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

- (a) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.
- (b) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.
- (c) Preservation of open space, natural resources and/or natural features.
- (d) Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.
- (e) Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City Ordinance.
- (f) Limitations on permissible uses of the property.
- (g) Any other conditions that may be voluntarily proposed by the property owner.

c. Application and Review Procedures:

(1) Application:

- (a) A completed application signed by the applicant and the owner of the property which is the subject of the request (if different), accompanied by the application fee as established by City Council.
- (b) Proof that the applicant has a legal interest in the property sufficient to submit the application (deed, land contract, option agreement, purchase agreement, etc.)
- (c) The rezoning conditions proposed by the applicant.
- (d) A proposed conditional rezoning plan, which will serve as a preliminary plan submitted in connection with the conditional rezoning request, and which shall not replace the site plan review, special land use approval review, plat review and approval, condominium plan review, or other development procedures applicable to the proposed development under the zoning ordinance or other applicable ordinances or regulations.
- (e) A list of any special land use approvals required for the proposed development or use of the property, as city council has the authority to consider, approve, or deny any special land uses proposed under the conditional rezoning as part of its review and approval of the conditional rezoning agreement.
- (f) A list of any variances or temporary uses needed for the proposed development or use of the property, as city council has the authority to consider, approve, or deny any variances or temporary uses needed for the development or use proposed under the conditional rezoning as part of its review and approval of the conditional rezoning agreement.
- (g) A legal review fee deposit in an amount estimated by the city attorney to be sufficient to cover the cost of legal review of the conditional rezoning agreement by the city attorney. The applicant will be required to reimburse the city for the actual amount of attorney fees expended. If the deposit exceeds the actual legal fees expended, the surplus will be returned to the applicant. If the actual legal fees expended exceed the deposit, the applicant will be required to pay the deficiency to the city treasurer prior to the conditional rezoning being placed on a City Council agenda for consideration.

(2) Planning Commission Review:

- (a) The proposed Rezoning with Conditions shall be noticed for public hearing in accordance with **Section 32-132** before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance.
- (b) Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed conditional rezoning.

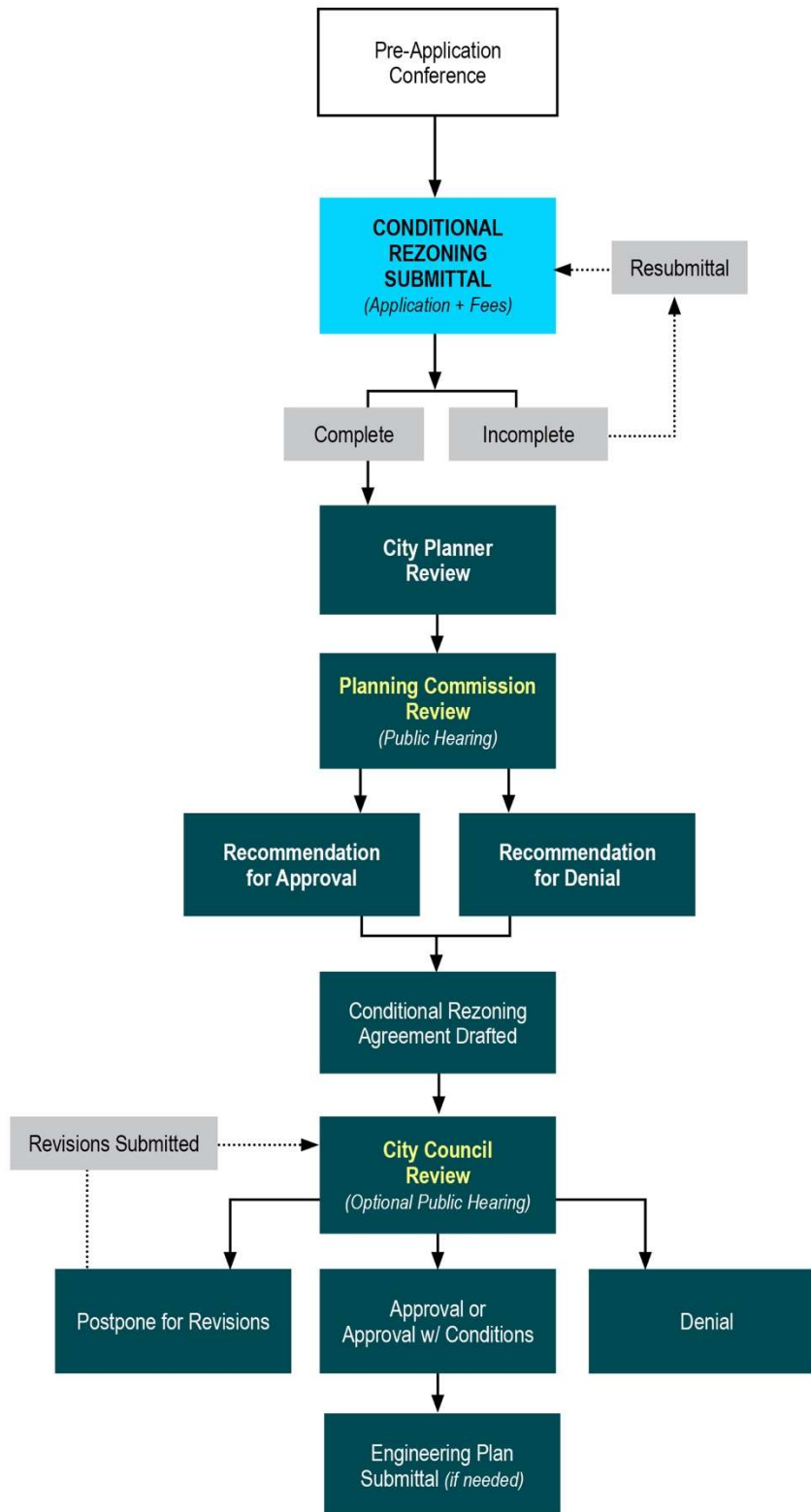
(3) Conditional Rezoning Agreement:

