


# City of Clawson
# Chapter 34, Article X
# Zoning Ordinance
# March 16, 2022

Updated through April 14, 2023

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Giffels Webster's Clearzoning® Ordinance : It's Your Code, Only Better™

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# Preface

How to Use This Ordinance

Use Matrix

District Summary Table

# How to Use This Ordinance

## 1. Content Organization and Page Layout

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

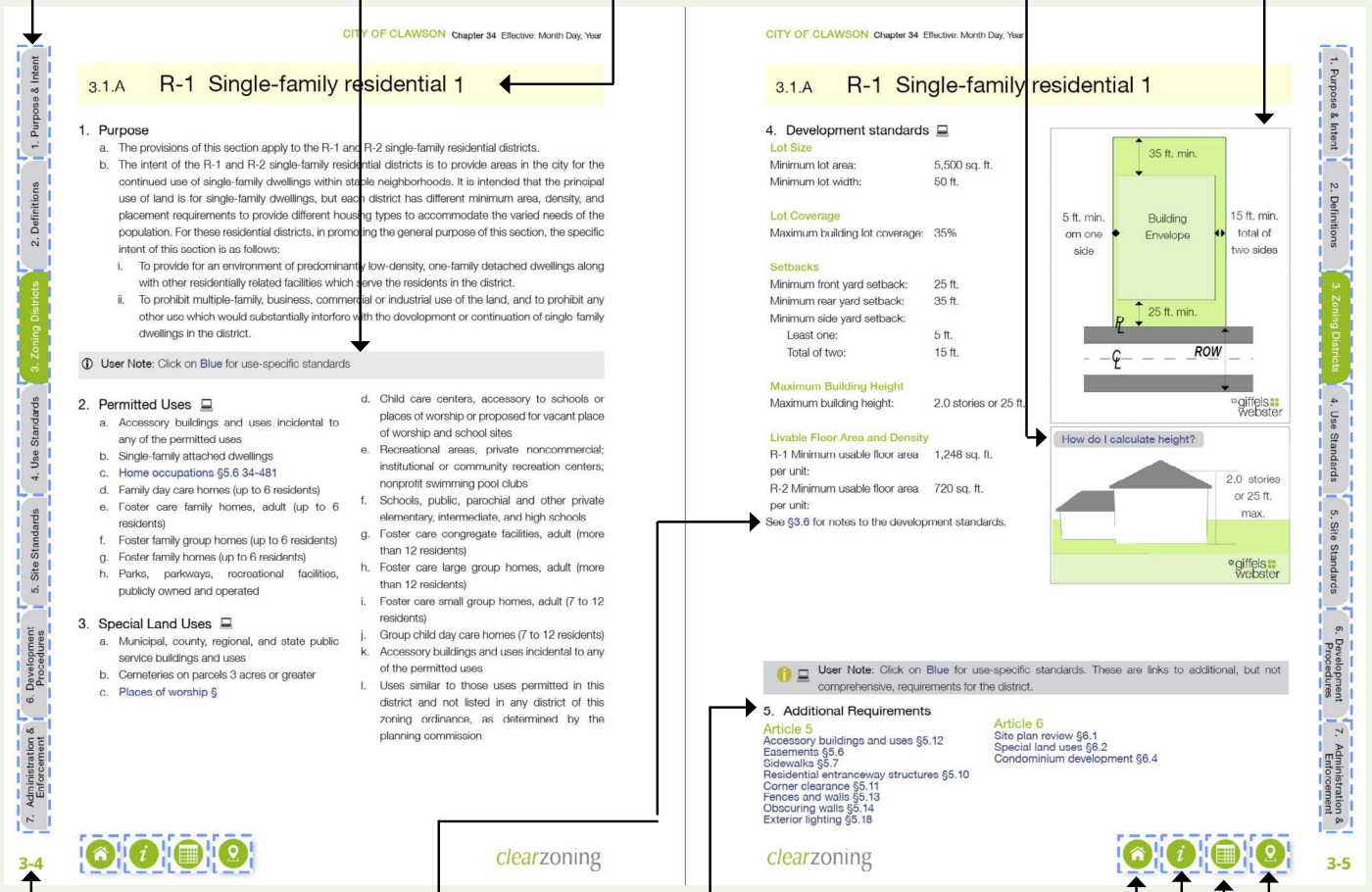
**Article Tabs** link to the first page of each Article. **Green** tab indicates the Article in which the current page is located

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

**Sections and subsections** contain the ordinance regulations in a hierarchal manner

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

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




**Pages** are numbered sequentially within each article

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

**Additional Requirements** list other sections or Ordinances that may pertain to a development in the district

**Link** to Table of Contents

**Link** to How to Use This Ordinance

**Link** to Zoning Map

**Link** to Use Matrix



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# How to Use This Ordinance

## 2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

| | |
|---|---|
| 🕮 | Indicates the term is defined in Article 2 - Definitions. (Note: Not every defined term is designated with a 🕮 symbol. Consult Article 2 Definitions, for a list of all defined terms.) |
| | Indicates there is a graphic that illustrates the standard or requirement. |
| | Indicates there is a specific method for measuring that is described in Article 2 Definitions, Section 2.3 Measurements. |
| PL | Identifies a property line. |
| ℄ | Identifies the right-of-way centerline. |
| ***ROW*** | Identifies the right-of-way. |
| | Identifies a User Note that provides helpful information for all users. |
| | Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance. |

# How to Use This Ordinance

## 3. Reading the Ordinance

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

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 200 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

Conjunctions are often used and must be read accurately:

- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
- EITHER … OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see Section 2.1 Construction of language.

# How to Use This Ordinance

## 4. Digital User Note

### What is a link?

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

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

### What information is linked?

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

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



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



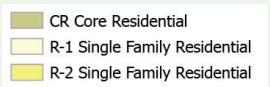

Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, the Use Matrix, and the Zoning Map




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

How do I calculate height?

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




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

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# Use Matrix

## Residential districts

Below is a reference table that summarizes the residential uses listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | R-1 | R-2 | RM-1 | RM-2 |
|---|---|---|---|---|
| **Residential Uses** | | | | |
| Accessory buildings and uses incidental to any of the permitted uses §5.12 | S | S | P | P |
| Housing for the elderly §4.25 | | | S | S |
| Multiple-family dwelling units in excess of three stories §4.3 | | | | P |
| Multiple-family dwellings §4.3 | | | P | P |
| Nursing home, convalescent homes, and rest homes §4.23 | | | S | S |
| Single-family attached dwellings §4.2 | | | P | P |
| Single-family detached dwellings to serve as the living quarters | P | P | S | S |
| State licensed residential facilities: | | | | |
| Family day care homes (up to 6 residents) §4.21 | P | P | P | P |
| Foster care congregate facilities, adult (more than 12 residents) §4.21 | S | S | S | S |
| Foster care family homes, adult (up to six residents) §4.21 | P | P | P | P |
| Foster care large group homes, adult (more than 12 residents) §4.21 | S | S | S | S |
| Foster care small group homes, adult (7-12 residents) §4.21 | S | S | S | S |
| Foster family group homes (up to six residents) §4.21 | P | P | P | P |
| Foster family homes (up to six residents) §4.21 | P | P | P | P |
| Group child day care homes (7 to 12 residents) §4.21 | S | S | S | S |
| Townhouses §4.3 | | | P | P |
| Two-family dwellings §4.3 | | | P | P |
| **Places of Assembly/Institutional Uses** | | | | |
| Cemeteries | S | S | | |
| Child care centers §4.32 | | | S | S |
| Child care centers, accessory to schools or places of worship | S | S | | |
| College or universities, public or private, and other such institutions of higher learning §4.19 | | | S | S |
| Hospital, general §4.24 | | | S | S |

# Use Matrix

## Residential districts

Below is a reference table that summarizes the residential uses listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | R-1 | R-2 | RM-1 | RM-2 |
|---|---|---|---|---|
| Places of worship §4.17 | S | S | S | S |
| Schools, public, parochial and other private elementary, intermediate and high schools §4.18 | S | S | S | S |
| **Business and Commercial Uses** | | | | |
| Business uses of a retail or service nature | | | | S |
| Home occupations §4.28 | P | P | P | P |
| Municipal, county, regional, and state service buildings and uses §4.20 | S | S | S | S |
| Parks, parkways, recreational facilities, publicly owned and operated | P | P | P | P |
| Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs §4.33 | S | S | S | S |
| Satellite dish antenna §4.4 | | | P | P |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Business and Commercial Uses** | | | | | | | | | | | | | | |
| Automobile filling stations and service stations (not repair garage) §4.41 | | | | | S | | | | | | | | | |
| Automobile or car wash establishments 🕮 §4.40 | | | | | S | | | | | | | | | |
| Automobile repair garages and undercoating shops 🕮 §4.42 | | | | | | S | | | | | | | | |
| Bed and breakfast | | | | | | | | | | | P | | | |
| Bus passenger station | | | | P | P | | | | | | | | | |
| Business support services | | | P | | P | | | | P | P | | P | P | P |
| Call centers | | | | | | | | | | | | | | P |
| Child care centers 🕮 §4.32 | S | | S | S | S | | | | | | | | S | |
| Coin-operated amusement device establishments | | | | | S | | | | | | | | | |
| Department stores and specialty shops §4.9 | | | | P | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Entertainment venues & other places of assembly | | | | | | | | | S | S | | | | |
| Essential services 🕮 | | | | | | P | P | | | | | | | |
| Family day care homes 🕮 §4.21 | P | P | P | P | P | P | P | | | | | | | |
| Financial institutions §4.13 | | | P | P | P | | | | P | P | | P | P | |
| Financial institutions with drive-through service or automatic teller service §4.14 | S | | | S | P | | | | S | | | S | | S |
| Fitness centers under 5,000 sq ft | | | | | | | | | P | P | | P | P | |
| Fitness centers over 5,000 sq ft | | | | | | | | | S | S | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Greenhouses | | | | | | P | P | | | | | | | |
| Health and fitness salons | | | P | | | | | | | | | | | |
| Home businesses §4.27 | | | | | | | | | P | | S | | | |
| Home occupations §4.28 | | | | | | | | | P | P | P | | | |
| Hospital, general §4.24 | P | P | S | | | | | | | | | | | |
| Hotel §4.48 | | | | | P | | | | P | | | | | S |
| Kennels §4.30 | | | | | | P | P | | | | | | | |
| Laundry and dry cleaning customer outlets, coin-operated laundromats, self-service dry cleaning establishments and similar operations provided that all services performed on the premises shall be sold at retail on those premises | | | P | | P | | | | | | | | | |
| Media production facilities and printing facilities | | | | | | | | | | | | | | P |
| Medical clinics and urgent care facilities | | | | | | | | | | | | | | P |
| Messenger, mailing, and delivery services | | | | | | | | | | | | | | S |
| Mortuary establishments §4.26 | S | | S | | | | | | | | | | | |
| Motels and motel courts §4.15 | | | | | S | S | | | | | | | | |
| Newspaper offices and printing shops §4.35 | | | P | P | P | | | | | | | | | |
| Outdoor retail sales of plant materials and lawn equipment §4.12 | | | | | | | | | | | | S | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment and home garden supplies §4.12 | | | | | S | | | | | | | | | |
| Parking garages §4.16 | | | | S | S | | | | S | S | | | | |
| Parking lots | | | | | | | | | S | S | | | | |
| Parking, accessory to and for use in connection with one or more business or industrial establishments, or professional or institutional office buildings or institutions | | | | | | | | P | | | | | | |
| Personal service establishments | | | P | P | P | | | | P | P | | P | P | |
| Photography §4.35 | | S | | | | | | | | | | | | |
| Photostating, printing §4.35 | | S | | | | | | | | | | | | |
| Primary caregiver facilities §4.51 | | | | | | P | | | | | | | | P |
| Restaurants, sit down, with or without alcohol §4.6 | | | P | P | P | | | | P | P | | P | | |
| Restaurants, sit down, with or without alcohol, north of Anderson Court only | | | | | | | | | | | | | | P |
| Restaurants, carryout §4.6 | | | | | P | | | | P | P | | P | P | |
| Restaurants, carryout, north of Anderson Court only | | | | | | | | | | | | | | P |
| Restaurants, fast food, drive-in, and drive-through §4.7 | | | | | S | | | | | | | P | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Restaurants, outdoor cafes or areas 🕮 §4.8 | | | | S | | | | | P | P | | P | P | |
| Retail §4.9 & §4.10 | | | P | P | P | | | | P | P | | P | P | |
| Retail accessory use customarily related to an authorized principal use for the district | S | | | | | | | | | | | | | |
| Retail, outdoor §4.12 | | | | | | | | | | | | P | | |
| Retail, with drive-through facilities | | | | | | | | | | | | S | | |
| Retail uses characteristic to serving industrial park needs §4.11 | | | | | | | P | | | | | | | |
| Open front, open air 🕮 or outdoor sales of new or used automobiles, truck and tractors, boats, mobile homes, recreation vehicles and trailers | | | | | S | | | | | | | | | |
| Self-storage facilities | | | | | | P | P | | | | | | | |
| Showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales | | | | | P | | | | | | | | | |
| Smoking establishments | | | | | S | | | | | | | | | |
| Theaters 🕮, drive-in | | | | | S | | | | | | | | | |
| Theaters 🕮, enclosed | | P | P | | | | | | | | | | | |
| Theaters 🕮, excluding drive-ins | | | | | P | | | | | | | | | |
| Trucking facilities | | | | | | P | P | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Veterinary hospitals and clinics §4.29 | | | S | | S | | | | | | | | S | |
| Warehouses, mini | | | | | | P | P | | | | | | | |
| Warehousing and wholesale establishments | | | | | | P | P | | | | | | | |
| **Industrial Uses** | | | | | | | | | | | | | | |
| Artisan manufacturing/ galleries §4.38 | | | | | | | | | P | P | S | P | P | |
| Assembly of articles such as art goods, tools, gauges, cameras, watches, clocks, electronic, scientific, controlling, musical, and similar precision instruments, jewelry, surgical and optical equipment, orthopedic products | | S | | | | | | | | | | | | |
| Blueprinting §4.35 | | S | | | | | | | | | | | | |
| Data processing and computer center, including service and maintenance | | | | | | | | | | | | | | P |
| Dry cleaning plants or laundries, central (not dealing directly with customers at retail) | | | | | | P | P | | | | | | | |
| Heating and electric generation plants | | | | | | | S | | | | | | | |
| High technology service uses | | | | | | | | | | | | | | P |
| Incineration of garbage or refuse | | | | | | | S | | | | | | | |
| Industrial clinics | | | | | | P | P | | | | | | | |
| Junkyards §4.45 | | | | | | | S | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Laboratories: experimental, film, or testing | | | | | | P | P | | | | | | | |
| Machine shops; metal buffing, plating, and polishing shops; metal and plastic molding and extrusion shops; millwork and planing mills; painting and sheetmetal shops; undercoating and rustproofing shops; welding shops | | | | | | | P | | | | | | | |
| Manufacture and repair of electric or neon signs, light sheetmetal products | | | | | | P | P | | | | | | | |
| Manufacture of cement products and construction materials | | | | | | | P | | | | | | | |
| Manufacture or assembly of automobiles, automobile bodies, automotive parts and accessories; electrical fixtures, apparatus, hardware and batteries; cement, lime gypsum, plaster of Paris and other similar materials | | | | | | | P | | | | | | | |
| Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs, and television | | | | | | P | P | | | | | | | |
| Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials | | | | | | P | P | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Manufacture, compounding, processing, packaging, or treatment of products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machining shops | | | | | | P | P | | | | | | | |
| Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products | | | | | | P | P | | | | | | | |
| Manufacture of pottery and figurines or other similar ceramic products | | | | | | P | P | | | | | | | |
| Manufacturing agents, including accessory display and warehousing | | | | | | | | | | | | | | S |
| Petroleum production, refining, and storage | | | | | | | P | | | | | | | |
| Processing, refining, or storage of food and foodstuffs | | | | | | | P | | | | | | | |
| Research, design, pilot, or experimental product development uses | | P | | | | P | P | | | | | | | P |
| Storage and transfer, and electric and gas service buildings and yards | | | | | | | P | | | | | | | |
| Storage facilities for building materials, sand, gravel, stone, lumber, storage of all contractors' equipment and supplies; enclosed or obscured by a wall | | | | | | P | P | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Institutional Uses** | | | | | | | | | | | | | | |
| Child care centers as an accessory use to a school or place of worship or on a vacant school or place of worship site | S | | S | | | | | | | | | | | |
| College or universities, public or private, and other such institutions of higher learning §4.19 | | | S | | | | | | | | | | | |
| Places of worship 🕮 §4.17 | P | | P | P | P | | | | | | | | S | |
| Private service clubs 🕮, fraternal organizations, banquet and meeting halls | | | S | | P | | | | | | | | S | |
| Schools, business or vocational training centers §4.19 | P | P | | | | | | | | | | | | |
| Schools, occupational or professional training §4.19 | | | P | P | P | | | | | | | | | |
| Schools, technical training §4.19 | | P | P | P | P | | | | | | | | | |
| Schools, trade or industrial §4.19 | | | | | | P | P | | | | | | | |
| **Office Uses** | | | | | | | | | | | | | | |
| Offices, medical | P | P | P | | | | | | P | P | | | | P |
| Offices, government or public utility buildings without storage yards | P | P | P | | S | | | | | | | | | |
| Offices, professional §4.34 | P | P | | P | | | | | P | P | S | P | P | P |
| Offices and showrooms of those in the trades §4.36 | | | P | P | P | | | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Public Uses** | | | | | | | | | | | | | | |
| Cellular phone towers §4.31 | | | | | | | S | | | | | | | |
| Community buildings and public service agencies not requiring outside storage of materials or vehicles | | | | S | | | | | | | | | | |
| Libraries | P | | P | | | | | | | | | | | |
| Museums | P | | P | | P | | | | | | | | | |
| Public buildings and utilities including necessary structures, storage yards and other related uses except heating and electric generation plants | | | | | | P | P | | | | | | | |
| Publicly owned buildings, telephone exchange buildings, and public utility offices (not storage yards, transformer stations, substations, or gas regulator stations) | S | | | | | | | | | | | | | S |
| Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, and water and sewage pumping stations; no outdoor storage | | | S | | | | P | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Radio and television towers, public utility microwaves and public utility television transmitting towers and their attendant facilities | | | | | | | S | | | | | | | |
| **Residential Uses** | | | | | | | | | | | | | | |
| Conversion of former single-family homes back to residential uses §4.1.L | | | P | | | | | | | | | | | |
| Live/Work units§4.49 | | | P | | | | | | | P | | | | |
| Nursing and convalescent homes§4.23 | P | P | | | | | | | | | | | | |
| Residential, mixed use | | | | P | | | | | | | | | | |
| Residential, multiple-family§4.3 | | | | | | | | | P | P | | | | |
| Residential, single-family attached§4.2 | | | | | | | | | | | P | | | |
| Residential, single family detached§4.1 | | | | | | | | | | | P | | | |
| **Recreational Uses** | | | | | | | | | | | | | | |
| Parks, plazas, public | | | | | | | | | P | P | P | | | |
| Public parks and plazas accessory to commercial uses | | | | | | | | | | | | P | | |
| Recreation, accessory use to a permitted principal use | | P | | | | | | | | | | | | |
| Recreation, commercial indoor §4.39 | | | | | | | | | S | S | | P | | |
| Recreation, indoor §4.39 | | | S | S | S | | | | | | | | | |
| Recreational, educational, and human service centers | P | | P | | | | | | | | | | | |

# Use Matrix

## Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance.

P = Principal Permitted Use

S = Special Land Use

| USE | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | VP | CC | CMD | CR | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Other Uses** | | | | | | | | | | | | | | |
| Accessory uses and structures 🕮 §5.12 | P/S | | P/S | P | P | P | P | | P | P | P | P | P | P |
| Drive-through facilities for restaurants, north of Anderson Court only §4.7 | | | | | | | | | | | | | | S |
| Other uses similar to those permitted | P | P | P | P | P | P/S | P | | | | | | | |
| Uses of a similar character to the above as determined by the Planning Commission | | | | | | | P | | S | S | S | | | |

# District Summary Table

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

## Residential districts

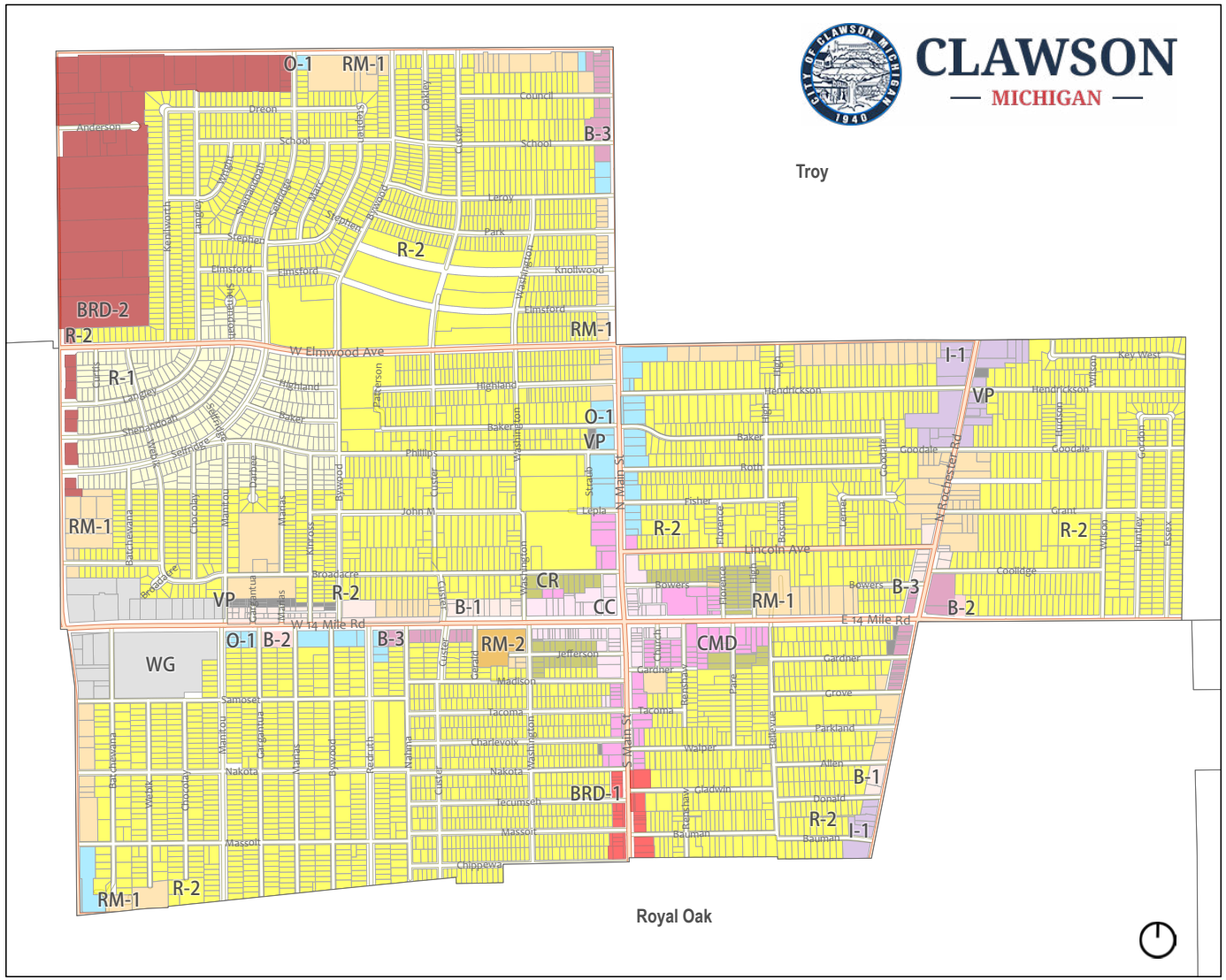
| STANDARD | R-1 | R-2 | RM-1 | RM-2 |
|---|---|---|---|---|
| Minimum lot area (sq. ft.) | 5,500 | 5,500 | 7,200 | 7,200 |
| Minimum lot width (ft.) | 50 | 50 | 60 | 60 |
| Minimum front yard setback (ft.) | 25 | 25 | 30 | 50 |
| Minimum rear yard setback (ft.) | 35 | 35 | 30 | 50 |
| Minimum side yard setback | | | | |
| Least one (ft.) | 5 | 5 | 20 | 50 |
| Total of two (ft.) | 15 | 15 | 40 | 100 |
| Maximum lot coverage of lot by all buildings (percent) | 35 | 35 | 30 | 20 |
| Maximum building height (stories (ft.)) | 2 (25) | 2 (25) | 3 (30) | None |
| Minimum usable floor area per unit (sq. ft.) | 1,248 | 720 | §4.3.A.4 | §4.3.A.4 |

## Non-residential districts

| STANDARD | O-1 | O-2 | B-1 | B-2 | B-3 | I-1 | I-2 | WG | BRD-1 | BRD-2 |
|---|---|---|---|---|---|---|---|---|---|---|
| Minimum front yard setback (ft.) | 25 | 40 | 0 | 0 | 0 | 30 | 100 | 10 | 10 | 10 |
| Minimum rear yard setback (ft.) | See notes | 20 | See notes | See notes | See notes | 50 | 60 | 0 | 0 | 0 |
| Least one (ft.) | | 20 | | | | See notes | 20 | 0 | 0 | 0 |
| Total of two (ft.) | | 40 | | | | | 40 | 0 | 0 | 0 |
| Maximum building height (stories (ft.)) | 2 1/2 (30) | 3 (40) | 2 1/2 (30) | None | 2 1/2 (30) | 3 (30) | 4 (40) | 2 (30) | 2 (30) | 2(30); 3 (45) on Maple Rd. |
| Note to District Standards | See §3.6 for a list of relevant notes | | | | | | | | | |

For standards for the CC district see §3.1.J
For standards for the CMD district see §3.1.K
For standards for the CR district see §3.1.L

# Zoning Map




## Zoning Map

Clawson, Michigan

April 2021

Zoning

- CR Core Residential
- R-1 Single Family Residential
- R-2 Single Family Residential
- RM-1 Multiple Family Residential (Low Rise)
- RM-2 Multiple Family Residential (High Rise)
- O-1 Office Service
- CC City Center
- CMD Central Mixed Use
- B-1 Local Business
- B-2 Central Business
- B-3 General Business
- BRD-1 Business Renewal District
- BRD-2 Business Renewal District
- I-1 Limited Industrial
- WG West Gate
- VP Vehicular Parking District

The lines of this map are representational of the actual City boundary and parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official City of Clawson records for precise distances, boundaries, and areas.

Interactive Zoning Map

0 250 500 1,000 Feet

giffels webster

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# Chapter 34, Article X | Article 1
## Purpose & Intent

# Article 1 - Purpose & Intent

1.1 Purpose ..... 1-3
1.2 Vested right ..... 1-3
1.3 Conflicting regulations ..... 1-3
1.4 Selected References ..... 1-3

## 1.1 Purpose

An ordinance for the protection of the public health, safety and other aspects of the general welfare of the City of Clawson through the establishment of zoning districts for the planned orderly growth and development of the city within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the city, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of the city; to provide for a method of adoption of amendments to this ordinance, to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this ordinance; to provide for penalties for violations of property zoned, developed and used in accordance with the provisions of Michigan Public Act 110 of 2006 [MCL 125.3101 et seq.], as amended, and this ordinance; to provide for the collection of fees for zoning permits required under this ordinance; to provide for petitions and public hearings in accordance with the provisions of Michigan Public Act 110 of 2006 [MCL 125.3101 et seq.], as amended, and this ordinance, and to provide for appeals of the provisions of this ordinance.

## 1.2 Vested right

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

## 1.3 Conflicting regulations

In the case of conflicts between text and graphics, the text rules. Graphics in this ordinance are not to scale.

## 1.4 Selected References

Each district has a list of selected additional references that are frequently related requirements. The entire ordinance should be read for all additional requirements.

[Intentionally Blank]

# Chapter 34, Article X | Article 2
## Definitions

# Article 2 - Definitions

2.1 Construction of language ..... 2-4
2.2 Definitions ..... 2-6
2.3 Measurements ..... 2-48

## Definitions A-C

Accessory use, building or structure
Adjacent
Alley
Alterations
Animal hospital
Apartment
Arcade
Arcade
Artisan manufacturing
Automobile
Automobile filling station
Automobile repair*
Automobile service station
Automobile wash establishment
Awning
Bedroom
Berm
Block
Board of appeals
Boardinghouse
Build-to line (BTL)
Build-to zone (BTZ)
Buildable area
Building
Building, accessory
Building, completely enclosed
Building, detached
Building, principal
Building, temporary
Business service
Cannabis facilities
Canopy
Caretaker living quarters
Cemetery
Change of use.
Child care center
Clinic, medical
Clinic, veterinary
Club, health
Club, private
Collector street
Commercial vehicle*
Commission
Comprehensive plan
Condominium*
Convalescent home, nursing home, and rest home
Co-op (cooperative) housing
Corner lot
Cul-de-sac
Curb cut

## Definitions D-F

District
Drive-through service
Dry cleaning and laundry pick up station
Dry cleaning plants/laundry
Dumpster
Duplex
Dwelling, manufactured
Dwelling, mobile home
Dwelling, multiple-family*
Dwelling, one-family or single-family, detached
Dwelling, single-family, attached
Dwelling, two-family or duplex
Dwelling unit
Easement
Efficiency unit
Eligible facilities request
Eligible support structure
Erected
Essential services
Excavation
FAA
Family*
Family day care home
FCC
Fence
Fence, natural
Fence, privacy
Fill and filling
Floor, ground
Foster care home
Fraternal organization
Frontage
Frontage type

## Definitions G-L

Gallery
Garage, private
Garage, public
Garage, repair
Garage sale
Gasoline service station
Greenbelt
Group homes
Gym and gymnasium
Home business
Home occupation
Hospital
Hospital, veterinary
Hotel
Impervious surface
Junk
Junkyard
Kennel
Laboratory
Landscaping*
Livestock
Live/work unit
Loading space, off-street
Local street
Lot (or zoning lot or parcel)
Lot, adjacent
Lot, contiguous
Lot, corner
Lot, double frontage
Lot, interior
Lot lines*
Lot line, primary front
Lot of record
Lot split and consolidation

*Multiple definitions

## Definitions M-P

Major street or thoroughfare
Manufactured housing
Master plan
Mezzanine
Miniwarehouse
Minor street
Mobile home
Mobile home lot
Mobile home park
Motel
Motor home
Motor vehicle
Municipality
New facility
Nonconforming building
Nonconforming lot
Nonconforming use
Nonconformity
Nuisance
Nursery, day nursery, or nursery school
Nursery, plant material
Nursing home
Occupancy, change of
Occupied
Off-street parking space
Office research district special assembly uses
On-premises smoking establishment
Open air business
Open space
Outdoor storage
Parcel
Parking lot, off-street
Parking space
Party wall
Performance standard
Person
Personal service establishment
Place of worship
Planning commission
Porch
Preexisting towers and preexisting antennas
Primary street
Principal use
Private street or road
Property line
Public space
Public utility

## Definitions R-S

Rear lot line
Recreational vehicle
Refuse
Restaurant*
Right-of-way
Room
Roominghouse
Satellite antenna
Sexually oriented business
Shed
Side lot line
Sidewalk
Site plan
Special land use
State equalized valuation
State-licensed residential facility*
Stoop
Story
Story, half
Street*
Street frontage landscaping
Street line
Street, primary
Streetwall
Structure
Structure, accessory
Swimming pool

## Definitions T-Z

Tattoo parlor
Temporary use or building
Theater
Therapeutic massage
Toxic or hazardous waste
Traditional urban downtown center
Trailer
Transition and transitional
Use
Use, accessory
Use, change of
Use, permitted
Use, principal
Use, special land
Use, temporary
Utility room
Variance
Vehicle.
Veterinary hospital
Wall, obscuring
Wall, retaining
Warehouse
Wireless communications*
Wireless communication support structure
Wireless tower
Yard*
Zoning board of appeals

*Multiple definitions

## 2.1 Construction of language

When interpreting this chapter, the following standards for interpretation shall apply:

A. Words used in the present tense include the future tense.

B. Words used in the singular number include the plural, and words used in the plural number include the singular.

C. Any word denoting gender includes the female and the male.

D. The word "person" includes a firm, association, organization, limited liability company, limited partnership, corporation, trust, company, as well as a natural individual.

E. The word "lot" includes the word, "plot" or "parcel" or "tract".

F. The word "structure" shall include the word "building".

G. The word "Map" or "Zoning Map" shall mean the Official Zoning Map of Clawson, Michigan.

H. The term "governing body" shall mean the City Council for the City of Clawson, Michigan.

I. The term "Planning Commission" shall mean the Planning Commission for the City of Clawson, Michigan.

J. The term "City Council" shall mean the City Council of the City of Clawson, Michigan.

K. The term "City Planner" shall mean the City Planner for the City of Clawson, Michigan, or his/her designee.

L. The term "City Clerk" shall mean the City Clerk for the City of Clawson, Michigan, or his/her designee.

M. The term "building & planning department" shall mean the Building & Planning Department for the City of Clawson, Michigan.

N. The term "building official" shall mean the Director of the City of Clawson Building and Planning Department and/or his/her designees.

O. The term "this ordinance" shall be synonymous with and refer to the City of Clawson Zoning Ordinance, as amended.

P. Current Versions and Citations. All references to other regulations or manuals in this Ordinance refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Ordinance requirements for compliance are no longer in effect.

Q. Delegation of Authority. Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision will be interpreted as authorizing the department head or officer to delegate that responsibility to others over whom he or she has authority.

R. Text and Graphics. Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

S. Lists and Examples. Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and must not be construed as being limited to the items or examples listed.

T. Time.
   1. When a number of days is specified as a period from a certain day within which or after or before which an act is authorized or required to be done, time is computed as the number of calendar days excluding the calendar day when the act is authorized or required to be done.
   2. In computing any specified period of time from a specified event, the day on which the event happens is deemed the day from which an act is authorized or required to be done.
   3. If the period is of two days, Saturday, Sunday, or a public holiday is excluded if it is an intervening day between the day when an act is authorized or required to be done and the last day of the period.

U. Fractions. Unless otherwise stated within a particular section, any fraction greater than or equal to 0.5 will be rounded up to nearest whole number, and any fraction less than 0.5 will be rounded down to nearest whole number.

V. Mandatory, Prohibitory, and Permissive.
   1. "Must," "will," and "shall" are mandatory terms that express a requirement or impose a duty.
   2. "Must not," "will not," "shall not," "may not," and "no... may" express a prohibition.
   3. "Should" expresses a suggestion or recommendation, and does not express a requirement or impose a duty.
   4. "May" is permissive.

## 2.2 Definitions

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

**ACCESSORY USE, BUILDING OR STRUCTURE**

means a use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. Examples of accessory use include, but are not limited to, the following:

A. Swimming pools for the use of the occupants of a residence, or their guests.
B. Domestic storage in a shed, tool room, or similar accessory building or other structure.
C. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
G. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
H. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
I. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
J. Satellite dish antennae.

**ADJACENT**

See definition of Lot, adjacent.

**ALLEY**

means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS**

mean any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, stairways, columns, beams, and girders; any change in the width or number of exists; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading areas or means of egress and ingress to the site; or any change which may be referred to as “altered” or “reconstructed” or “change of use.”

**ANIMAL HOSPITAL**
See definition of Clinic, veterinary.

**APARTMENT**
See definition of Dwelling, multiple-family*.

**ARCADE**
means any establishment which provided on its premises four or more machines which upon the insertion of a coin or slug may be operated for use as a game, contest, or amusement of any description, not including musical devices, or which shall have a coin-operated amusement device as defined in section 10-83 of this Code.

**ARCADE**
For purposes of frontage types, means a building façade that is a colonnade supporting habitable space that overlaps a sidewalk, with the colonnade being set at the build-to line or within the build-to zone.

**ARTISAN MANUFACTURING**
means the preparation, display, and/or sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven article, baked or prepared food and drink, watercraft, and similar items by one or more artisans.

**AUTOMOBILE**
means any vehicle or motor vehicle including cars, trucks, vans, motorcycles, off-road recreational vehicles, go-carts, tractors, snow plows, heavy construction vehicles, etc., or other vehicles as defined by Act 300 of 1949, as amended (MCL 257.1 et seq.).

**AUTOMOBILE FILLING STATION**
means a place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation with a carryout food place as an accessory use, provided that it is clearly incidental to the filling station use.

**AUTOMOBILE REPAIR**
means major or minor repair of automobiles defined as follows:

A. **MINOR REPAIR** means engine tune-ups and servicing of brakes, air conditioning, exhaust systems, spark plugs, batteries, distributors; tire servicing and repair, but not recapping or regrounding; radiator cleaning; emergency wire repair; fuel pump, oil pump, and line repairs; replacement of mufflers, tailpipes, water hose, fan belts, brake fluids, lightbulbs, fuses, floor mats, mirrors and the like; oil change or lubrication; and similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

B. **MAJOR REPAIR** means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**AUTOMOBILE SERVICE STATION**
means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for automobiles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight. Automotive service station shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

**AUTOMOBILE WASH ESTABLISHMENT**
means an activity or building, or its portion, the primary purpose of which is that of washing motor vehicles.

**AWNING**
means a cantilevered, projected or suspended cover over the sidewalk portion of the street, or a roof-like covering, usually of canvas, metal, or similar material and sometimes adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. It is distinguished from a canopy because it is not permanent, nor a structural portion of the building and does not support substantial weight.

**BEDROOM**
means any private room in a dwelling unit suitable for regular use for sleeping purposes. Bedrooms include rooms designated on development floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgment of the city planning commission would normally be usable for sleeping purposes shall be considered a bedroom.

**BERM**
See definition of Landscaping*.

**BLOCK**
means the property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the city, or any other barrier to the continuity of development.

**BOARD OF APPEALS**
means means the city zoning board of appeals, created pursuant to the provisions of Public Act 110 of 2006.

**BOARDINGHOUSE**
means a building, other than a hotel, where, for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A roominghouse shall be deemed a boardinghouse for the purposes of this ordinance.

**BUILD-TO LINE (BTL)**
means a line or plane defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The façade shall occur on the BTL.

**BUILD-TO ZONE (BTZ)**
means a continuous area parallel to the street, extending from the lot line to a specified depth, in which the façade must be located.

**BUILDABLE AREA**
means the area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this article.

**BUILDING**
means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semitrailers, vehicles, mobile homes, or premanufactured or precut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures. Building includes any part of a building.

**BUILDING, ACCESSORY**
See definition of Accessory use, building or structure.

**BUILDING, COMPLETELY ENCLOSED**
means a building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

**BUILDING, DETACHED**
means a building surrounded by open space and not structurally adjoined to any other building.

**BUILDING, PRINCIPAL**
means a building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. (See definition of Building, accessory and Use, principal).

**BUILDING, TEMPORARY**
means a building which is permitted to exist for a specific reason for a specific period of time.

**BUSINESS SERVICE**
use means establishments providing services principally to other businesses, such as: photocopying and printing; photo finishing; business equipment and furniture rental and leasing; computer and telephone sales, software and support; advertising, mailing, marketing and promotions; business or office incubator; coworking center; and similar uses as determined by the city's approving authority of the site plan.