- (a) Upon receipt of the recommendation of the Planning Commission, the applicant or its counsel shall prepare a draft of a conditional rezoning agreement in recordable form for review and approval by the city attorney. The conditional rezoning agreement shall include the rezoning conditions, the conditional rezoning plan, and other terms and conditions mutually acceptable to the applicant and the City.
- (b) After the City Attorney approves the draft of the conditional rezoning agreement, the conditional rezoning application, the conditional rezoning plan, the draft of the conditional rezoning agreement, and the planning commission's recommendation shall be submitted to the city council for consideration of the conditional rezoning and the conditional rezoning agreement and conditional rezoning plan.
- (c) The conditional rezoning agreement shall contain, at a minimum, the following terms:
 - 1. The conditional rezoning was proposed by the applicant to induce the city to grant the rezoning.
 - 2. The rezoning conditions and conditional rezoning agreement are authorized by, and in compliance with, all applicable state and federal laws and constitutions.
 - 3. The conditional rezoning agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the city.
 - 4. The property in question shall not be developed or used in a manner inconsistent with the conditional rezoning plan and conditional rezoning agreement, unless modified by mutual agreement of the property owner and the city, except that the property may still be developed or used in strict conformance with the zoning of the property as it existed immediately preceding the conditional rezoning approval.
 - 5. The property owner agrees to continuously operate and maintain the development or use in compliance with all of the terms and conditions of the conditional rezoning agreement and conditional rezoning plan, and failure to satisfy such terms and conditions shall constitute a separate violation of the zoning ordinance and a breach of the conditional rezoning agreement.
 - 6. The property owner agrees to comply with any terms and conditions imposed with respect to approval of any special land use, variance(s), or temporary use.
 - 7. The rezoning conditions and other terms and conditions of the conditional rezoning agreement and conditional rezoning plan shall not be altered or added to except in an amendment executed by the parties and recorded with the Macomb County Register of Deeds.
 - i) Substantial amendments to the conditional rezoning agreement and conditional rezoning plan shall be proposed, reviewed, and approved as a new case in the same manner as the original conditional rezoning proposal.
 - ii) Minor changes within the scope authorized by the conditional rezoning agreement may be approved by the City Planner.
 - 8. Unless extended by the city council for good cause, the conditional rezoning shall expire following a period of 2 years from the effective date of the conditional rezoning, unless construction on the development of the property pursuant to the required permits or establishment of the approved use has commenced as evidenced by approvals issued by the city within such two-year period and proceeds diligently and in good faith as required by ordinance to completion, which time period may be extended by the city for good cause upon request of the applicant received prior to the expiration of the time period.
 - 9. If the property owner or applicant fails to commence construction on the development of the property or establish the approved use within the required time period (including any extensions granted by the city), then the zoning of the property shall revert to its former zoning classification. Rezoning of the property back to the former zoning classification of the property (i.e. reversion) shall be done by the city in accordance with the rezoning amendment procedures set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the provisions of the zoning ordinance. Until such time that the reverted zoning classification of the property becomes effective and is recorded with the Macomb County Register of Deeds, no development shall be undertaken or permits for development issued.