**CANNABIS FACILITIES**
mean "marihuana facilities" as defined by the State of Michigan. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. **CANNABIS, ALSO KNOWN AS MARIHUANA AND MARIJUANA** means the same definition of marihuana in this ordinance and in the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421, et seq. ("MMMA").
B. **CAREGIVER FACILITY** means a facility where a "primary caregiver" who is legally registered by the Michigan Marijuana Regulatory Agency may lawfully assist up to five qualifying patients" who are also legally registered by the department with the acquisition of medical marijuana (cannabis) in accordance with the Michigan Medical Marijuana Act of 2008
C. **MEDICAL USE, CANNABIS** means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of cannabis, cannabis-infused products, or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
D. **PRIMARY CAREGIVER** means a person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.
E. **QUALIFYING PATIENT** means a person who has obtained a valid registration card from the Michigan Marijuana Regulatory Agency allowing them to possess and purchase medical marijuana.

**CANOPY**
means a cantilevered, projected or suspended cover over the sidewalk portion of the street, or a roof-like covering placed over the sidewalk, windows, or doors to provide protection from sun and rain. It is distinguished from an awning because it is a permanent, durable, structural portion of the building as opposed to a light covering of canvas, metal or other similar material.

**CARETAKER LIVING QUARTERS**
means an independent residential dwelling unit designed for and occupied by one or two persons, of which at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

**CEMETERY**
means land used for the burial of the dead including columbariums, crematories, and mausoleums.

**CHANGE OF USE.**
See definition of Use, change of.

**CHILD CARE CENTER**
means a building or structure where care, protection, and supervision are provided on a regular schedule, at least twice per week, to more than twelve (12) children, or where pre-school education is offered for five (5) or more children on a regular schedule at least twice (2) per week.

**CLINIC, MEDICAL**
means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**CLINIC, VETERINARY**
means a place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building.

**CLUB, HEALTH**
means any establishment providing physical culture or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

**CLUB, PRIVATE**
means a nonprofit association of persons who are bona fide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this article.

**COLLECTOR STREET**
See definition of Street*, collector.

**COMMERCIAL VEHICLE**
means any vehicle possessing commercial license plates and which fall into one or more of the categories listed as follows:

A. Truck tractor.
B. Semitrailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
C. Any vehicle with a commercial license having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

**COMMISSION**
means the planning commission of the city.

**COMPREHENSIVE PLAN**
See definition of Master plan.

**CONDOMINIUM**
means a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

A. **CONDOMINIUM DEVELOPMENT** means a plan or development consisting of two or more condominium units.
B. **CONDOMINIUM UNIT** means that portion of the condominium development designed and intended for separate ownership and use as described in a master deed.
C. **CONDOMINIUM SUBDIVISION PLAN** means the drawings and information prepared pursuant to the Condominium Act, being Michigan Public Act 59 of 1978, as amended.
D. **MASTER DEED** means the document recording the condominium development to which attached as exhibits and incorporated by reference the bylaws for the development and the condominium subdivision plan.
E. **SITE CONDOMINIUM** means a condominium development designed to function in a similar manner or as an alternative to a platted subdivision. Condominium units in a site condominium are typically detached single-family dwellings with a front, side and rear yard associated with that particular unit which are not intended to be shared among the other condominium unit owners in the condominium development as common space.
F. **CONDOMINIUM LOT** means that portion of a site condominium development designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth for the zoning district in which the site condominium development is located.
G. **COMMON ELEMENT** means that portion of a condominium development other than a condominium unit or condominium lot.

**CONVALESCENT HOME, NURSING HOME, AND REST HOME**
mean a home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Public Act 368 of 1978 (MCL 333.20101 et seq).

**CO-OP (COOPERATIVE) HOUSING**
means a multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

**CORNER LOT**
See definition of Lot, corner.

**CUL-DE-SAC**
See definition of Street*, cul-de-sac.

**CURB CUT**
means the entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**DISTRICT**
means a portion of the city within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this article.

**DRIVE-THROUGH SERVICE**
means a business activity so developed that its retail or service character provides a driveway approach and waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRY CLEANING AND LAUNDRY PICK UP STATION**
means a facility which is maintained for the pickup and delivery of dry cleaned and/or washed laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises, excluding the use of steamers and pleating irons. These stations can also be referred to as personal service establishments (see definition of Dry cleaning plants/laundry).

**DRY CLEANING PLANTS/LAUNDRY**
means a facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation in solvents, including, but not limited to, solvents of the petroleum distillate type and/or the chlorinated hydrocarbon type, and the processes incidental thereto. Storage of customer clothing can also be accommodated within such a facility.

**DUMPSTER**
means a container used for the temporary storage of rubbish, pending collection, having a capacity of at least two cubic yards.

**DUPLEX**
See definition of Dwelling, two-family or duplex.

**DWELLING, MANUFACTURED**
means a building or portion of a building designed for long-term residential use and characterized by all of the following:

A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site. Also see Dwelling, one-family or single-family, detached.

**DWELLING, MOBILE HOME**
means a structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated in this article shall not be considered mobile homes for the purposes of this article. A mobile home is a type of manufactured housing. Also see Dwelling, one-family or single-family, detached.

**DWELLING, MULTIPLE-FAMILY**
means a building designed for and occupied by three or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwelling units include the following:

A. **APARTMENT** means an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.
B. **EFFICIENCY UNIT** means a type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**DWELLING, ONE-FAMILY OR SINGLE-FAMILY, DETACHED**
means a detached building containing not more than one dwelling unit designed for residential use.

**DWELLING, SINGLE-FAMILY, ATTACHED**
means a building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. This type of dwelling is also referred to as "row houses" or "townhouses."

**DWELLING, TWO-FAMILY OR DUPLEX**
means a detached building, designed exclusively to be occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

**DWELLING UNIT**
means a building or its portion, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family, excluding hotels, motels, and tourist homes. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this article.

**EASEMENT**
means any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

**EFFICIENCY UNIT**
See definition of Dwelling, multiple-family*.

**ELIGIBLE FACILITIES REQUEST**
means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

A. Collocation of new transmission equipment;
B. Removal of transmission equipment; or
C. Replacement of transmission equipment.

**ELIGIBLE SUPPORT STRUCTURE**
means any tower or base station, as defined in this section, provided that it is existing at the time the relevant application is filed with the city under this section.

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

**ESSENTIAL SERVICES**
means the erection, construction, alteration or maintenance by public or quasipublic utilities or municipal departments or city-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.

**EXCAVATION**
means any breaking of ground, including the removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening and general ground care.

**FAA**
means the Federal Aviation Administration.

**FAMILY**
means:

A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of

**FAMILY DAY CARE HOME**
See definition of State-licensed residential facility*.

**FCC**
means the Federal Communications Commission.

**FENCE**
means an artificially constructed barrier without roof of any material or combination of materials erected to enclose, screen, or separate areas and/or mark a boundary or line of any sort.

**FENCE, NATURAL**
means a naturally growing or intentionally planted grouping of trees, shrubs or other woody landscaping materials that has the effect of enclosing. screening or separating areas and/or marking a boundary or line of any sort and that, based on typical growing conditions, will form a visual or physical barrier at a point at or above 30 inches above grade.

**FENCE, PRIVACY**
means a fence erected in a residential district for the purpose of screening a use accessory to the residential function of a lot. Privacy fences may be erected only in rear yards.

**FILL AND FILLING**
mean the deposit or dumping of any matter onto or into the ground, except in connection with common household gardening, farming, and general ground care activities.

**FLOOR, GROUND**
means the street/grade level of a building.

**FOSTER CARE HOME**
See State-licensed residential facility.

**FRATERNAL ORGANIZATION**
See definition of Club, private.

**FRONTAGE**
means the portion of the parcel that is adjacent to a public street.

**FRONTAGE TYPE**
means a typology that provides a building's relationship to the street through standards for building scale and façade treatments.

**GALLERY**
For purposes of building frontage types, means a building façade with an attached cantilevered shed or lightweight colonnade that overlaps a sidewalk, with the building façade being set at the build-to line. within the build-to zone, or, with permission of city, in the pedestrian area of the right-of-way.

**GARAGE, PRIVATE**
means an accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

**GARAGE, PUBLIC**
means any building or premises, other than a junkyard, where more than one motor vehicle is stored for compensation.

**GARAGE, REPAIR**
See definition of Automobile service station.

**GARAGE SALE**
means the sale of tangible property belonging to the occupant or resident of a residential structure in a residentially zoned district. This definition shall include yard sales, garage sales and estate sales provided that such events shall not occur two times in any six-month period. This definition shall not include rummage sales, flea markets, sidewalk sales in connection with a business, or swap meets. Garage sales require a temporary use permit.

**GASOLINE SERVICE STATION**
See definitions of Automobile repair* and Automobile service station.

**GREENBELT**
means an area of land that is planted with the primary objective of screening the use on that property from neighboring uses.

**GROUP HOMES**
See definition of State-licensed residential facility*.

**GYM AND GYMNASIUM**
mean a room or building equipped for gymnastics, exercise, or sport.

**HOME BUSINESS**
means an occupation, profession, activity, or use that is clearly incidental and secondary and adjoining but integrated and connected into a dwelling unit. The work space that can accompany a home business under this definition must be one that may employ up to four nonresidents of the dwelling unit.

**HOME OCCUPATION**
means any occupation conducted within a dwelling unit and carried on by the inhabitants, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change its character, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

**HOSPITAL**
means an institution which is licensed by the state department of health to provide in-patient and outpatient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**HOSPITAL, VETERINARY**
See definition of Clinic, veterinary.

**HOTEL**
means a building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

**IMPERVIOUS SURFACE**
means any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt, or bituminous paving, flagstone, brick and compacted gravel or earth. Pervious and permeable pavement approved by the City Engineer shall not be considered an impervious surface.

(Amended by Ord. No. 763)

**JUNK**
means any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**JUNKYARD**
means an area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, junk, scrap iron, metals, paper, rags, tires, bottles and vehicles.

**KENNEL**
means any lot or premises on which three or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provisions for minor medial treatment including animal shelters.

**LABORATORY**
means a place devoted to experimental, routine or basic study such as testing and analytical operations and in which manufacturing of products, except prototypes, is not performed.

**LANDSCAPING**
means the treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative manmade materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

A. **BERM** means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this article.
B. **GREENBELT** means an area of land that is planted with the primary objective of screening the use on that property from neighboring uses.
C. **GROUND COVER** means low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
D. **HEDGE** means a row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.
E. **SCREEN** and **SCREENING** mean a wall, wood fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
F. **SHRUB** means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
G. **SOD** means a piece from the surface of grassland containing the grass support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. Sod is grown on mineral soil (commonly referred to as “topsoil”) or peat, and must be a minimum of two years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.

H. **TREE** means a self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in the county.
   1. **DECIDUOUS TREE** means a variety of tree that has foliage that is shed at the end of the growing season.
   2. **EVERGREEN TREE** means a variety of tree that has foliage that persists and remains green throughout the year.
   3. **ORNAMENTAL TREE** means a deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.
   4. **SHADE TREE** means a deciduous tree which has a mature crown spread of 15 feet or greater in the county, and has a trunk with at least five feet of clear stem at maturity.

**LIVESTOCK**
means horses, cattle, sheep, and other domestic animals normally kept or raised on a farm.

**LIVE/WORK UNIT**
means a dwelling unit used for both dwelling purposes and any nonresidential use permitted in the zoning district in which the unit is located.

**LOADING SPACE, OFF-STREET**
means an off-street space of definite size and dimensions in accordance with the requirements of this article, which is safely and conveniently located on the same lot as the building being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

**LOCAL STREET**
See definition of Street*, Local.

**LOT (OR ZONING LOT OR PARCEL)**
means a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required in this article. A lot shall have frontage on a roadway dedicated to the public and certified for maintenance by a public agency, or, if permitted by the regulations set forth in this article, on a private road. A lot may consist of:

A. A single lot of record.
B. A portion of a lot of record.
C. A combination of complete lots of record or their portions.
D. A piece of land described by metes and bounds.

**LOT, ADJACENT**
means lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

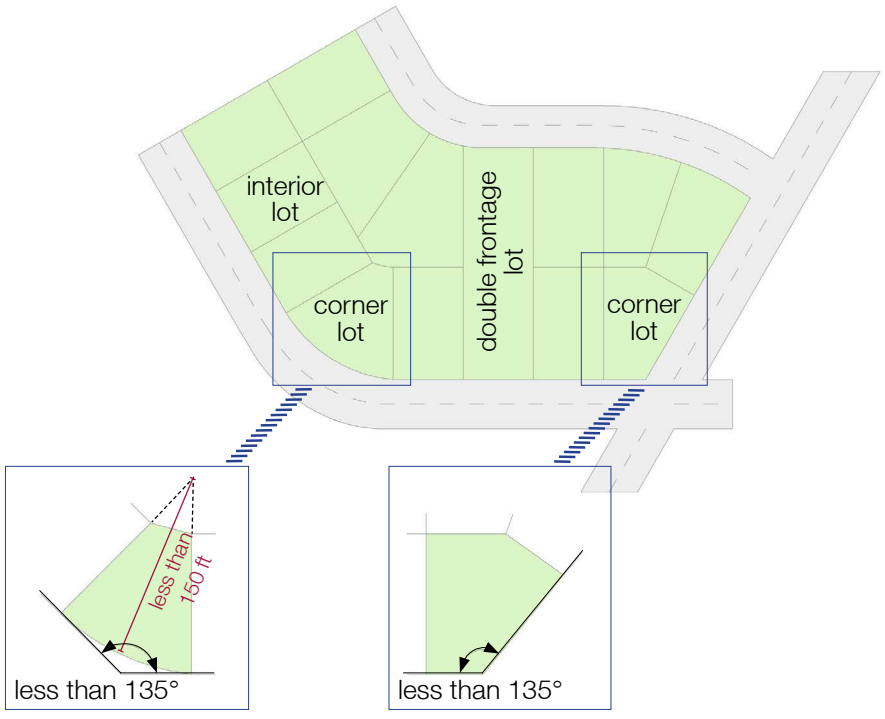
**LOT, CONTIGUOUS**
means lots adjoining each other.

**LOT, CORNER**
means a lot of which at least two adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition. A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner. ✍

**LOT, DOUBLE FRONTAGE**
means a lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. ✍

**LOT, INTERIOR**
means any lot other than a corner lot. ✍

**LOT - CORNER, INTERIOR, & DOUBLE FRONTAGE**




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**LOT LINES**

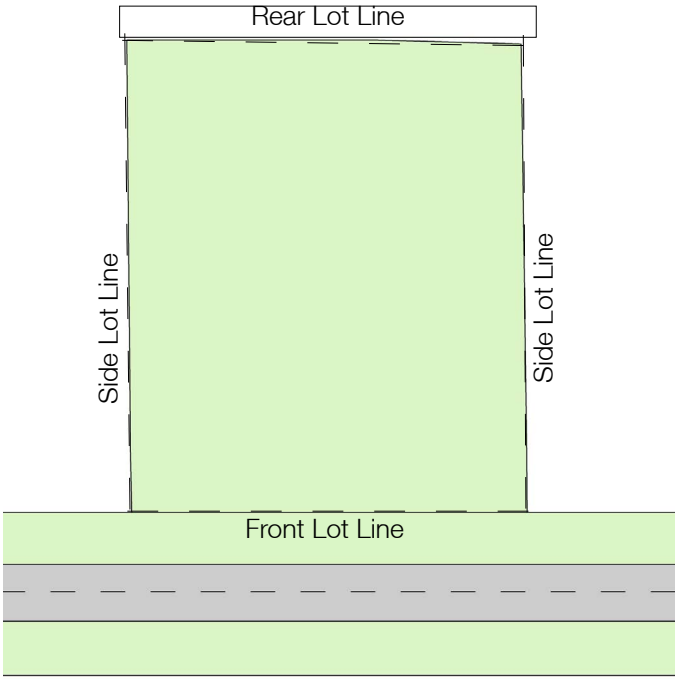
means the lines bounding a lot as follows:

A. **FRONT LOT LINE** means, in the case of an interior lot abutting on one public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

B. **REAR LOT LINE** means, ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.

C. **SIDE LOT LINE** means any lot line other than the front or rear lot lines. 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 is an interior side lot line.

**FRONT, SIDE, AND REAR LOT LINES**




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**LOT LINE, PRIMARY FRONT**
means the lot line that abuts the primary street as defined herein.

**LOT OF RECORD**
means a parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the county register of deeds, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor, registered and licensed in the state, and likewise so recorded with the county register of deeds.

**LOT SPLIT AND CONSOLIDATION**
means the dividing or uniting of lots by virtue of changes in the deeds in the office of the county register of deeds and/or the city treasurer. The division of lots shall take place in accordance with the Land Division Act, Public Act 288 of 1967 (MCL 560.101 et seq.) and the city subdivision regulations, Chapter 34, Article XI of this Code of Ordinances.

**MAJOR STREET OR THOROUGHFARE**
See definition of Street*, major.

**MANUFACTURED HOUSING**
See definition of Dwelling, manufactured.

**MASTER PLAN**
means the plan prepared by the planning commission in accordance with Michigan Public Act 33 of 2008 [MCL 125.3801 et seq.], as amended, relative to the agreed upon desirable physical land use pattern for future city development. The plan consists of a series of maps, plans, charts, zoning plan, and written material, representing in summary form, the soundest planning direction for the city as to how it should grow in order to realize the very best community living environment in the city.

**MEZZANINE**
means an intermediate level between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level is located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is 24 feet or more. (Refer to figure at Story)

**MINIWAREHOUSE**
means a building or group of buildings within, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Miniwarehouses are typically contained within a fenced, controlled-access compound.

**MINOR STREET**
See definition of Street*, Local street or Minor street.

**MOBILE HOME**
See definition of Dwelling, mobile home.

**MOBILE HOME LOT**
means an area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.

**MOBILE HOME PARK**
means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as a temporary park, subject to conditions set forth in the Mobile Home Commission Rules and the Mobile Home Commission Public Act 96 of 1987 (MCL 125.2301 et seq.).

**MOTEL**
means a series of attached, semidetached, or detached rental units containing a bedroom and closet space used primarily for transient occupancy. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

**MOTOR HOME**
means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

**MOTOR VEHICLE**
See definition of Automobile.

**MUNICIPALITY**
means the city.

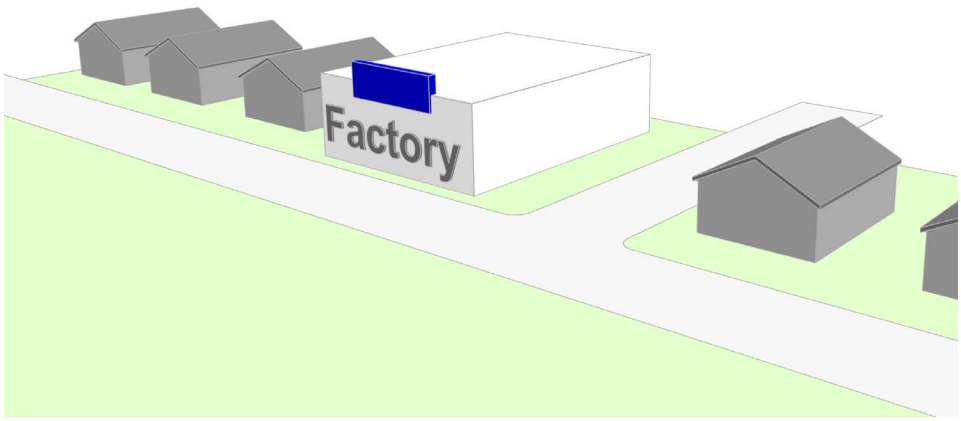
**NEW FACILITY**
means a new wireless communication support structure.

**NONCONFORMING BUILDING**
means a building or its portion that was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this article pertaining to buildings in the zoning district in which it is located. ✍

**NONCONFORMING LOT**
means a lot which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this article pertaining to lots in the zoning district in which it is located.

**NONCONFORMING USE**
means a use which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the use regulations of this article for the zoning district in which it is now located. ✍

**NONCONFORMING BUILDING**




Nonconforming Building Example: Old factory building in a residential zone.

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**NONCONFORMITY**
means any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this article or any amendment thereto, to the regulations for the district in which it is located.