10. Where deemed appropriate by the city council in order to guarantee performance and to ensure that the city does not incur any costs associated with non-performance, the city may require that the applicant or property owner undertaking the development or establishing the use under the conditional rezoning provide a letter of credit or cash deposit in an amount specified in the city's approved fee schedule at the time development or establishment of the use begins.
 11. The conditional rezoning approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and city, and their respective heirs, successors, assigns, and transferees.
 12. The map amendment to the zoning ordinance implementing the conditional rezoning shall be completed in compliance with the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. If the conditional rezoning is declared invalid by a court of competent jurisdiction, or becomes void for any reason, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established, except for development that is in strict conformance with the zoning of the property prior to the conditional rezoning.
 13. Each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific development or land use authorized by the conditional rezoning.
 14. If the development is undertaken or the use established on the property subject to the conditional rezoning which does not comply with the terms and conditions of the conditional rezoning agreement and conditional rezoning plan, such development or use shall constitute a nuisance per se. In such instances, the city may issue a stop work order or cease and desist order relative to such development or use, and pursue any available lawful remedy. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the city may withhold, or following notice, revoke permits and certificates, in addition to or in lieu of other lawful action to achieve compliance.
 15. The property owner or person operating the development or use established under the conditional rezoning shall be responsible for reimbursing the city for attorney fees incurred by the city in preparing or negotiating the conditional rezoning agreement, which sums may be directly retained from the deposit(s) paid by the owner or applicant in accordance with the requirements of the zoning ordinance, and for enforcing the terms of it in the event that the property owner or person operating the development or use fails to comply with its terms and conditions.
 16. The conditional rezoning shall be effective within seven (7) days after publication of a notice of adoption of the zoning map amendment to the zoning ordinance and recording of the conditional rezoning agreement with conditional rezoning plan attached with the Macomb County Register of Deeds, unless a different effective date is set forth in the conditional rezoning agreement. Any amendments shall be in writing, and shall be completed in the same manner as the original conditional rezoning and zoning map amendment.
- (4) **City Council Review.** Upon recommendation by the Planning Commission, the City Council shall make a final determination to approve or deny the Conditional Rezoning as offered by the applicant. The City Council may only consider the conditions offered by the applicant and may not attach any other conditions to the rezoning other than those offered by the applicant.
- (5) **Effect of Approval:**
- (a) Approval of the conditional rezoning and conditional rezoning agreement confirms only the rezoning of the property, subject to any conditions reflected in the CRA.
 - (b) If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Conditional Rezoning". The Zoning Map shall specify the new zoning district plus a reference to the conditional rezoning.

- (c) Use of the property so classified and approved shall comply with the conditions set forth in the conditional rezoning agreement. No development or use of the land inconsistent with the conditions of the conditional rezoning agreement shall be permitted.
 - (d) After the conditional rezoning has been approved, the use of the subject property shall comply with all regulations governing the development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density, together with the more restrictive requirements set forth in the conditional rezoning agreement and the conditional rezoning plan. In the event of inconsistency between these requirements, the stricter requirements of the conditional rezoning agreement and conditional rezoning plan shall control.
- (6) **Review Criteria.** The City Council's deliberations shall include, but not be limited to, a consideration of the review criteria for a Conditional Rezoning. A conditional rezoning shall only be approved if it meets the following requirements and standards:
- (a) The proposed conditional rezoning will further the goals and objectives of the City Master Plan.
 - (b) The proposed conditional rezoning will not negatively impact adjacent properties or the general public.
 - (c) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the conditional rezoning. In determining whether approval of a proposed application would be in the public interest, the benefits, which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.
 - (d) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.
 - (e) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.
 - (f) The condition does not have the same effect as a use variance.
- (7) **Protest.** Whenever the City Council shall receive a protest against a proposed amendment, fully signed by the owners of 20% or more the parcels within a 100 foot radius of the subject parcel, measured from the parcel lines of said parcel, such amendment shall not be passed except by two-thirds vote of the City Council.

Conditional Rezoning Review Process



Article XX.

Variances and Appeals



Section 32-156 Administrative Appeals.

- a. **Generally.** The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of this Ordinance, except where this Ordinance prohibits Zoning Board of Appeal Action (e.g. direct appeal to Circuit Court).
- b. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion 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 Zoning Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- c. **Procedure:**
 - (1) An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector aggrieved by the decision, order, requirement, or determination made by the Planning and Zoning Administrator, Planning Commission, zoning enforcement officer, or other administrative official or board or commission tasked with administering or enforcing the provisions of this Ordinance.
 - (2) Such appeal shall be taken by filing a notice of appeal with the City Planner on appropriate forms provided by the Building Department.
 - (3) The City Planner shall transmit all papers constituting the records of such appeal to the Zoning Board of Appeals.
 - (4) The Zoning Board of Appeals may require the applicant to furnish such surveys, plans or other information as may be required for the proper consideration of the matter.
 - (5) Upon a public hearing before the board, any person or party may appear in person, or by agent, or by attorney.

- (6) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and **Section 32-132**.
- (7) The Zoning Board of Appeals shall review the request and may make a decision affirming the appeal, affirming the appeal with conditions, denying the appeal, or postponing the appeal.
- d. **Time of Appeal.** An appeal shall be filed to the City Planner within 30 days from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.
- e. **Decisions.** The affirmative vote of a majority of the members of the Board is necessary to find in favor of an applicant challenging an administrative decision of the City.
- f. **Fees.** A fee shall be paid to the Building Department, which the Building Department or administrative official shall forthwith pay over to the City Treasurer. The fee shall be established by resolution of the City Council.

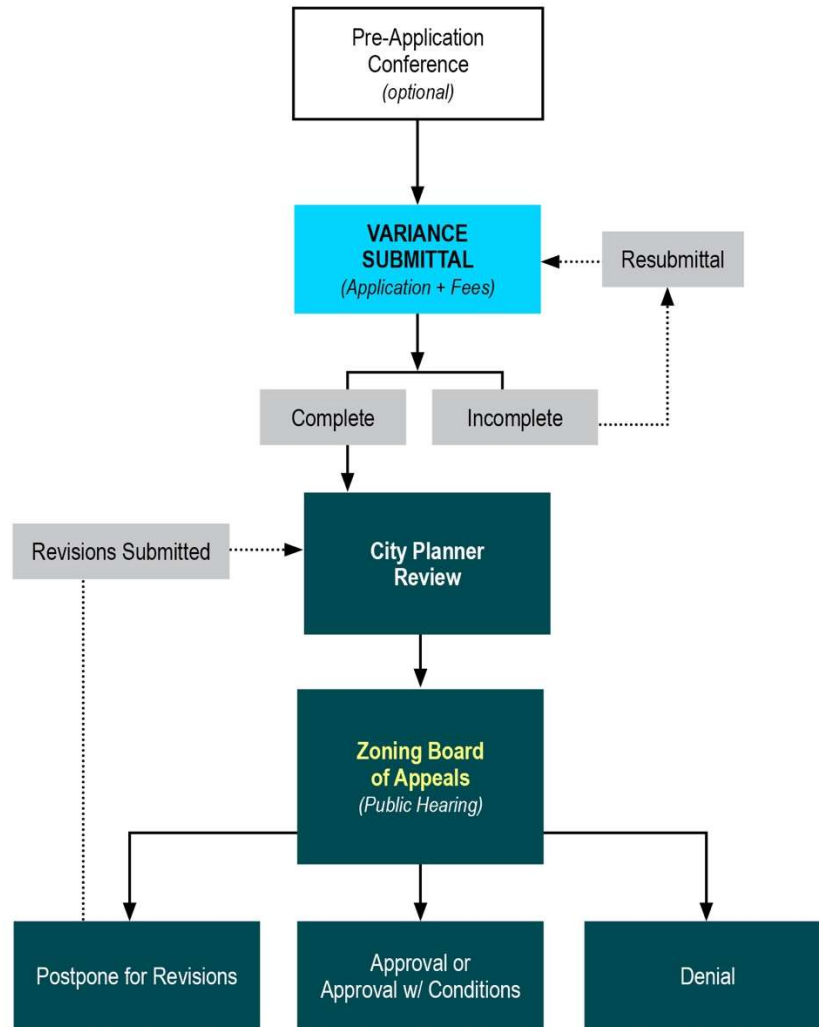
Section 32-157 Variances

- a. **Generally.** The Zoning Board of Appeals, as herein created, is a body of limited powers. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the board shall have powers in passing upon appeals to vary or modify any of the provisions of this chapter relating to the construction, structural changes in equipment, or alteration of building or structures so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.
- b. **Procedure:**
 - (1) A variance request may be sought by any person, firm or corporation aggrieved by the strict compliance with this Zoning Ordinance.
 - (2) A complete Zoning Board of Appeals application must be completed and submitted to the Building Department.
 - (3) The City Planner will review the application for completeness and establish a date for the variance request to be reviewed by the Zoning Board of Appeals.
 - (4) The City Planner shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and **Section 32-132**.
 - (5) The Zoning Board of Appeals shall review the request on the established meeting date and may make a decision approving the variance, approving the variance with conditions, denying the variance, or postponing the variance.
- c. **Grounds for Decisions.** No variance in the provisions or requirements of this chapter shall be authorized by the Zoning Board of Appeals, unless the Board finds evidence that all the following facts and conditions of a. thru d. exists or e. or f. exists independently.
 - (1) The property has unique conditions that do not generally apply to others in the same zoning district.
 - (2) The variance is needed to preserve a substantial property right similar to nearby properties, but financial gain alone is not a valid reason.
 - (3) Granting the variance will not harm neighboring properties or conflict with the intent of zoning regulations.
 - (4) The situation is specific to the property and not common enough to justify a general zoning rule change.
 - (5) That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).
 - (6) That phasing of required site plan improvements may be warranted because the cost of such improvements is relatively high in relation to the total cost of the applicant's development or addition. planning commission