**NUISANCE**
means any offensive, annoying, unpleasant, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. A nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health. A nuisance may include, but is not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, passenger traffic and invasion of nonabutting street frontage by traffic.

**NURSERY, DAY NURSERY, OR NURSERY SCHOOL**
See Child care center.

**NURSERY, PLANT MATERIAL**
means a space, building, and/or structure, or combination, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises. The definition of nursery within the meaning of this article does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees. Also see Open air business.

**NURSING HOME**
See Convalescent home.

**OCCUPANCY, CHANGE OF**
means a discontinuance of an existing use and the substitution of a use of a different kind or class.

**OCCUPIED**
means used in any way at the time in question.

**OFF-STREET PARKING SPACE**
See definition of Parking space and Parking lot, off-street.

**OFFICE RESEARCH DISTRICT SPECIAL ASSEMBLY USES**
mean assembly of certain articles such as art goods, tools, gauges, cameras, watches, clocks, electronic, scientific, controlling, musical and similar precision instruments, jewelry, surgical and optical equipment, and orthopedic products within the office research district (O-2).

**ON-PREMISES SMOKING ESTABLISHMENT**
means an establishment in which tobacco products are sold for use or consumption on the premises to persons age twenty-one (21) and older as provided by state law. The term "smoking establishment" includes but is not limited to tobacco specialty retail stores, as defined in Michigan State Law, and establishments referred to as smoking, cigar, hookah, or tobacco bars or lounges, including herbal hookah bars and lounges, but for the purposes of this Chapter shall not include establishments for the consumption of cannabis or cannabis products.

**OPEN AIR BUSINESS**
means any business that is conducted primarily out-of-doors. Unless otherwise specified in this section, an open air business shall include:

A. Retail sales of garden supplies and equipment including, but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
C. Various outdoor recreation uses including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
D. Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.
E. The term "open air business" shall not include automobile repair or service stations.

**OPEN SPACE**
means that part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

**OUTDOOR STORAGE**
means the storage of materials, supplies, tools, equipment or products outside of enclosed structures, whether as an accessory use or as the principal use as permitted in the district in which it is located.

**PARCEL**
See definition of Lot (or zoning lot or parcel).

**PARKING LOT, OFF-STREET**
means an area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

**PARKING SPACE**
means an area of definite length and width as designated in this article for parking an automobile or other vehicle, which is fully accessible for such purpose, and is exclusive of access drives and aisles.

**PARTY WALL**
means a wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

**PERFORMANCE STANDARD**
means a criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

**PERSON**
means an individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity.

**PERSONAL SERVICE ESTABLISHMENT**
means a place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, nail salons, shoe repair shops, tailor shops, and dry cleaning and laundry pickup stations.

**PLACE OF WORSHIP**
means any structure wherein persons regularly assemble for religious activity, and the accessory structures and uses customary thereto. Customary accessory uses and structures shall not be construed to include day care centers or schools, which shall be considered separate uses.

**PLANNING COMMISSION**
means the city planning commission created pursuant to the provisions of Public Act No. 110 of 2006 [MCL 125.3101 et seq.], as amended.

**PORCH**
means a structure attached to a building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open-sided; although it may be enclosed through the use of screens, glass or partial walls.

**PREEXISTING TOWERS AND PREEXISTING ANTENNAS**
means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance from which this subsection is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.

**PRIMARY STREET**
means the following: in the City Center district, the primary streets are East and West 14 Mile Roads and North and South Main Streets. In the CMD district, the primary streets are East 14 Mile Road, and North and South Main Streets. In the Core Residential, the primary street is the street designated as the front street in the plat and/or in the request for a building permit.

**PRINCIPAL USE**
See definition of Use, principal.

**PRIVATE STREET OR ROAD**
See definition of Street*.

**PROPERTY LINE**
means the line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also Lot line.

**PUBLIC SPACE**
means any area open to the general public.

**PUBLIC UTILITY**
means any person, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, telephone communications (other than cellular), cable television services, transportation services, water, sewer service, or sewage treatment.

**REAR LOT LINE**
See definition of Lot lines*.

**RECREATIONAL VEHICLE**
means a boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pickup camper, trailer which is designed for private recreational or recreational travel use.

**REFUSE**
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, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations.

**RESTAURANT**
means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation or characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, bar/lounge, outdoor cafe, rooftop restaurant, or combination thereof, as defined in the following:

A. **RESTAURANT, CARRY-OUT**, means a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
B. **RESTAURANT, DRIVE-IN**, means a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
C. **RESTAURANT, DRIVE-THROUGH**, means a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
D. **RESTAURANT, FAST FOOD**, means a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
E. **RESTAURANT, STANDARD**, means a restaurant whose method of operation involves either:
    1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
    2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
F. **BAR/LOUNGE** means a type of restaurant which is 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 shall be considered a bar/lounge if more than 50 percent of the usable floor area of the entire establishment is used for the bar/lounge.
G. **OUTDOOR CAFE** means any open air seasonal eating and drinking area operating at the ground floor of a building. Those areas occupying a public sidewalk shall not contain any permanent coverings or kitchen area. All such uses shall be associated with a standard restaurant or bar/lounge located within the building.
H. **ROOFTOP RESTAURANT** means any open seasonal eating and drinking area operating above the top floor of a building and not containing any permanent rooftop coverings or kitchen area. All such uses shall be associated with a standard restaurant or bar/lounge located within the building.

**RIGHT-OF-WAY**

means dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes curbs, lawn strips, and lighting and drainage facilities.

**ROOM**

means, for the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room or bedroom, equal to at least 70 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.

**ROOMINGHOUSE**

See definition of Boardinghouse.

**SATELLITE ANTENNA**
means an accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

**SEXUALLY ORIENTED BUSINESS**
means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or similar establishment, or any place that permits patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the world wide web.

**SHED**
means a building of not more than 200 square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, or used as a dollhouse, play house or children's clubhouses.

**SIDE LOT LINE**
See definition of Lot lines*.

**SIDEWALK**
means pedestrian or nonmotorized vehicular circulation routes built according to the standards of the city or other agency with right-of-way jurisdiction, as applicable.

**SITE PLAN**
means a plan showing all salient features of a proposed development, as required in Section 6.1 Site plan review and approval of this ordinance, so that it may be evaluated to determine whether it meets the provisions of this Code of Ordinances.

**SPECIAL LAND USE**
means uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. After due consideration of the impact of such a proposed use on the neighboring land and of the public need for the particular use at the proposed location, a special land use may be permitted subject to review and approval or conditional approval, consistent with the terms of this article.

**STATE EQUALIZED VALUATION**
means the value shown on the city assessment roll as equalized through the process of state and county equalization.

**STATE-LICENSED RESIDENTIAL FACILITY**
means any structure constructed for residential purposes that is licensed by the state pursuant to Public Act No. 116 of 1973 (MCL 722.111 et seq.), or Public Act No. 218 of 1979 (MCL 400.701 et seq.). This definition includes adult foster care facilities, foster care family homes, foster care family group homes, family day care homes, and group day care homes. These acts provide for the following types of residential structures:

A. **ADULT FOSTER CARE FACILITY** means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Foster care facilities are subject to all provisions of Public Act No. 218 of 1979, as amended (MCL 400.701 et seq.).
   1. Foster care means the supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.
   2. Adult foster care facility does not include any of the following:
      a. A licensed child caring institution, children's camp, foster family home or foster family group home, subject to the limitations contained in section 3(4)(f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
      b. A licensed family foster home that has a person who is 18 years of age or older placed in foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
      c. An establishment commonly described as an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or a rooming house that does not provide or offer to provide foster care.
      d. A veteran's facility created by the Michigan Public Act 351 of 2020, as amended.
   3. The following types of adult foster care facilities are provided for by this article (to the extent necessary all applicable ordinances, regulations apply):
      a. **ADULT FOSTER CARE FAMILY HOME** means a private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
      b. **ADULT FOSTER CARE SMALL GROUP HOME** means an adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the home.
      c. **ADULT FOSTER CARE LARGE GROUP HOME** means an adult foster care facility with the approved capacity to receive at least 13, but not more than 20, adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
      d. **ADULT FOSTER CARE CONGREGATE FACILITY** means an adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.

B. **FOSTER DAY CARE HOME** means a private home in which one, but fewer than seven, minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

C. **FOSTER FAMILY HOME** means a private home in which one, but not more than four, minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or a legal guardian.

D. **FOSTER FAMILY GROUP HOME** means a private home in which more than four, but fewer than seven, minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or a legal guardian.

E. **GROUP CHILD DAY CARE HOME** means a private home in which more than six, but not more than 12, children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

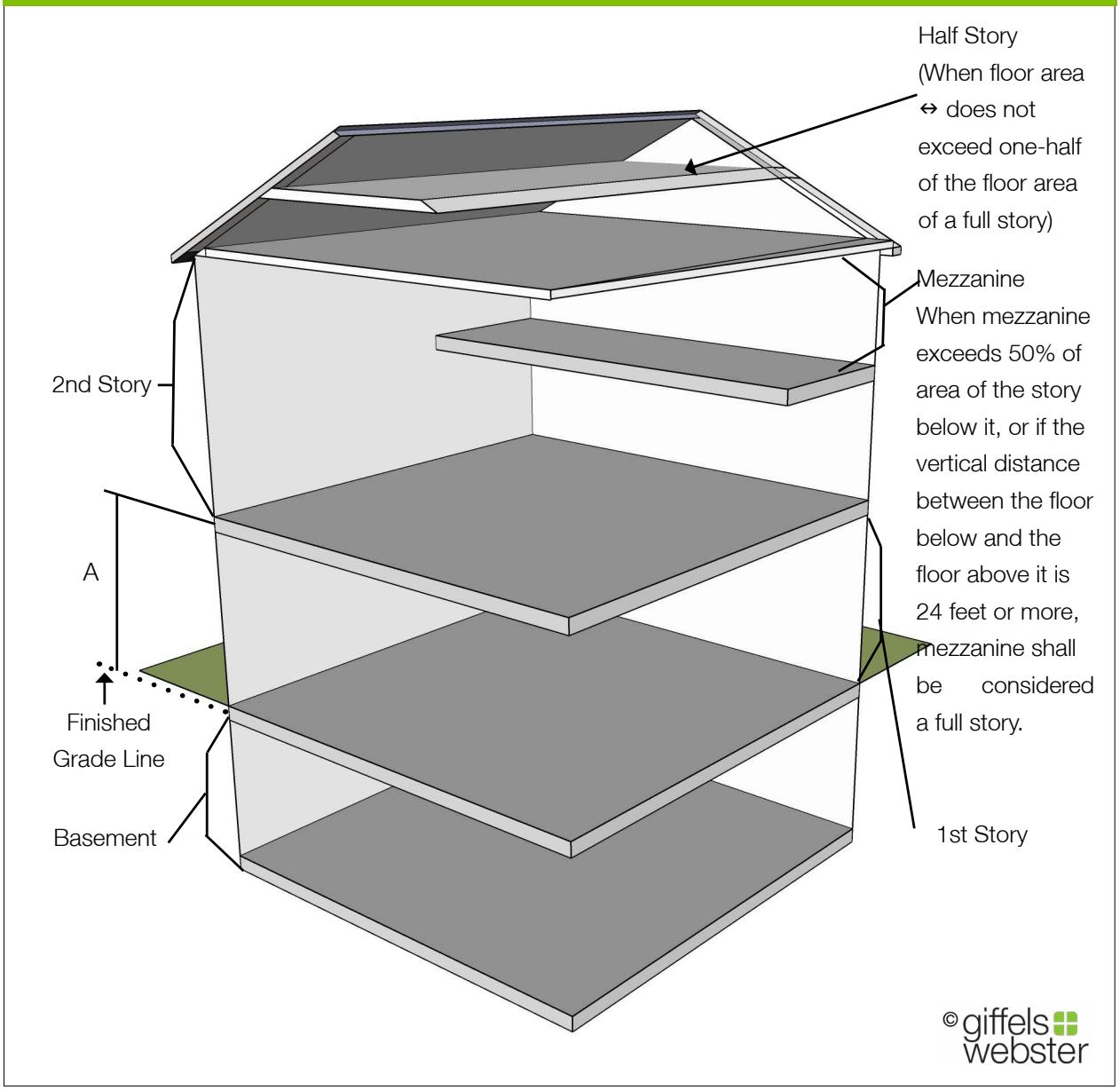
**STOOP**

means a platform or small porch, usually up several steps, at the entrance to a building, usually a dwelling or dwellings.

**STORY**

means that portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath such mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling. ✍

**STORY**



**STORY, HALF**
means the uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 200 square feet with a minimum clear height of seven feet, six inches. For purposes of this article, the usable floor area is only that area having at least four feet clear height between the floor and ceiling.

**STREET**
means a public or private street, road or thoroughfare, other than an alley, intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

A. **COLLECTOR STREET** means a street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
B. **CUL-DE-SAC** means a street that terminates in a vehicular turnaround.
C. **LOCAL STREET** means a street whose sole function is to provide access to abutting properties.
D. **MAJOR THOROUGHFARE** means a street that carries high volumes of traffic and serves as a main avenue through or around the city. Major streets may also be referred to as arterial streets or major thoroughfares. For the purpose of this article, the following streets shall be considered major thoroughfares: Maple Avenue, Fourteen Mile Road, Rochester Road, Main Street, Crooks Road and Elmwood between Main Street and Rochester.
E. **PRIVATE STREET OR ROAD** means a street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the city, county, state or federal government.
F. **PUBLIC STREET OR ROAD** means a street or road, the right-of-way and improvements of which have been accepted for maintenance by the city, county, state or federal government.

**STREET FRONTAGE LANDSCAPING**
means landscaping that occurs in the right-of-way or within ten feet of the right-of-way along the frontage of a property.

**STREET LINE**
means a dividing line between the street and a lot, also known as the right-of-way line.

**STREET, PRIMARY**
See Primary street.

**STREETWALL**
means a solid, continuous architectural edge of buildings which plays a significant role in reinforcing the overall organizational pattern of the street in the central business district. Buildings create the outer edges of the streetscape. Building continuity and height are important to create a feeling of enclosure and to foster pedestrian activities along the street.

**STRUCTURE**
means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, satellite dish antennae, swimming pools, and signs. Structure includes any part of a structure. Structures do not include pavement on the ground for use by people, vehicles, or other permitted forms of transportation.

(Amended by Ord. No. 763)

**STRUCTURE, ACCESSORY**
See definition of Accessory use, building or structure.

**SWIMMING POOL**
means any artificially constructed, nonportable pool, to be used for swimming or bathing, having a depth of 24 inches or more and intended to be used in connection with a single-family residence by the occupant and his guests. A swimming pool is declared to be an accessory structure for purposes of computing lot coverage.

**TATTOO PARLOR**
means a business having as its principal activity the application of [or] placing, by any method, designs, letters, scrolls, figures, symbols or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

**TEMPORARY USE OR BUILDING**
See definitions of Building, accessory or Use, temporary.

**THEATER**
means an enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

**THERAPEUTIC MASSAGE**
means any premises or part thereof where massages are given, offered or solicited in pursuance of a trade, business or occupation provided that the service is rendered by a person duly trained, licensed and registered under the appropriate statute.

**TOXIC OR HAZARDOUS WASTE**
means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

A. An increase in mortality;
B. An increase in serious irreversible illness;
C. Serious incapacitating, but reversible illness; or
D. Substantial present or potential hazard to human health or the environment.

**TRADITIONAL URBAN DOWNTOWN CENTER**
means a concentration of diversified uses located within multiple-story buildings generally located at the public right-of-way. The multiplicity of uses compliment one another and serve the consuming public as a whole.

**TRAILER**
See definitions of Recreational vehicle; Dwelling unit; and Dwelling, mobile home.

**TRANSITION AND TRANSITIONAL**
mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

**USE**
means the purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, ACCESSORY**
See Accessory use, building or structure.

**USE, CHANGE OF**
means any alteration; any expansion of floor area, off-street parking area, outdoor storage, service or operational area; land or water occupancy by a different permitted use; land or water occupancy by the same permitted use if a building or site has been unoccupied for a period of six months; the addition of a canopy for vehicles or display area; dredging, filling, excavating, grading or paving which results in earth change of more than 15 cubic yards, except gardening or general lawn care.

**USE, PERMITTED**
means a use which may be lawfully established in a particular district, provided that it conforms with all requirements, regulations, and standards of such district.

**USE, PRINCIPAL**
means the main use of land and buildings and the main purpose for which land and buildings exist.

**USE, SPECIAL LAND**
See definition of Special land use.

**USE, TEMPORARY**
means a use permitted to exist during a specified period of time under conditions and procedures as provided in this article.

**UTILITY ROOM**
means a room in a dwelling, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

**VARIANCE**
means a modification of the literal provisions of this article in accordance with the provisions of this article in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district. Hardships based solely on economic considerations are not grounds for a variance. Variances may be granted by the zoning board of appeals under the provisions of §7.15.B and §7.15.D.

**VEHICLE.**
See Automobile.

**VETERINARY HOSPITAL**
See Clinic, veterinary.

**WALL, OBSCURING**
means a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this article.

**WALL, RETAINING**
means a structural mass which is designed and used to resist lateral pressures of soil behind it and is designed to be safely supported by soil beneath it.

**WAREHOUSE**
means a building used for shortterm and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing.

**WIRELESS COMMUNICATIONS**

A. **ALTERNATIVE TOWER STRUCTURE** means, an alternative design mounting structures that substantially camouflage or conceal the presence of antennas or towers. The alternate design must be compatible with the surrounding area in which the alternative tower structure is to appear, taking into consideration the number of tower structures existing near the proposed location.

B. **ANTENNA** means any exterior transmitting or receiving device mounted on a tower, building or structures and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

C. **BACKHAUL NETWORK** means the lines connecting a telecommunication provider's tower site and antennas to one or more cellular telephone switching officers, and/or long-distance telephone providers, or the publicly switched telephone network.

D. **BASE STATION** means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the City of Clawson under this section, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or site plan process or under another local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the city under this section, does not support or house equipment described above.

E. **ELIGIBLE FACILITIES REQUEST** means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

F. **ELIGIBLE SUPPORT STRUCTURE** means any tower or base station, as defined in this section, provided that it is existing at the time the relevant application is filed with the city under this section.

G. **FAA** means the Federal Aviation Administration.

H. **FCC** means the Federal Communications Commission.

I. **NEW FACILITY** means a new wireless communication support structure.

J. **PREEXISTING TOWERS** and **PREEXISTING ANTENNAS** means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance from which this subsection is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.

K. **SUBSTANTIAL CHANGE** means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. Increasing the height of a wireless tower over the height previously approved, by more than ten percent, or by more than the height needed for an additional antenna array with no more than 20 feet separation from the nearest existing antenna, whichever is greater.
2. Increasing the height of a wireless communication support structure other than a wireless tower over the height previously approved, by more than ten percent or more than ten feet, whichever is greater.
3. Adding wireless equipment to a wireless tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the height of the added equipment, whichever is greater.
4. For a wireless communication support structure other than a wireless tower, adding wireless equipment that would protrude from the edge of the structure by more than six feet.
5. For any wireless tower or base station, the installation of more new equipment cabinets than required for the technology involved, which shall never be more than four.
6. For a wireless base station, the installation of new ground equipment cabinets if there are no pre-existing ground cabinets associated with the base station.
7. For a wireless base station with existing ground equipment cabinets, the installation of ground cabinets that are ten percent larger in height or overall volume than the existing cabinets.
8. Excavation or deployment outside the wireless compound for the wireless tower or base station and any related access or utility easements.
9. A modification that does not comply with prior approval conditions for the wireless tower or base station unless the noncompliance is limited to a modification that would not be a substantial change under the above standards in subsections 1 through 8.
10. A modification that would defeat or be incompatible or inconsistent with existing elements of a wireless tower or base station designed to conceal or minimize its appearance as a wireless tower or base station.

**WIRELESS COMMUNICATION SUPPORT STRUCTURE**

means a structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structure types include but are not limited to monopoles, wireless towers, lattice towers, light poles, utility support structures, traffic control structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. Such structures must be approved by the planning commission.

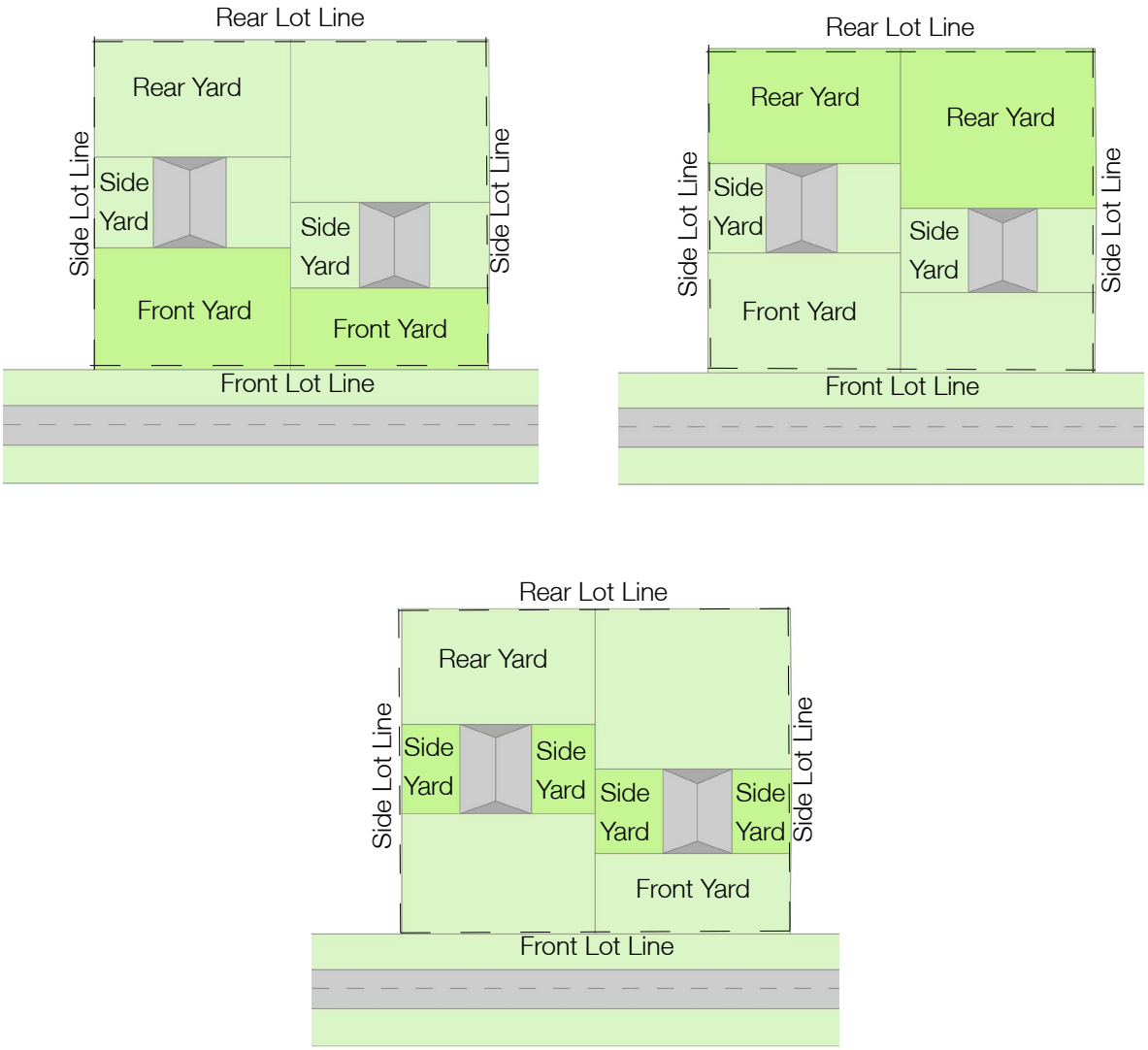
**WIRELESS TOWER**
means a wireless communication support structure, the sole or primary purpose of which is to support antennas and associated wireless equipment for the provision of wireless services. A cellular tower is a wireless tower.

**YARD**
means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this article. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this article. ✍

A. **YARD, FRONT** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
B. **YARD, REAR** means an open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
C. **YARD, SIDE** means an open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**ZONING BOARD OF APPEALS**
means the city zoning board of appeals, created pursuant to the provisions of Public Act No. 110 of 2006 [MCL 125.3101 et seq.], as amended.

## FRONT, REAR AND SIDE YARDS




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## 2.3 Measurements

### Measurements - buildings and structures

Basement
Building height
Floor area, gross
Floor area, net
Floor area, usable nonresidential
Floor area, usable residential
Grade
Height, building

### Measurements - Lots, yards, and setbacks

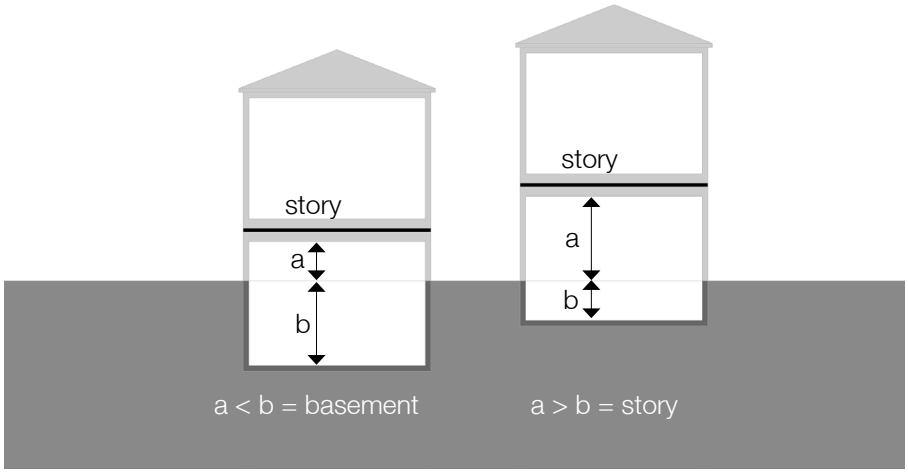
Build-to line (BTL)
Build-to zone (BTZ)
Buildable area
Building line
Front lot line
Front yard
Lot area, net
Lot coverage
Lot depth
Lot width
Setback

## MEASUREMENTS - BUILDINGS AND STRUCTURES

**BASEMENT**

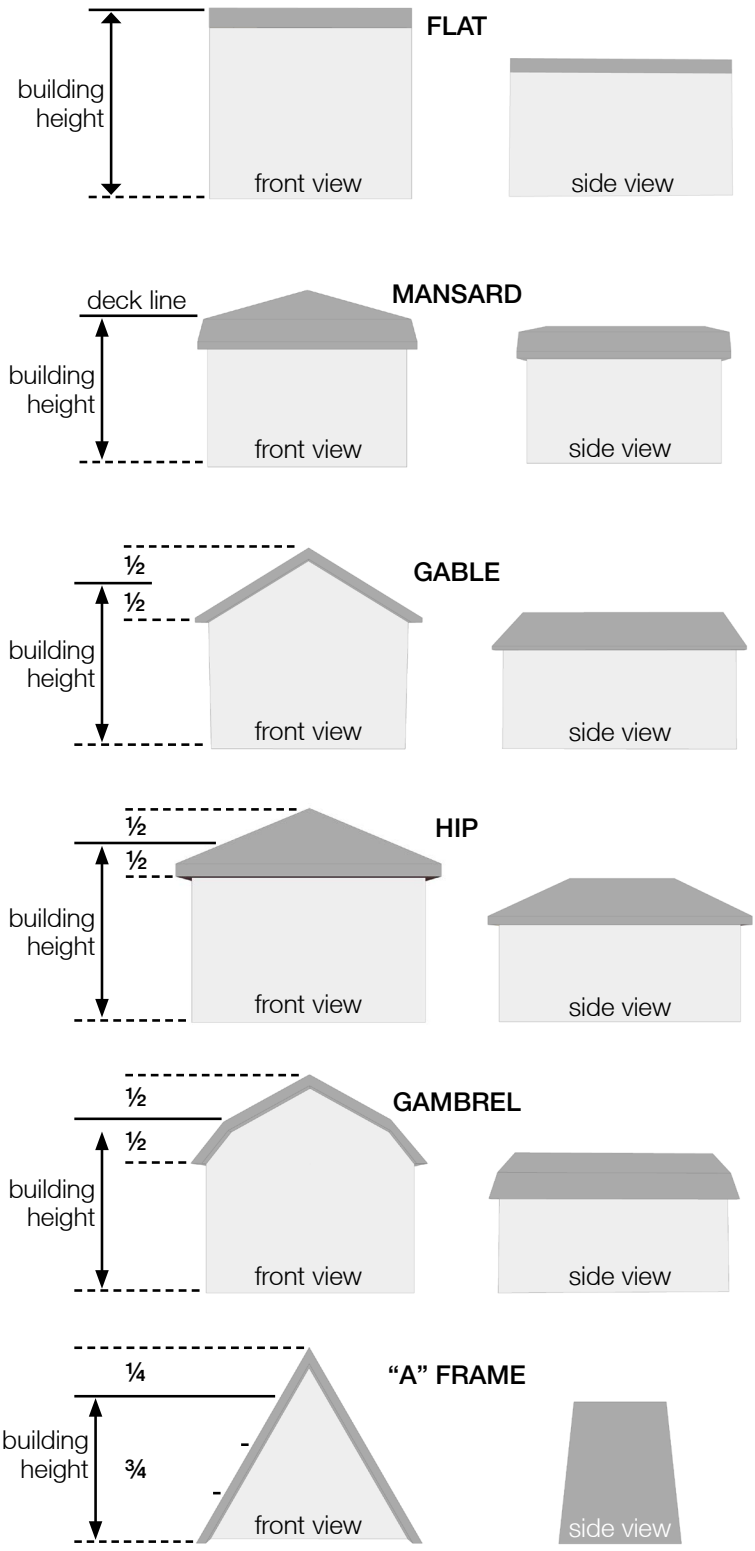
means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.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

**BASEMENT**




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## BUILDING HEIGHT




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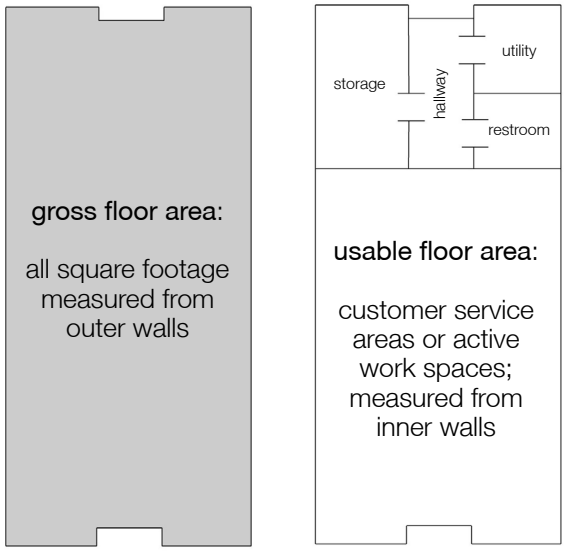
**BUILDING HEIGHT**
means the vertical distance measured from the mean average ground level at the front building line to the highest point of the roof surface in the case of a **flat** roof; to the deck line of **mansard** roofs; to the mean height level between the eaves and ridge of **gable**, studio **hip** and **gambrel** roofs; and 75 percent of the height of an **"A" frame**. Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height. ✍

**FLOOR AREA, GROSS**
means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. ✍

**FLOOR AREA, NET**
See Floor area, usable residential and Floor area, usable nonresidential.

**FLOOR AREA, USABLE NONRESIDENTIAL**
means (for the purposes of computing parking) the sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area. ✍

**GROSS AND USABLE FLOOR AREA OF NONRESIDENTIAL USES**




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**FLOOR AREA, USABLE RESIDENTIAL**

means the gross floor area minus areas in basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

**GRADE**

means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HEIGHT, BUILDING**

See Building height.

## MEASUREMENTS - LOTS, YARDS, AND SETBACKS

### BUILD-TO LINE (BTL)

means a line or plane defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The façade shall occur on the BTL.

### BUILD-TO ZONE (BTZ)

means a continuous area parallel to the street, extending from the lot line to a specified depth, in which the façade must be located.

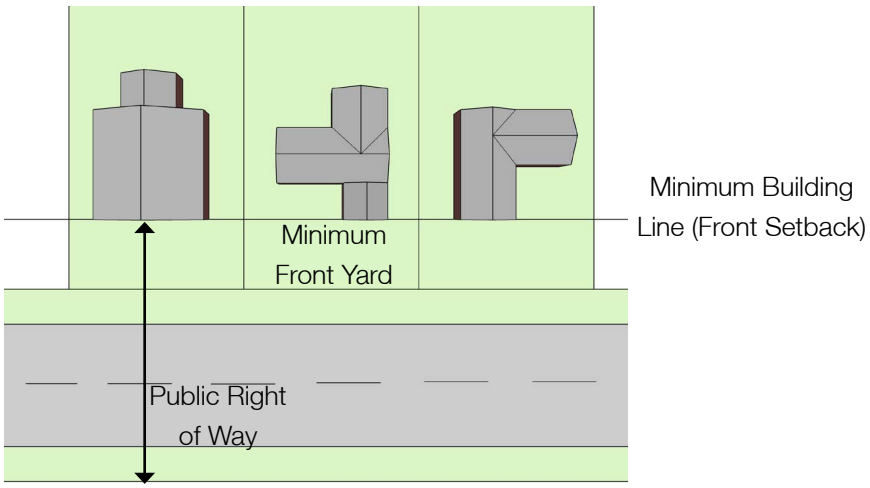
### BUILDABLE AREA

means the area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this article.

### BUILDING LINE

means a line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. For the purposes of this article, a minimum building line is the same as a required setback line. ✍

**BUILDING LINE**



**FRONT LOT LINE**
See definition of Lot lines*.

**FRONT YARD**
See definition of Yard*.

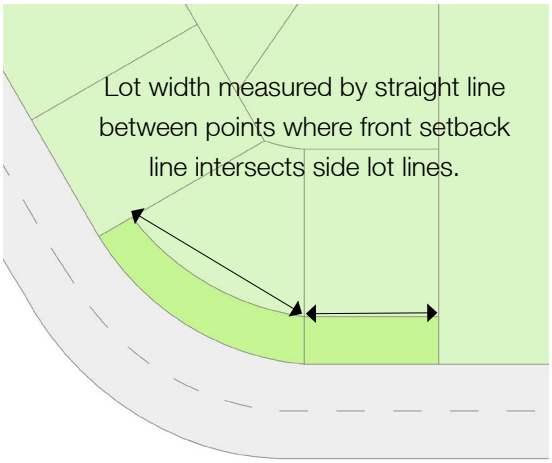
**LOT AREA, NET**
means the total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements.

**LOT COVERAGE**
means the part or percent of the lot that is occupied by buildings or structures.

**LOT DEPTH**
means the horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

**LOT WIDTH**
means the straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. ✍

**MEASURING LOT WIDTH**




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**SETBACK**
means the distance required to obtain the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this article (see definition of Yard*).

# Chapter 34, Article X | Article 3
## Zoning Districts

# Article 3 - Zoning Districts


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## 3.1 Established districts

For the purpose of this chapter, the City of Clawson is hereby divided into the following zones:

| | | |
|---|---|---|
| 3.1.A | R-1 | Single-family residential 1 |
| 3.1.B | R-2 | Single-family residential 2 |
| 3.1.C | RM-1 | Multiple-family residential (low rise) |
| 3.1.D | RM-2 | Multiple-family residential (high rise) |
| 3.1.E | O-1 | Office service |
| 3.1.F | O-2 | Office |
| 3.1.G | B-1 | Local business |
| 3.1.H | B-2 | Neighborhood business |
| 3.1.I | B-3 | General business |
| 3.1.J | CC | City Center |
| 3.1.K | CMD | Central mixed use |
| 3.1.L | CR | Core Residential |
| 3.1.M | BRD-1 | Business renewal district-1 |
| 3.1.N | BRD-2 | Business renewal district-2 |
| 3.1.O | WG | West Gate |
| 3.1.P | I-1 | Limited industrial |
| 3.1.Q | I-2 | General industrial |
| 3.1.R | VP | Vehicular parking |

# 3.1.A R-1 Single-family residential 1

## 1. Purpose

a. The provisions of this section apply to the R-1 and R-2 single-family residential districts.

b. The intent of the R-1 and R-2 single-family residential districts is to provide areas in the city for the continued use of single-family dwellings within stable neighborhoods. It is intended that the principal use of land is for single-family dwellings, but each district has different minimum area, density, and placement requirements to provide different housing types to accommodate the varied needs of the population. For these residential districts, in promoting the general purpose of this section, the specific intent of this section is as follows:

i. To provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

ii. To prohibit multiple-family, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with the development or continuation of single-family dwellings in the district.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings and uses incidental to any of the permitted uses §5.12
b. Single-family detached dwellings §4.1
c. Home occupations §4.28
d. Family day care homes (up to six residents)
e. Foster care family homes, adult (up to six residents) §4.21
f. Foster family group homes (up to six residents) §4.21
g. Foster family homes (up to six residents) §4.21
h. Parks, parkways, recreational facilities, publicly owned and operated

## 3. Special Land Uses

a. Municipal, county, regional, and state service buildings and uses §4.20
b. Cemeteries on parcels three acres or greater
c. Places of worship §4.17
d. Child care centers, accessory to schools or places of worship or proposed for vacant place of worship and school sites
e. Recreational areas, private noncommercial, institutional or community recreation centers; nonprofit swimming pool clubs §4.33
f. Schools, public, parochial and other private elementary, intermediate and high schools §4.18
g. Foster care congregate facilities, adult (more than 12 residents) §4.21
h. Foster care large group homes, adult (more than 12 residents) §4.21
i. Foster care small group homes, adult (7-12 residents) §4.21
j. Group child day care homes (7 to 12 residents) §4.21
k. Accessory buildings and uses incidental to any of the permitted uses §5.12
l. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.A R-1 Single-family residential 1

## 4. Development Standards

### Lot Size

| | |
|---|---|
| Minimum lot area: | 5,500 sq. ft. |
| Minimum lot width: | 50 ft. |

### Lot Coverage

| | |
|---|---|
| Maximum building lot coverage: | 35% |

Maximum Impervious Surface & Coverage (including buildings)

| Lot Size (sq. ft.) | Impervious Coverage Max. (%) |
|---|---|
| Up to 5,500 | 70% |
| 5,501 - 8,000 | 65% |
| 8,001 or greater | 55% |

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 25 ft. |
| Minimum rear yard setback: | 35 ft. |
| Minimum side yard setback: | |
| Least one: | 5 ft. |
| Total of two: | 15 ft. |