recommendations shall be required, together with a financial security in the amount of the deferred improvements.

- d. **Decisions.** The affirmative vote of a majority of the members of the Board is necessary to find in favor of an applicant requesting a non-use variance. The concurring vote of two-thirds ($\frac{2}{3}$) of the members of the board shall be necessary to approve any use variance.
- e. **Conditions.** Conditions imposed in a decision must comply with the following:
 - (1) Conditions must be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Conditions must be necessary to meet the intent of this Zoning Ordinance, related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards.
- f. **Expiration of variance.** A variance approved by the zoning board of appeals shall expire 1 year from the date of approval by the Zoning Board of Appeals based upon the date written notice of the board's decision is sent to or delivered to the applicant (or the date of approval of the minutes for the meeting at which such action was taken if no notice is given or delivered to the applicant), unless the variance is used by the applicant or its successor within such time period as evidenced by applying for a building permit, site plan approval, zoning or other required permits, or a special land use approval required for the applicant's intended use. If the applicant or its successor has not begun using the variance by the date the variance expires, the variance shall be null and void, and that applicant must reapply for a new variance and obtain a new approval from the zoning board of appeals in order to have the benefit of the variance.
- g. **City Council.** Notwithstanding the other provisions of this section, the City Council (and not the zoning board of appeals) shall have the authority to consider, approve, or deny variances and temporary uses which are proposed to be developed under a conditional rezoning as part of City Council's review and approval of a conditional rezoning agreement.
- h. **Planning Commission.** Any matters acted upon by the Zoning Board of Appeals which require the recommendation of the Planning Commission shall be referred to the planning commission by the Zoning Board of Appeals for the Planning Commission's information.
- i. **Fees.** A fee shall be paid to the Building Department, which the Building Department or administrative official shall forthwith pay over to the City Treasurer. The fee shall be established by resolution of the City Council.
- j. **Interpretation.** The zoning board of appeals shall interpret the provisions of this chapter in such way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several zoning districts accompanying and made a part of this chapter in those cases where the street layout actually on the ground varies from the street layout as shown on the aforesaid map. The decision of the board shall be final insofar as they involve discretion or the finding of facts.
- k. **Expiration of variance.** A variance approved by the zoning board of appeals shall expire one (1) year from the date of approval by the zoning board of appeals based upon the date written notice of the board's decision is sent to or delivered to the applicant (or the date of approval of the minutes for the meeting at which such action was taken if no notice is given or delivered to the applicant), unless the variance is used by the applicant or its successor within such time period as evidenced by applying for a building permit, site plan approval, zoning or other required permits, or a special land use approval required for the applicant's intended use. If the applicant or its successor has not begun using the variance by the date the variance expires, the variance shall be null and void, and that applicant must reapply for a new variance and obtain a new approval from the zoning board of appeals in order to have the benefit of the variance.
- l. Notwithstanding the other provisions of this section, the city council (and not the zoning board of appeals) shall have the authority to consider, approve, or deny variances and temporary uses which are proposed to be developed under a conditional rezoning as part of city council's review and approval of a conditional rezoning agreement under section 32-261.

Variations Review Process



Article XXI.

Nonconformities



Section 32-158 Intent

- a. It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival. It is recognized that there exist within the districts established by this chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
- b. Such uses are declared by this chapter to be incompatible with permitted uses in the district involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- c. After the effective date of this Zoning Ordinance (**Section 32-10**), a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- d. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the Zoning Ordinance (**Section 32-10**), or at the time of amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved. In addition, while nonconforming uses are generally declared by this chapter to be incompatible with permitted uses in the district involved, increasing awareness that some nonconforming uses will not disappear make it necessary and desirable in pursuit of the public interest to distinguish between nonconforming uses which should be eliminated as rapidly as possible and nonconforming uses which ought to be given separate treatment. To this end, there are established two classes of nonconforming uses:
 - (1) Class A, those that could be restored, reconstructed or have substituted nonconforming uses; and
 - (2) Class B, those that are not desirable and useful and will only be allowed to be continued until they are removed or voluntarily discontinued.