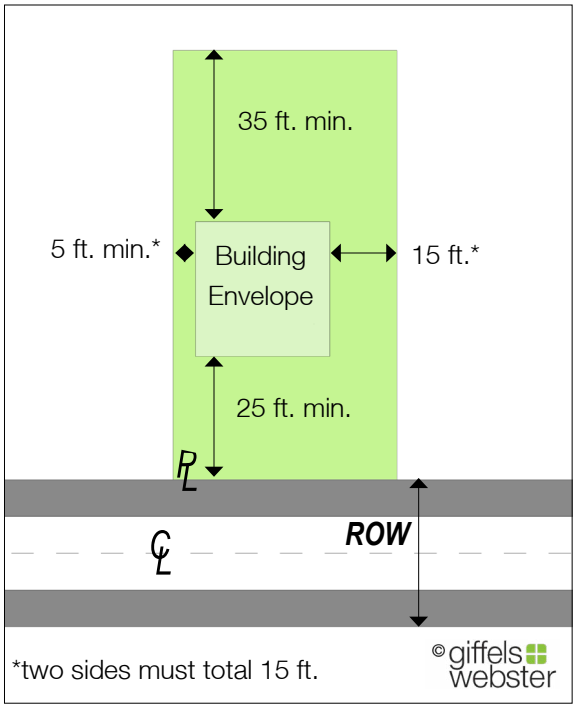
### Maximum Building Height

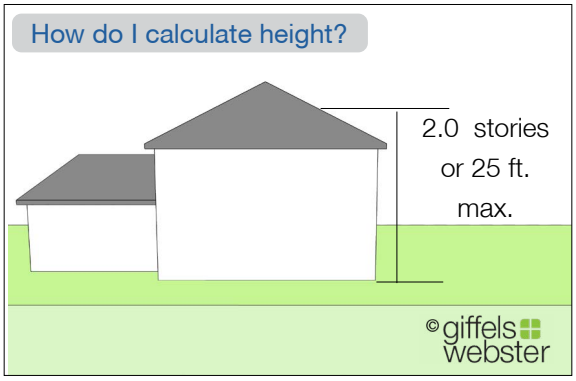
| | |
|---|---|
| Maximum building height: | 2.0 stories or 25 ft. |

### Livable Floor Area and Density

| | |
|---|---|
| R-1 Minimum usable floor area per unit: | 1,248 sq. ft. |
| R-2 Minimum usable floor area per unit: | 720 sq. ft. |

See §3.6 for notes to the development standards.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Accessory buildings, structures and uses §5.12
Easements §5.6
Sidewalks §5.7
Residential entranceway structures §5.10
Corner clearance §5.11
Fences and walls §5.13
Obscuring walls §5.14
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

clearzoning

(Amended by Ord. No. 763)

# 3.1.B R-2 Single-family residential 2

## 1. Purpose

a. The provisions of this section apply to the R-1 and R-2 single-family residential districts.

b. The intent of the R-1 and R-2 single-family residential districts is to provide areas in the city for the continued use of single-family dwellings within stable neighborhoods. It is intended that the principal use of land is for single-family dwellings, but each district has different minimum area, density, and placement requirements to provide different housing types to accommodate the varied needs of the population. For these residential districts, in promoting the general purpose of this section, the specific intent of this section is as follows:

i. To provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

ii. To prohibit multiple-family, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with the development or continuation of single-family dwellings in the district.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings and uses incidental to any of the permitted uses §5.12
b. Single-family detached dwellings §4.1
c. Home occupations §4.28
d. Family day care homes (up to six residents)
e. Foster care family homes, adult (up to six residents) §4.21
f. Foster family group homes (up to six residents) §4.21
g. Foster family homes (up to six residents) §4.21
h. Parks, parkways, recreational facilities, publicly owned and operated

## 3. Special Land Uses

a. Municipal, county, regional, and state service buildings and uses §4.20
b. Cemeteries on parcels three acres or greater
c. Places of worship §4.17
d. Child care centers, accessory to schools or places of worship or proposed for vacant place of worship and school sites
e. Recreational areas, private noncommercial, institutional or community recreation centers; nonprofit swimming pool clubs §4.33
f. Schools, public, parochial and other private elementary, intermediate and high schools §4.18
g. Foster care congregate facilities, adult (more than 12 residents) §4.21
h. Foster care large group homes, adult (more than 12 residents) §4.21
i. Foster care small group homes, adult (7-12 residents) §4.21
j. Group child day care homes (7 to 12 residents) §4.21
k. Accessory buildings and uses incidental to any of the permitted uses §5.12
l. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.B R-2 Single-family residential 2

## 4. Development Standards

### Lot Size

| | |
|---|---|
| Minimum lot area: | 5,500 sq. ft. |
| Minimum lot width: | 50 ft. |

### Lot Coverage

| | |
|---|---|
| Maximum building lot coverage: | 35% |

Maximum Impervious Surface & Coverage (including buildings)

| Lot Size (sq. ft.) | Impervious Coverage Max. (%) |
|---|---|
| Up to 5,500 | 70% |
| 5,501 - 8,000 | 65% |
| 8,001 or greater | 60% |

### Setbacks

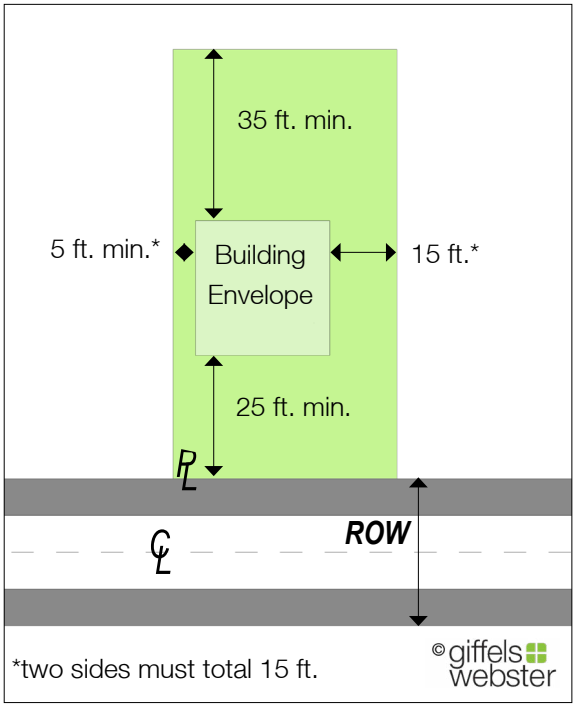
| | |
|---|---|
| Minimum front yard setback: | 25 ft. |
| Minimum rear yard setback: | 35 ft. |
| Minimum side yard setback: | |
| Least one: | 5 ft. |
| Total of two: | 15 ft. |

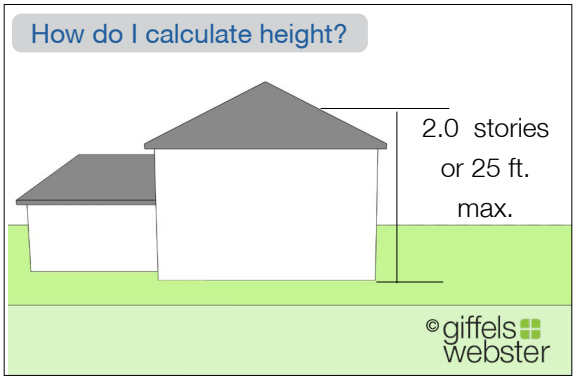
### Maximum Building Height

| | |
|---|---|
| Maximum building height: | 2.0 stories or 25 ft. |

### Livable Floor Area and Density

| | |
|---|---|
| R-1 Minimum usable floor area per unit: | 1,248 sq. ft. |
| R-2 Minimum usable floor area per unit: | 720 sq. ft. |




See §3.6 for notes to the development standards.

**User Note:** Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Accessory buildings, structures and uses §5.12
Easements §5.6
Sidewalks §5.7
Residential entranceway structures §5.10
Corner clearance §5.11
Fences and walls §5.13
Obscuring walls §5.14
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

(Amended by Ord. No. 763)

# 3.1.C RM-1 Multiple-family residential (low rise)

## 1. Purpose

The intent of the RM-1 district is to address the varied housing needs of city residents by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. The RM-1 district will generally serve as zones of transition between the nonresidential districts and lower density single-family residential districts. It is intended that developments within this district have direct access to collector or major thoroughfares. In addition, multiple-family housing should be designed to be compatible with surrounding or nearby single-family housing.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings and uses incidental to any of the permitted uses §5.12
b. Family day care homes (up to six residents)
c. Foster care family homes, adult (up to six residents) §4.21
d. Foster family group homes (up to six residents) §4.21
e. Foster family homes (up to six residents) §4.21
f. Single-family attached dwellings §4.2
g. Single-family detached dwellings §4.1
h. Two-family dwellings §4.3
i. Multiple-family dwellings §4.3
j. Satellite dish antenna §4.4
k. Townhouses §4.2
l. Home occupations §4.28
m. Parks, parkways, recreational facilities, publicly owned and operated

## 3. Special Land Uses

a. Child care centers §4.32
b. Foster care congregate facilities, adult (more than 12 residents) §4.21
c. Foster care large group homes, adult (more than 12 residents) §4.21
d. Foster care small group homes, adult (7-12 residents) §4.21
e. Group child day care homes (7 to 12 residents) §4.21
f. Housing for the elderly §4.25
g. Nursing home, convalescent homes, and rest homes §4.23
h. Hospital, general §4.24
i. Municipal, county, regional, and state service buildings and uses §4.20
j. Places of worship §4.17
k. Recreational areas, private noncommercial, institutional or community recreation centers; nonprofit swimming pool clubs §4.33
l. Schools, public, parochial and other private elementary, intermediate and high schools §4.18
m. College or universities, public or private, and other such institutions of higher learning §4.19
n. Single-family detached dwellings to serve as the living quarters of a watchman or caretaker of the attached housing development
o. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.C RM-1 Multiple-family residential (low rise)

## 4. Development Standards

### Lot Size

| | |
|---|---|
| Minimum lot area: | 7,200 sq. ft. |
| Minimum lot width: | 60 ft. |

### Lot Coverage

| | |
|---|---|
| Maximum building lot coverage: | 30% |

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 30 ft. |
| Minimum rear yard setback: | 30 ft. |
| Minimum side yard setback: | |
| Least one: | 20 ft. |
| Total of two: | 40 ft. |

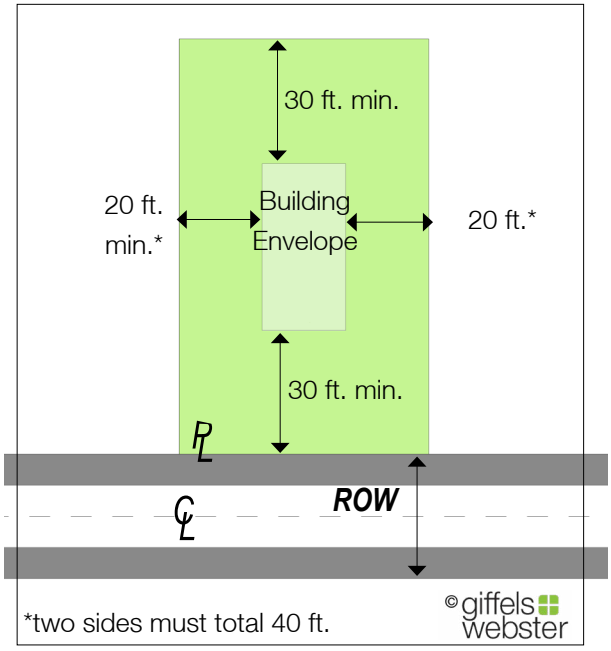
### Maximum Building Height

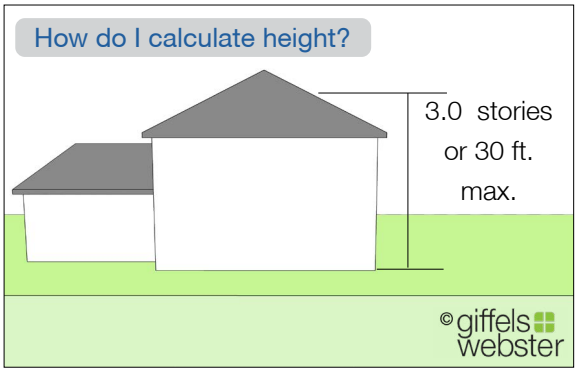
| | |
|---|---|
| Maximum building height: | 3.0 stories or 30 ft. |

### Livable Floor Area and Density

| | |
|---|---|
| Minimum usable floor area per unit: | See §4.3.A.4 |

See §4.3 for notes to the development standards.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Accessory buildings, structures and uses §5.12
Easements §5.6
Sidewalks §5.7
Frontage on a public street §5.8
Residential entranceway structures §5.10
Corner clearance §5.11
Fences and walls §5.13
Obscuring walls §5.14
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

# 3.1.D RM-2 Multiple-family residential (high rise)

## 1. Purpose

The intent of the RM-2 district is to serve the residential needs of persons desiring apartment type of accommodations with central services. This RM-2 district permits intensive residential use of land for various types of multiple dwellings, and is generally located adjacent to high traffic generators commonly found in the proximity of large acreage nonresidential development and areas abutting principal thoroughfare routes. This RM-2 district is further designed so as to provide a zone of transition between high traffic generators and other residential districts.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings and uses incidental to any of the permitted uses §5.12
b. Home occupations §4.28
c. Parks, parkways, recreational facilities, publicly owned and operated
d. Family day care homes (up to 6 residents)
e. Foster care family homes, adult (up to six residents) §4.21
f. Foster family group homes (up to six residents) §4.21
g. Foster family homes (up to six residents) §4.21
h. Multiple-family dwelling units in excess of three stories §4.3
i. Multiple-family dwellings §4.3
j. Single-family attached dwellings §4.2
k. Single-family detached dwellings §4.1
l. Satellite dish antenna §4.4
m. Townhouses §4.2
n. Two-family dwellings §4.3

## 3. Special Land Uses

a. Business uses of a retail or service nature
b. Child care centers §4.32
c. Hospital, general §4.24
d. Municipal, county, regional, and state service buildings and uses §4.20
e. Places of worship §4.17
f. Recreational areas, private noncommercial, institutional or community recreation centers; nonprofit swimming pool clubs §4.33
g. Schools, public, parochial and other private elementary, intermediate and high schools §4.18
h. College or universities, public or private, and other such institutions of higher learning §4.19
i. Foster care congregate facilities, adult (more than 12 residents) §4.21
j. Foster care large group homes, adult (more than 12 residents) §4.21
k. Foster care small group homes, adult (7-12 residents) §4.21
l. Group child day care homes (7 to 12 residents) §4.21
m. Housing for the elderly §4.25
n. Nursing home, convalescent homes, and rest homes §4.23
o. Single-family detached dwellings to serve as the living quarters of a watchman or caretaker of the attached housing development
p. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.D RM-2 Multiple-family residential (high rise)

## 4. Development Standards

### Lot Size

| | |
|---|---|
| Minimum lot area: | 7,200 sq. ft. |
| Minimum lot width: | 60 ft. |

### Lot Coverage

| | |
|---|---|
| Maximum building lot coverage: | 20% |

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 50 ft. |
| Minimum rear yard setback: | 50 ft. |
| Minimum side yard setback: | |
| Least one: | 50 ft. |
| Total of two: | 100 ft. |

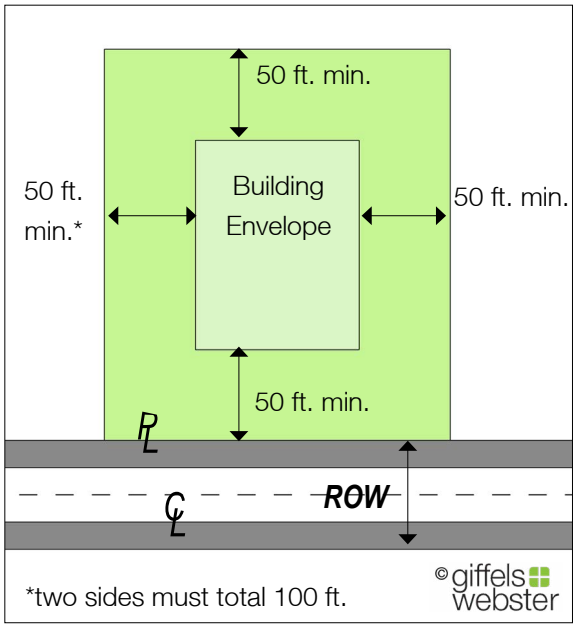
### Maximum Building Height

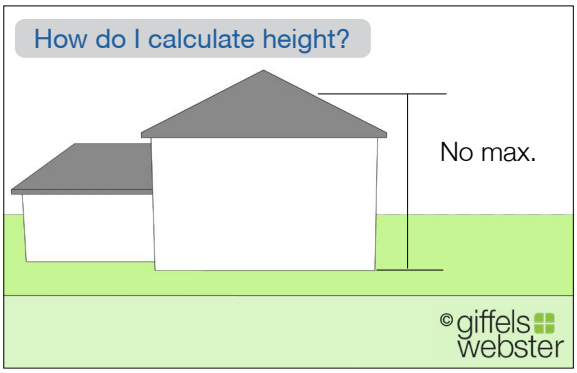
| | |
|---|---|
| Maximum building height: | None |

### Livable Floor Area and Density

| | |
|---|---|
| Minimum usable floor area per unit: | See §4.3.A.4 |

See §4.3 for notes to the development standards.




**User Note**: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Accessory buildings, structures and uses §5.12
Easements §5.6
Sidewalks §5.7
Frontage on a public street §5.8
Residential entranceway structures §5.10
Corner clearance §5.11
Obscuring walls §5.14
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

# 3.1.E O-1 Office service

## 1. Purpose

The intent of the O-1 office service district is to accommodate uses such as professional offices and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts. The O-1 districts also provide for personal services which are a convenience to persons residing in nearby neighborhoods or working in nearby business or office establishments.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Family day care homes §4.21
c. Hospital, general §4.24
d. Libraries
e. Museums
f. Nursing and convalescent homes §4.23
g. Offices, medical
h. Offices, government or public utility buildings without storage yards
i. Offices, administrative and professional §4.34
j. Places of worship §4.17
k. Recreational, educational, and human service centers
l. Schools, business or vocational training centers §4.19
m. Other uses similar to those permitted

## 3. Special Land Uses

a. Accessory buildings, structures and uses §5.12
b. Child care centers §4.32
c. Child care centers as an accessory use to a school or place of worship or on a vacant school or place of worship site
d. Financial institutions with drive-through service or automatic teller service §4.14
e. Mortuary establishments §4.26
f. Publicly owned buildings, telephone exchange buildings, and public utility offices (not storage yards, transformer stations, substations, or gas regulator stations)
g. Retail accessory use customarily related to an authorized principal use for this district §4.9
h. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.E O-1 Office service

## 4. Development Standards

### Setbacks

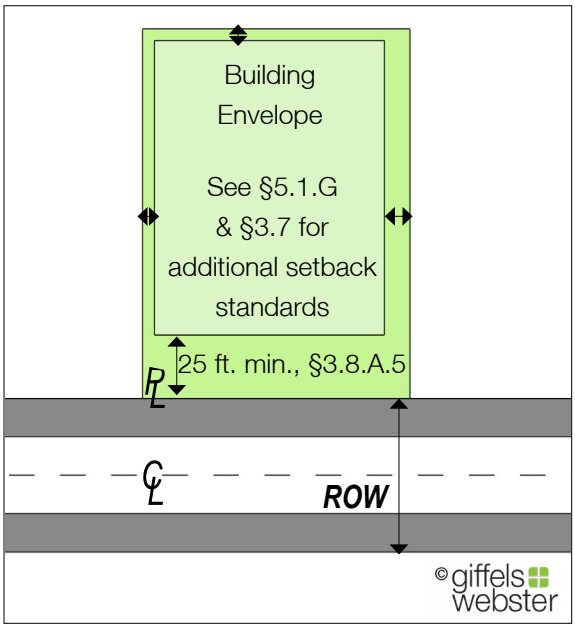
| | |
|---|---|
| Minimum front yard setback: | 25 ft., See §5.1.G & §3.8.A.5 |
| Minimum rear yard setback: | None, See §5.1.G & §3.7 |
| Minimum side yard setback: | |
| Least one: | None, See §5.1.G & §3.7 |
| Total of two | None, See §5.1.G & §3.7 |

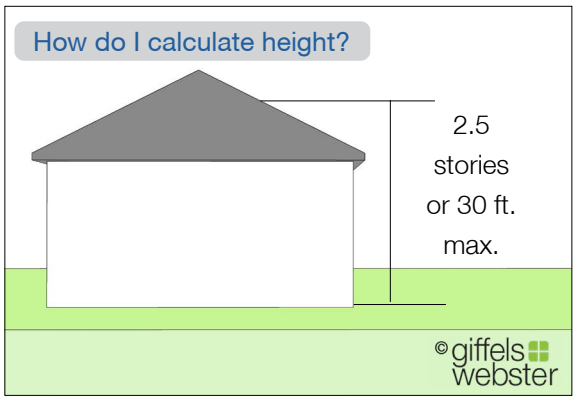
### Maximum Building Height

Maximum building height: 2.5 stories or 30 ft.

### Proximity to Residential Districts

No building shall be located closer than 25 feet to any adjacent residential districts.




**User Note:** Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Sidewalks §5.7
Frontage on a public street §5.8
Corner clearance §5.11
Obscuring walls §5.14
Landscaping §5.15
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.F O-2 Office research

## 1. Purpose

The intent of the O-2 office research district is to provide for a suitable environment for those types of operations that are basically research in nature, and to provide for similar type uses that are essentially nonretail and nonindustrial in nature. The O-2 office research district is further intended to be so located as to provide direct access onto a major thoroughfare.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Family day care homes §4.21
b. Hospital, general §4.24
c. Nursing and convalescent homes §4.23
d. Offices, medical
e. Offices, government or public utility buildings without storage
f. Offices, administrative and professional §4.34
g. Recreation, accessory use to a permitted principal use
h. Research, design, pilot, or experimental product development
i. Schools, business or vocational training centers §4.19
j. Schools, technical training §4.19
k. Other uses similar to those permitted

## 3. Special Land Uses

a. Assembly of articles such as art goods, tools, gauges, cameras, watches, clocks, electronic, scientific, controlling, musical and similar precision instruments, jewelry, surgical and optical equipment, orthopedic products
b. Blueprinting §4.35
c. Photography §4.35
d. Photostating, printing §4.35
e. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.F O-2 Office research

## 4. Development Standards

### Setbacks

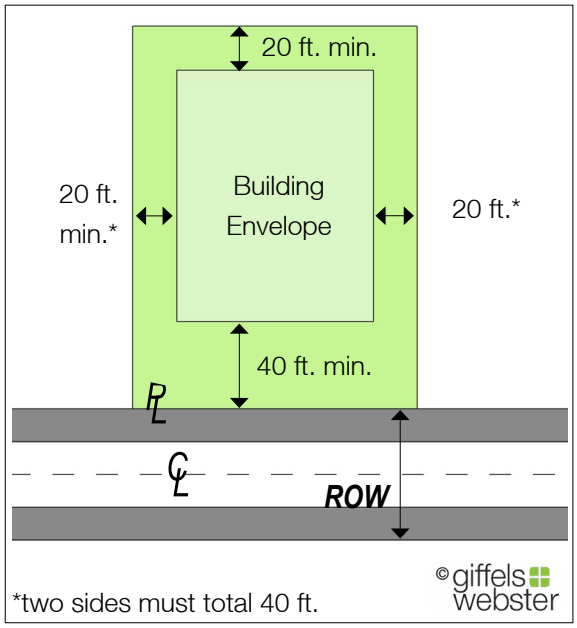
| | |
|---|---|
| Minimum front yard setback: | 40 ft., See §5.1.G |
| Minimum rear yard setback: | 20 ft., See §3.8.B |
| Minimum side yard setback: | |
| Least one: | 20 ft., See §3.8.B |
| Total of two | 40 ft., See §3.8.B |

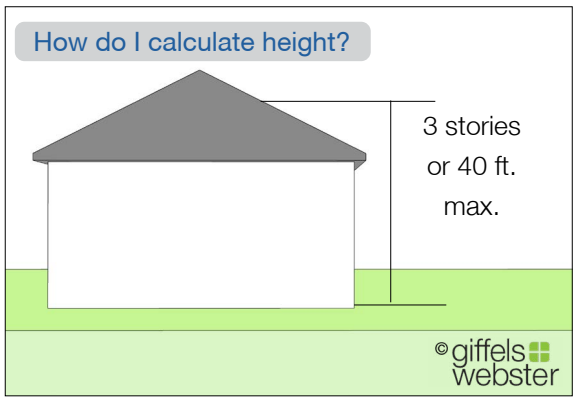
### Maximum Building Height

Maximum building height: 3 stories or 40 ft.

### Proximity to Residential Districts

No building shall be located closer than 50 feet to any adjacent residential district.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Sidewalks §5.7
Frontage on a public street §5.8
Corner clearance §5.11
Landscaping §5.15
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.G B-1 Local business

## 1. Purpose

The intent of the B-1 district is to provide for retail business and service uses which are needed to serve the nearby residential areas. The intent of this B-1 district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations. The standards of this B-1 district shall encourage development compatible with the nearby residential areas, so that this B-1 district may serve as a buffer between the more intensive commercial and industrial uses and the less dense and less intensely developed residential districts. In order to promote such business developments, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic, or late hours of operation. Automobile oriented business (i.e., drive-in banks and restaurants) are also not permissible. Planned development may be permitted as a means to achieve the basic intent of this district in accordance with the guidelines in Section 3.1.S PUD Planned Unit Development.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

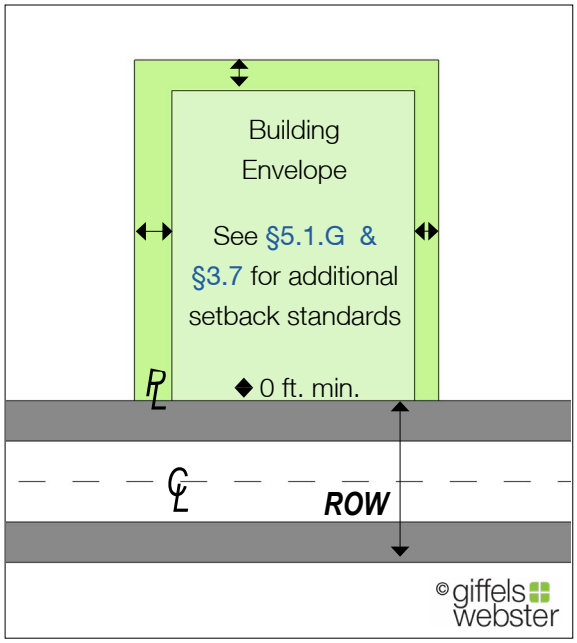
a. Accessory buildings, structures and uses §5.12
b. Business support services
c. Retail §4.9 & §4.10
d. Financial institutions §4.13
e. Health and fitness salons
f. Laundry and dry cleaning customer outlets, coin-operated laundromats, self-service dry cleaning establishments and similar operations provided that all services performed on the premises shall be sold at retail on those premises
g. Libraries
h. Museums
i. Theaters, enclosed
j. Schools, occupational or professional training §4.19
k. Schools, technical training §4.19
l. Live/Work units §4.49
m. Family day care homes §4.21
n. Newspaper offices and printing shops §4.35
o. Offices, medical
p. Offices, government or public utility buildings without storage yards
q. Offices and showrooms of those in the trades §4.36
r. Personal service establishments
s. Restaurants, sit down, with or without alcohol §4.6
t. Places of worship §4.17
u. Recreational, educational, and human service centers
v. Single-family homes §4.1 & §4.2
w. Live/Work units §4.49
x. Other uses similar to those permitted

## 3. Special Land Uses

a. Accessory buildings, structures and uses §5.12
b. Child care centers §4.32
c. Child care centers as an accessory use to a school or place of worship or on a vacant school or place of worship site
d. College or universities, public or private, and other such institutions of higher learning §4.19
e. Conversion of former single-family homes back to residential uses §4.1.L
f. Hospital, general §4.24
g. Veterinary hospitals and clinics §4.29

# 3.1.G B-1 Local business

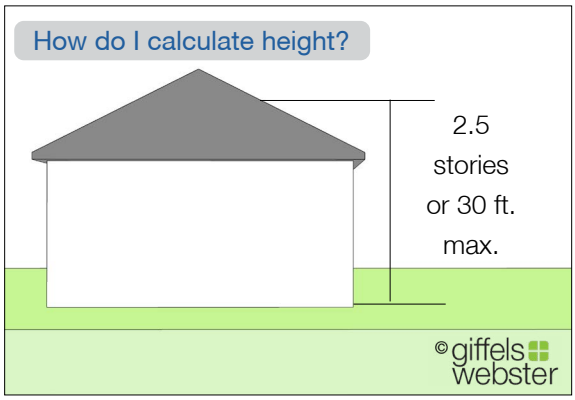
h. Mortuary establishments §4.26
i. Private service clubs, fraternal organizations, banquet and meeting halls
j. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, and water and sewage pumping stations; no outdoor storage
k. Recreation, indoor §4.39
l. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission




## 4. Development Standards

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 0 ft., See §5.1.G |
| Minimum rear yard setback: | None, See §5.1.G & §3.7 |
| Minimum side yard setback: | |
| Least one: | None, See §5.1.G & §3.7 |
| Total of two | None, See §5.1.G & §3.7 |




### Maximum Building Height

| | |
|---|---|
| Maximum building height: | 2.5 stories or 30 ft. |

### Proximity to Residential Districts

No building shall be located closer than 25 feet to any adjacent residential district.

**User Note:** Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Sidewalks §5.7
Frontage on a public street §5.8
Corner clearance §5.11
Landscaping §5.15
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.H B-2 Neighborhood business

## 1. Purpose

The intent of the B-2 neighborhood business district is to permit small-scale retail, personal services and similar uses that primarily serve the local population. Planned unit development may be permitted as a means to achieve the basic intent of this B-2 district in accordance with the guidelines in Section 3.1.S PUD Planned Unit Development.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Bus passenger station
c. Department stores and specialty shops §4.9 & §4.10
d. Retail §4.9 & §4.10
e. Personal service establishments within a completely enclosed building
f. Family day care homes §4.21
g. Residential, mixed use §4.49
h. Financial institutions §4.13
i. Offices, administrative and professional §4.34
j. Offices and showrooms of those in the trades §4.36
k. Newspaper offices and printing shops §4.35
l. Restaurants, sit down, with or without alcohol §4.6
m. Places of worship §4.17
n. Theaters, enclosed
o. Schools, occupational or professional training §4.19
p. Schools, technical training §4.19
q. Other uses similar to those permitted

## 3. Special Land Uses

a. Child care centers §4.32
b. Restaurants, outdoor cafes or areas §4.8
c. Community buildings and public service agencies not requiring outside storage of materials or vehicles
d. Financial institutions with drive-through service or automatic teller service §4.14
e. Parking garages §4.16
f. Recreation, indoor §4.39
g. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.H B-2 Neighborhood business

## 4. Development Standards

### Setbacks

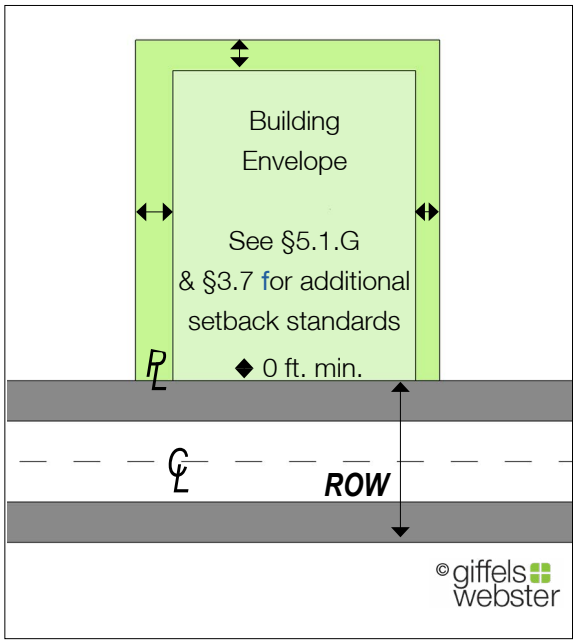
| | |
|---|---|
| Minimum front yard setback: | 0 ft., See §5.1.G |
| Minimum rear yard setback: | None, See §5.1.G & §3.7 |
| Minimum side yard setback: | |
| Least one: | None, See §5.1.G & §3.7 |
| Total of two | None, See §5.1.G & §3.7 |

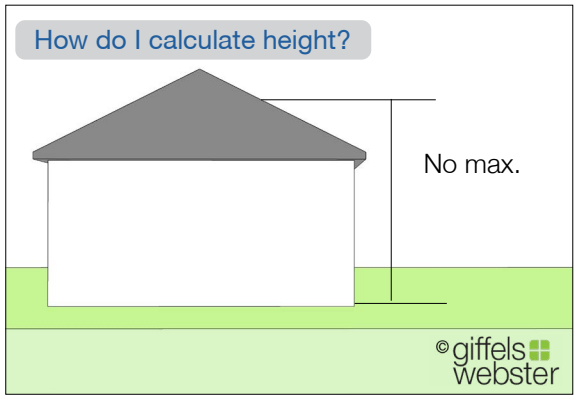
### Maximum Building Height

| | |
|---|---|
| Maximum building height: | None |

### Proximity to Residential Districts

No building shall be located closer than 25 feet to any adjacent residential district.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Sidewalks §5.7
Frontage on a public street §5.8
Corner clearance §5.11
Landscaping §5.15
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.I B-3 General business

## 1. Purpose

The intent of the B-3 general business district is to provide for a variety of commercial uses, including more intensive commercial uses not permitted in the B-1 and B-2 districts and which can be incompatible with pedestrian movement. The B-3 district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire city and a substantial area of the surrounding region beyond the municipal limits and, therefore, are located so as to serve passing traffic. Because of the variety of business types permitted in the B-3 district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. General commercial facilities should be compatible in design with adjacent commercial development. Planned development may be permitted as a means to achieve the basic intent of this district in accordance with the guidelines in the District Summary Table.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Business support services
c. Financial institutions §4.13
d. Financial institutions with drive-through service or automatic teller service §4.14
e. Offices and showrooms of those in the trades §4.36
f. Showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales
g. Family day care homes §4.21
h. Hotel §4.48
i. Laundry and dry cleaning customer outlets, coin-operated laundromats, self-service dry cleaning establishments and similar operations provided that all services performed on the premises shall be sold at retail on those premises
j. Personal service establishments within a completely enclosed building
k. Newspaper offices and printing shops §4.35
l. Retail §4.9 & §4.10
m. Restaurants, drive-through §4.7
n. Restaurants, sit down, with or without alcohol §4.6
o. Restaurants, carryout §4.6
p. Museums
q. Theaters, excluding drive-ins
r. Places of worship §4.17
s. Private service clubs, fraternal organizations, banquet and meeting halls
t. Schools, occupational or professional training §4.19
u. Schools, technical training §4.19
v. Other uses similar to those permitted

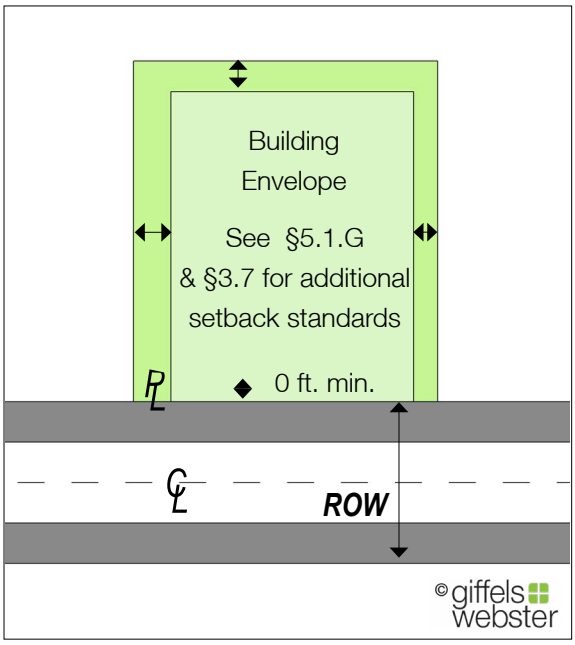
## 3. Special Land Uses

a. Automobile filling stations and service stations (not repair garage) §4.41
b. Automobile or car wash establishments §4.40
c. Child care centers §4.32
d. Coin-operated amusement device
e. Smoking establishments
f. Motels and motel courts §4.15
g. Offices, government or public utility buildings without storage yards
h. Open front or open air businesses and outdoor sales of new or used automobiles, truck and tractors, boats, mobile homes, recreation vehicles and trailers §4.43
i. Outdoor retail sales of plant materials not grown on the site, lawn furniture,

# 3.1.I B-3 General business

playground equipment and home garden supplies §4.12

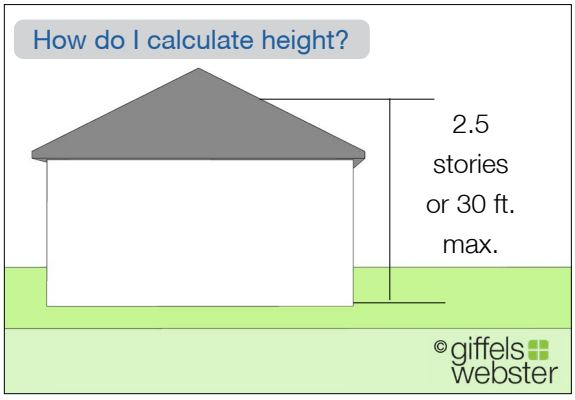
j. Parking garages§4.16
k. Recreation, indoor §4.39
l. Theaters, drive-in
m. Restaurants, fast food, drive-in, and drive-through §4.7
n. Veterinary hospitals and clinics §4.29
o. On-premises smoking establishments §4.50
p. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission




## 4. Development Standards

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 0 ft., See §5.1.G |
| Minimum rear yard setback: | None, §5.1.G & §3.7 |
| Minimum side yard setback: | |
| Least one: | None, See §5.1.G & §3.7 |
| Total of two | None, See §5.1.G & §3.7 |




### Maximum Building Height

Maximum building height: 2.5 stories or 30 ft.

### Proximity to Residential Districts

No building shall be located closer than 25 feet to any adjacent residential district.

**User Note:** Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Sidewalks §5.7
Frontage on a public street §5.8
Corner clearance §5.11
Landscaping §5.15
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.J CC City Center

## 1. Purpose

a. **General character.** The City Center (CC) district is a dense district of commercial and mixed use buildings with specific boundaries set forth on the City of Clawson Zoning Map. The district is intended to perpetuate the downtown development pattern of the area, inviting pedestrian activity in accordance with the goals of the 2015 downtown master plan. Connected buildings form a continuous street wall and provide a strong sense of a unique district that is a center of community activity. Residential uses are located on upper floors in order to maintain a high activity level on the sidewalks. The City Center district is part of a larger core area, which also includes the CMD district and the Core Residential district.

b. **Building types and dimensions.** Buildings are typically one to two stories. Third stories are permitted provided that they are set back to preserve a sense of small town scale. Front setbacks are at the lot line. Side setbacks are typically at the lot line, and connected buildings form a continuous street wall. Building coverage on the lot is high, and many buildings have rear entryways in addition to front entryways. Outdoor dining or sales areas are common in the district, as is the provision of street furniture including benches, rubbish bins, and planters. Public art is encouraged. New uses should provide pedestrian lighting where possible.

c. **Street, alley, and block patterns.** Blocks are framed by a street grid. Alleys exist but are often fragmentary. Where feasible, it is desirable to enhance the connectivity of the alley system. Alleys provide access to shared parking lots located behind the buildings that front on Main Street and 14 Mile Road. Many blocks are partially located in this district and include land zoned for other core area districts.

d. **Parking and mobility.** Parking is provided at grade on the street and in both private and public surface lots. Off-street parking is located predominantly to the rear of buildings, and in some cases to the side. Bicycle parking is present throughout the district. The district is oriented toward pedestrian activity, and dedicated pedestrian crossings are present at several locations. More crossing locations are desirable.