Section 32-159 Classification of Nonconforming Uses

- a. All nonconforming uses shall be classified as Class B nonconforming uses at adoption of this chapter. The planning commission, city council, building department, or any person with a property interest may submit an application for designation as a Class A nonconforming use. The planning commission, shall have the sole authority to designate a nonconforming use as a Class A nonconforming use upon finding that:
 - (1) Continuance thereof would not be contrary to the public health, safety or welfare, or the spirit and intent of this chapter.
 - (2) The use does not, and is not likely to, significantly depress the value of nearby properties.
 - (3) The use was lawful at the time of its inception.
 - (4) No useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use does not conform.

Section 32-160 Procedure for Obtaining Class A Designation

- a. **Application.** A written application shall be filed with the building department, setting forth the following:
 - (1) Name of the applicant
 - (2) Address of the applicant
 - (3) Address and Parcel Identification Number (PIN) of the property for which Class A designation is sought
 - (4) Legal description of the property for which Class A designation is sought
 - (5) Other information as may be necessary to enable the planning commission to make a determination concerning the matter. The planning commission may require the furnishing of such additional information as it considers necessary.
- b. **Review Process.** Upon receipt of an application for Class A nonconforming status, the city shall:
 - (1) Notice for public hearing before the planning commission in accordance with this section and applicable provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
 - (2) The Planning Commission holds a required public hearing and recommends approval, approval with conditions, or denial. The Planning Commission may attach conditions, including any time limit where necessary, to assure that the use and its buildings or structures do not become contrary to the public health, safety or welfare, or the spirit and purpose of its classification.
 - (3) If the nonconforming use is reclassified as a Class A nonconforming use, the applicant shall file the nature and conditions with the Macomb County Register of Deeds.

Section 32-161 Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that, as a result of any change of conditions or circumstances, the use or structure no longer qualifies for Class A designation.

Section 32-162 Regulations Pertaining to Class A Nonconforming Uses

- a. No use which was unlawful under a prior zoning chapter or this chapter prior to amendment shall be considered a Class A nonconforming use.

- b. No Class A nonconforming use of land shall be resumed if it has been for any reason discontinued for a continuous period of at least twelve (12) months, or if it has been changed to another lesser nonconforming or a conforming use for any period.
- c. A Class A use may be used, altered or enlarged, provided that it does not violate any condition imposed by the planning commission established at the time of its designation.
- d. Nothing in this section shall prevent the restoration of a Class A nonconforming use eliminated by fire, explosion, act of God, or act of the public enemy subsequent to the effective date of its Class designation, or shall prevent the continuance of the use as such use existed at the time of its impairment, provided that said use restoration is completed within eighteen (18) months from the time of destruction and that the same use is made of the premises. The building official may, for reasonable cause, grant one (1) extension of time for an additional period not exceeding ninety (90) days.
- e. Where a Class A nonconforming use occupies a building and/or structure and land in combination, removal of such building and/or structure shall eliminate the nonconforming status of the land.
- f. Any Class A nonconforming use may be changed to another nonconforming use upon written findings of the zoning board of appeals that:
 - (1) The proposed use is similar in operational characteristics as the former nonconforming use;
 - (2) There is no increase in the intensity of the use of the land, building or structure involved;
 - (3) Such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing; and
 - (4) The proposed use, although inappropriate to a uniform zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the zoning district than the existing nonconforming use.
- g. In permitting such a change in use, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter, inclusive of upgrading the premises to comply as nearly as is practicable with requirements of this chapter.

Section 32-163 Regulations Pertaining to Class B Nonconforming Uses

The purpose of this section is to establish restructuring designed to eliminate Class B nonconforming uses as rapidly as is permitted by law without payment of compensation.

- a. No Class B nonconforming use of a structure, or structure and premises in combination, that is discontinued or ceases to exist for one (1) year or for twelve (12) months during any three-year period or be otherwise sooner abandoned, shall thereafter be used in conformance with the regulations of the district in which it is located. Structures and/or land established for seasonal uses shall be excepted from this provision.
- b. No Class B nonconforming use shall be resumed if it has been changed to a conforming use for any period.
- c. No Class B nonconforming use shall be enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the replacement cost of such structure.
- d. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- e. No use which was unlawful under a prior zoning chapter or this chapter prior to amendment shall be considered a Class B nonconforming use.
- f. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use after the effective date of adoption or subsequent amendment to this chapter.

Section 32-164 Nonconforming Structures and Buildings

The following applies to all nonconforming structures and buildings, except as may be modified in sections 32-205 and 32-206. Where a lawful structure or building exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, type of structure, or other restrictions of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure or nonconforming portion of the structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any nonconforming building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Nothing in this chapter shall be deemed to prevent routine repairs and maintenance of a nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.

Section 32-165 Nonconforming Uses of Structures and Land

The following applies to all nonconforming uses of structures and land, except as may be modified in sections 32-205 and 32-206. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure and/or use of land devoted to a Class B use not permitted by this chapter in the district in which it is located shall be intensified, enlarged, extended, constructed, reconstructed, moved or altered, except in changing the use of the structure and/or land to a use permitted in the district in which it is located.
- b. Any nonconforming Class A use may be extended throughout any parts of building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- c. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded, in whole or in part, by a permitted use shall thereafter conform to all regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

Section 32-166 Records of Nonconforming Uses

After the adoption of this chapter or any amendments thereto, the building official shall prepare a record of all known nonconforming uses, including uses of buildings and of land, existing at the time of such chapter or amendment.

Such record shall contain the names and addresses of the owners of record of such non-conforming uses and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Each owner and occupant shall be notified by certified mail, return receipt requested, of the nonconforming character of the structures and uses thereof. Such list shall be available during regular business hours in the office of the building official for examination and shall constitute permanent records of the city.

Section 32-167 Change of Tenancy or Ownership

There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

Section 32-168 Uses Subject to Special Land Use Approval Not Nonconforming Uses

Any specific use in existence for which a special land use approval is required in a specific zoning district as provided in this chapter shall not be deemed a nonconforming use as of the date of this chapter but shall without further action be deemed a conforming use in such district. Any change or modification of such use shall require processing as required for a new special land use.

Section 32-169 Nonconforming Lots

- a. Any lot which was of record on December 26, 1996, that does not meet the requirements of this chapter for lot width and depth and available space for yards, may be utilized for single residence purpose, provided the width and depth and available open space for yards is not less than sixty-six and two-thirds (66⅔) percent of that required by the terms of this chapter. Yard requirement variances may be obtained through approval of the zoning board of appeals.
- b. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on December 26, 1996, or at the time of amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirement stated in this chapter. The purpose of the provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

Section 32-170 Acquisition

The city may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the city. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The city council may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

Section 32-171 Appeals

Appeals from decisions made under this section of the chapter may be taken by the zoning board of appeals, as provided by P.A. 207 of 1921, as amended.

Article XXII.

Violations, Penalties, and Enforcement



Section 32-172 General Regulations

Uses of land and structures, erected, altered, razed, or converted in violation of this Zoning Ordinance, in violation of any approved site plan, special land use, PUD, rezoning, conditional rezoning, or in violation of any permit, license, or similar issued by the City are a nuisance per se. The owner, on-site manager, agent-in-charge, registered agent, and/or occupant are deemed responsible for correcting a nuisance, which must be abated in a timely manner, as determined in the sole discretion of the City Manager.

Section 32-173 Responsibility of Enforcement

The Zoning Administrator, or their designee(s) (including but not limited to code and zoning enforcement officers), is responsible for enforcing the provisions of this Code.

Section 32-174 Violations

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

Section 32-175 Public Nuisance Per Se

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

Section 32-176 Fines, Imprisonment, Etc.

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

Section 32-177 Separate Offense

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

Section 32-178 Rights and Remedies

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

Section 32-179 Stop Work Order

The Zoning Administrator, or their designee(s), may issue and serve upon a person pursuing the activities in violation of this Ordinance a stop work order requiring that the person stop all activities in violation of this Zoning Ordinance.

Section 32-180 Permit Suspension or Revocation

Any development or site plan permit, approval, Certificate of Occupancy, or other form of authorization required under this Zoning Ordinance may be suspended or revoked if the City Plane determines that:

- a. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit, development approval, or Certificate of Occupancy;
- b. The permit, development approval, or Certificate of Occupancy was procured by false representation; and
- c. The permit, development approval, or Certificate of Occupancy was issued in error. Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the permit or certificate was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice.



Monthly Planning & Zoning Report

For September 2025

McKenna provides day-to-day assistance to the City, applicants, and the public regarding zoning, planning and economic development matters.

PLANNING, ZONING, DESIGN & ECONOMIC DEVELOPMENT ACTIVITY

As part of our services to the City, McKenna reviews Planning Commission applications and provides recommendations on long range planning, land use, zoning, and design. The following is a summary of active developments; **yellow highlighting indicates new updates for the month.**

PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
<p>SP21-08</p> <p>34400 Utica Hockeyland Outlot</p> <p>SLU 24-01</p>	<p>Site plan approval with conditions granted on August 4, 2021.</p>	<p>Site plan approval extended for 12 months, August 2, 2023, subject to site plan amendment approval. Approved to apply for foundation permits.</p> <p>Revised site plan approved at September PC meeting. CofO contingent on satisfaction of all PC conditions of approval.</p> <p>Lot split application approved in October 2022. Approved to move forward with the process without finalized parking agreement.</p> <p>Construction underway.</p> <p>Planning Commission conditionally approved the site plan with amendments to the conditions regarding off-site shared parking agreements.</p> <p>SLU modification approved at March 6, 2024 PC Meeting.</p> <p>Big Boy / Hockeyland management met with City (building, planning, engineering, legal) and has submitted a plan to complete all outstanding items by September 30, 2024.</p> <p>Big Boy / Hockeyland met with City in October to discuss outstanding items.</p>
<p>RZ23-02</p> <p>32981 & 32875 Utica Road</p> <p>Sheetz</p>	<p>Conditional rezoning from CBD to CG to operate a gas station and fast food restaurant.</p>	<p>Public hearing at the January 3, 2024 Planning Commission Meeting.</p> <p>Planning Commission recommended denial of conditional rezoning to City Council at January 3, 2024 Planning Commission Meeting.</p>



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		<p>City Council approved Conditional Rezoning on October 30, 2024. Applicant is currently revising the agreement in accordance with conditions provided at the meeting.</p> <p><i>“Motion by Perry supported by Sutherland to approve the conditional rezoning application RZ23-02 based on the information presented by Sheetz with modifications to the maintenance of landscaping, the presentation of a compliant lighting plan, and Sheetz covering the cost of any land transfers to neighboring residents.”</i></p> <p>The site plan will return to Planning Commission, but Planning Commission will only be able to ensure that the conditions of the conditional rezoning agreement are met.</p> <p>Sheetz obtained a variance for their lighting under the fuel pump canopy to allow a maximum illumination of 30fc at the City Council meeting on May 8, 2025.</p> <p>Sheetz has received final site plan approval at the July 21, 2025, Planning Commission.</p> <p>Preconstruction meeting occurred with City Staff on September 26, 2025.</p>
<p>ZBA 24-06 33420 Utica Road</p> <p><i>Use Variance for multiplex development</i></p> <p>SP 24-07 33420 Utica Road</p>	<p>Request for a use variance to construct a multiplex development in the RM district.</p> <p>Request for site plan approval for multiplex development.</p>	<p>The Zoning Board of Appeals approved the use variance at the November 7, 2024 meeting.</p> <p>Planning Commission tabled site plan on January 13, 2025. Applicant to return with revisions.</p> <p>The site plan was conditionally approved at the March 5, 2025 meeting. The applicant has submitted updated plans that meet the conditions required and is now in engineering review.</p>
<p>SP 24-08 17689 Masonic Blvd</p> <p><i>Strip Mall</i></p>	<p>Request for site plan approval for commercial strip mall.</p>	<p>Applicant postponed review at the January 13, 2025 Meeting. The applicant will revise site plan and return to Planning Commission.</p> <p>The site plan was conditionally approved at the March 5, 2025 meeting. The applicants is obtaining DPW approvals.</p>
<p>RZ 25-01, Hayes Road</p>	<p>Rezoning from RL to RM to develop site condominiums.</p>	<p>Planning Commission recommended approval of the rezoning request to rezone a parcel on Hayes Road near 14 Mile Road from RL to RM, in order to develop 8-site condominiums on May 7, 2025.</p> <p>City Council approved the rezoning on June 12, 2025. The applicant will return to PC for site plan approval.</p>



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
ZBA 25-02 31471 Grove	To request a variance to construct a 6 ft tall sight-obscuring fence on a corner lot, parallel to a side street.	The ZBA approved the variance at the July 17, 2025 meeting.
SLU 25-02 33341 Kelly Road Complete Auto Care	To obtain special land use approval to allow an automobile heavy repair garage in an “IR – industrial restricted” zoning district.	The PC conditionally approved the SLU at the July 21, 2025 meeting. PC approved their site plan at the September 3, 2025 meeting.

LOOKING FORWARD

- Full Zoning Ordinance Rewrite (End of 2025 – Early 2026)

CONTACT US

Should you have any questions on the above projects or would like additional information, please contact your City of Fraser team at:

- Lauren Sayre (lsayre@mcka.com)
- Alicia Warren (awarren@mcka.com)