# 3.1.J CC City Center

User Note: Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Artisan manufacturing/galleries §4.38
c. Business support services
d. Financial institutions §4.13
e. Retail §4.9 & §4.10
f. Personal service establishments
g. Fitness centers under 5,000 sq. ft.
h. Offices, medical
i. Offices, administrative and professional §4.34
j. Home businesses §4.27
k. Home occupations §4.28
l. Residential, multiple-family §4.3
m. Parks, plazas, public
n. Restaurants, sit down, with or without alcohol §4.6
o. Restaurants, carryout §4.6
p. Restaurants, outdoor cafes or areas §4.8

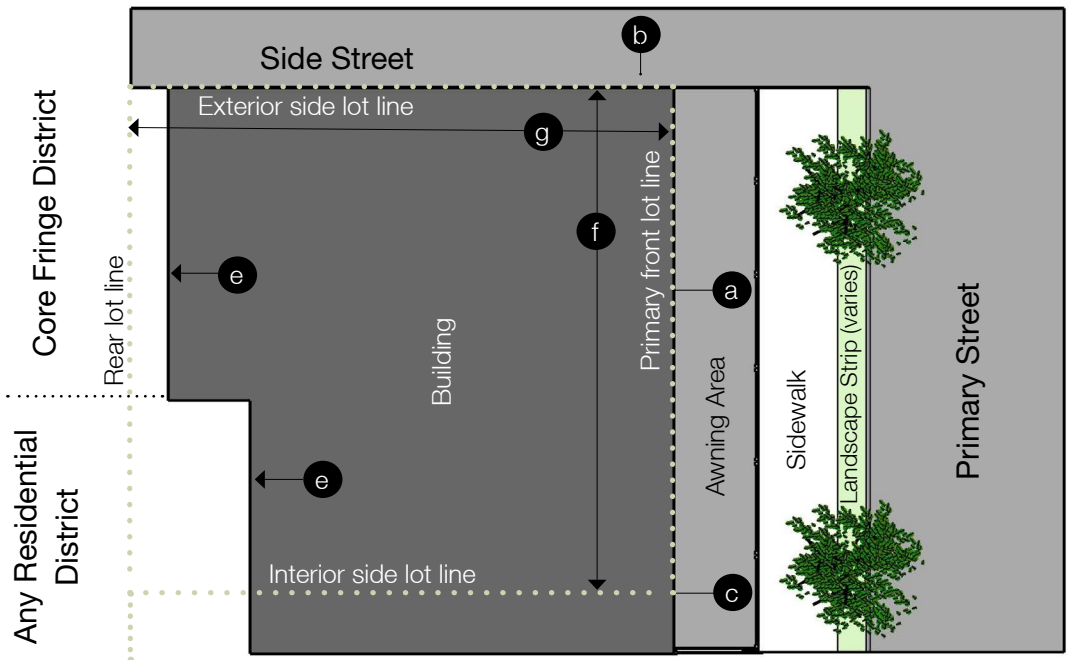
## 3. Special Land Uses

a. Fitness centers over 5,000 sq. ft.
b. Recreation, commercial indoor §4.39
c. Entertainment venues and other places of assembly (max capacity: 300 persons)
d. Financial institutions with drive-through service or automatic teller service §4.14
e. Parking garages §4.16
f. Parking lots
g. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.J CC City Center

4. Frontage types.
   a. **Frontage type:** Single- and multiple-story shopfront. This frontage type is intended to encourage ground floor commercial uses in single-story and multiple-story buildings that are typical in Downtown Clawson. Buildings feature ample windows for window displays and open views into activity areas. Primary entrances are prominent and street-facing, and are placed at the adjacent sidewalk and at the build-to line (BTL).

**FRONTAGE TYPE: SINGLE AND MULTIPLE STORY SHOPFRONT**



# 3.1.J CC City Center

| Table 3.1.J.4.a.i Building placement and form | | |
|---|---|---|
| Build-To Line (Distance from the property line) | | |
| Front (primary street frontage) | 0 ft. | a |
| Side yard (exterior street-facing) | 0 ft. | b |
| Setback (Minimum distance from the property line) | | |
| Side (internal and adjacent to City Center) | 0 ft. min.[1] | c |
| Side yard (adjacent to CMD district) | 0 ft. min.[1] | d |
| Side or rear yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade: Percent built to Build-to Line (BTL) | 80% min.[1] | f |
| Side (street facing) facade: Percent built to BTL | 25% min.[1] | g |

[1]Any area long any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza, or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall (See Section 3.11.E.3).

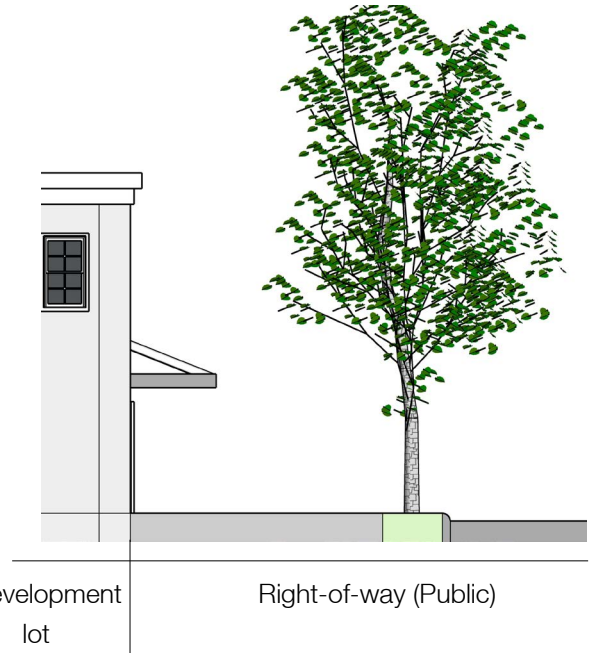
[2]30 ft. if no alley.

# 3.1.J CC City Center

## SINGLE- AND MULTIPLE-STORY SHOPFRONT



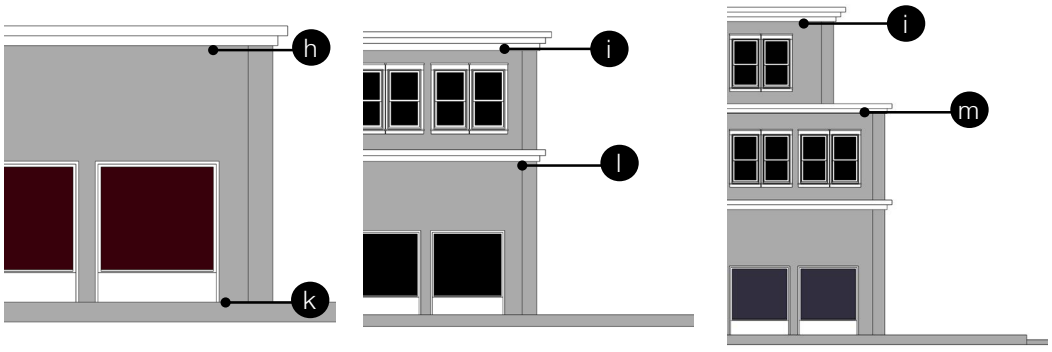
Shopfront (concrete example)




©giffels webster

# 3.1.J CC City Center

## BUILDING HEIGHTS




Single Story | Two Stories | Three Stories

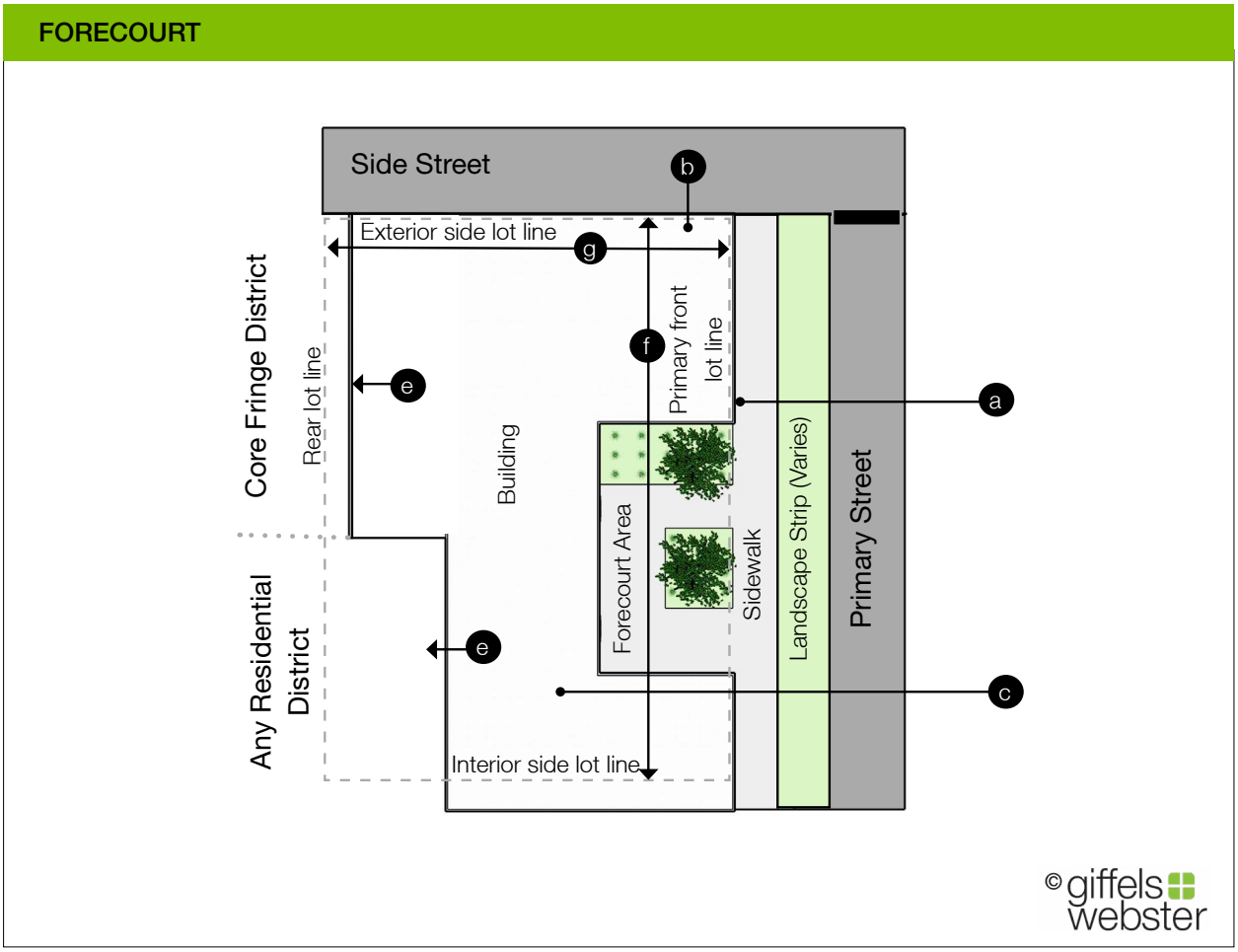
©giffels webster

| Table 3.1.J.4.a.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft.[1] | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |
| [1]Buildings may be a maximum of three stories and 42 ft. if the third floor is setback 10 ft. from all street-facing facades. | | |

# 3.1.J CC City Center

b. **Frontage type:** Forecourt. The main façade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within retail and service areas.

**FORECOURT**



# 3.1.J CC City Center

| Table 3.1.J.4.b.i Building placement | | |
|---|---|---|
| Build-To Line (Distance from the property line) | | |
| Front (primary street frontage) | 0 ft. | a |
| Side yard (street-facing) | 0 ft. | b |
| Setback (Distance from the property line) | | |
| Side (internal and adjacent to City Center) | 0 ft. min.[1] | c |
| Side yard (adjacent to CMD district) | 0 ft. min.[1] | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade: Percent built to Build-to Line (BTL) | 50% min.[1] | f |
| Side (street facing) facade: Percent built to BTL | 25% min.[1] | g |

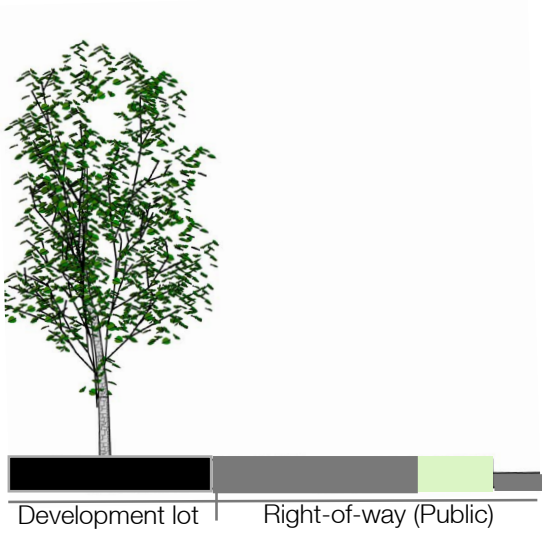
[1]Any area long any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza, or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall (See Section 3.11.E.3).

[2]30 ft. if no alley.

## FRONTAGE TYPE: FORECOURT



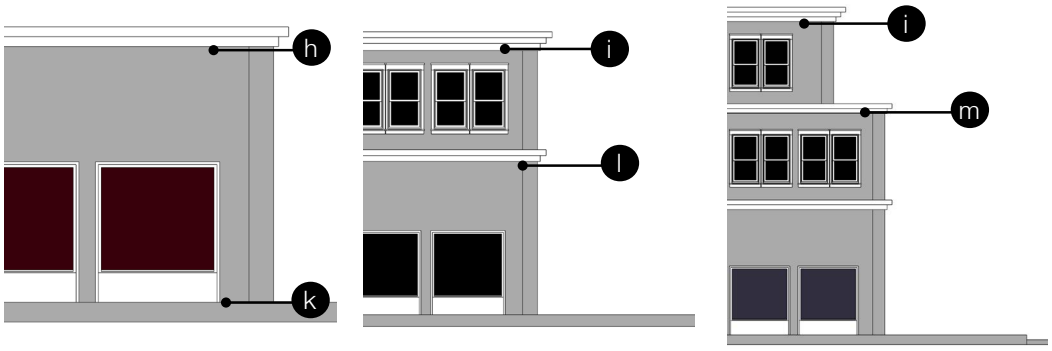
Forecourt (concept example)




©giffels webster

# 3.1.J CC City Center

## BUILDING HEIGHTS




Single Story | Two Stories | Three Stories

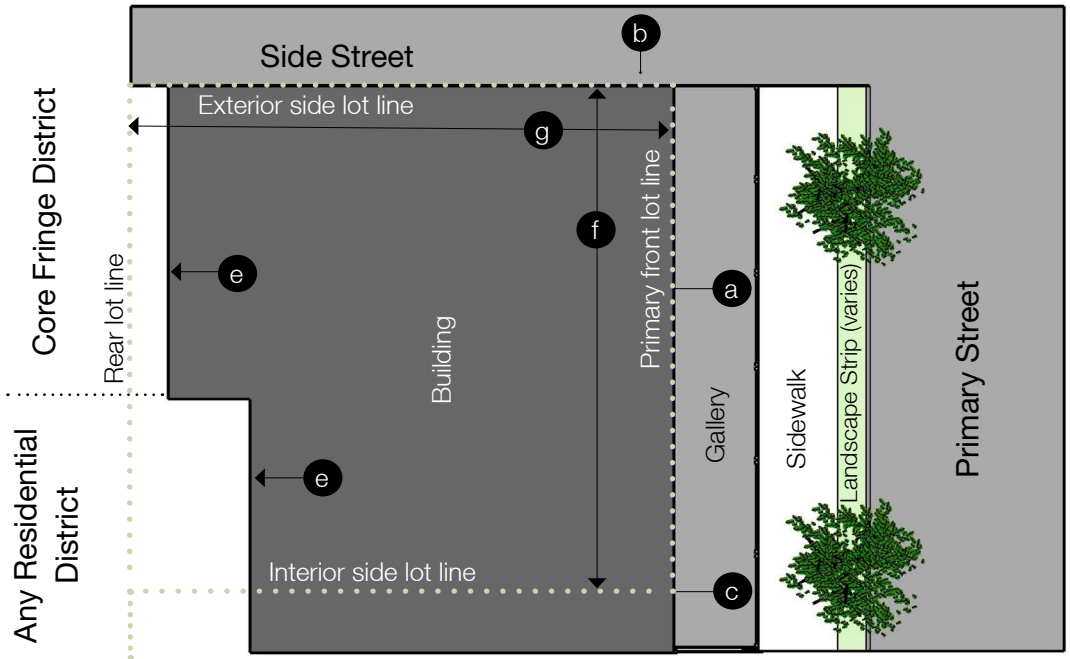
©giffels webster

| Table 3.1.J.4.b.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft.[1] | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |
| [1]Buildings may be a maximum of three stories and 42 ft. if the third floor is setback 10 ft. from all street-facing facades. | | |

# 3.1.J CC City Center

c. **Frontage type:** Gallery. This frontage type is created by attaching a colonnade to a building façade that is aligned with or near the property line and typically contains ground-floor storefronts. The colonnade projects over the sidewalk and encroaches into the public right-of-way. If extension into the right-of-way is not permitted, the colonnade projects to the property line.

**FRONTAGE TYPE: GALLERY**

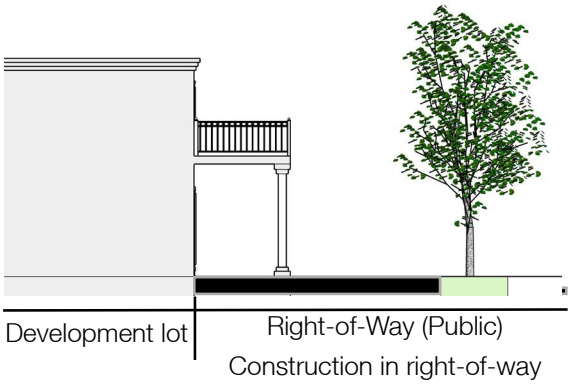


# 3.1.J CC City Center

## FRONTAGE TYPE: GALLERY



Gallery (concept example)




©giffels webster

| Table 3.1.J.4.c.i Building placement | | |
|---|---|---|
| Build-To Line (Distance from the property line) | | |
| Front (primary street frontage) | 0 ft.[1] | a |
| Side yard (exterior street-facing) | 0 ft.[1] | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to City Center) | 0 ft. min.[2] | c |
| Side yard (adjacent to CMD district) | 0 ft. min.[2] | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[3] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade: Percent built to Build-to Line (BTL) | 80% min.[2] | f |
| Side (street facing) facade: Percent built to BTL | 25% min.[2] | g |

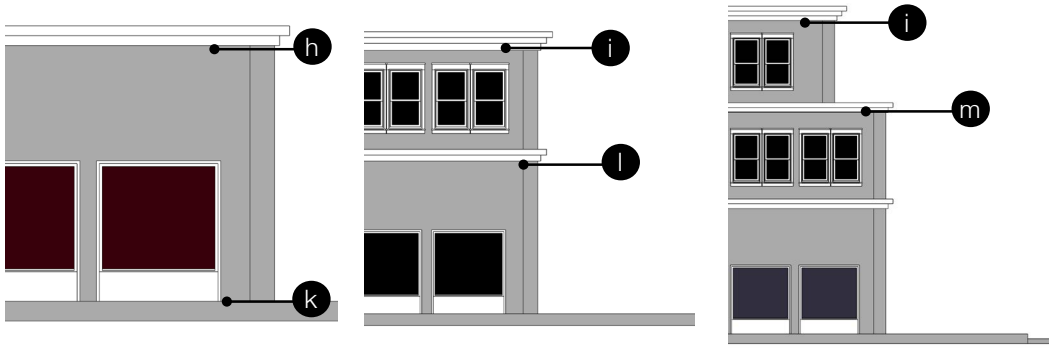
[1]If colonnade is placed at lot line, ground floor street-facing facade shall be set back 10-25 ft.
[2]Any area long any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza, or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall (See Section 3.11.E.3).
[3]30 ft. if no alley.



clearzoning

# 3.1.J CC City Center

## BUILDING HEIGHTS




Single Story | Two Stories | Three Stories

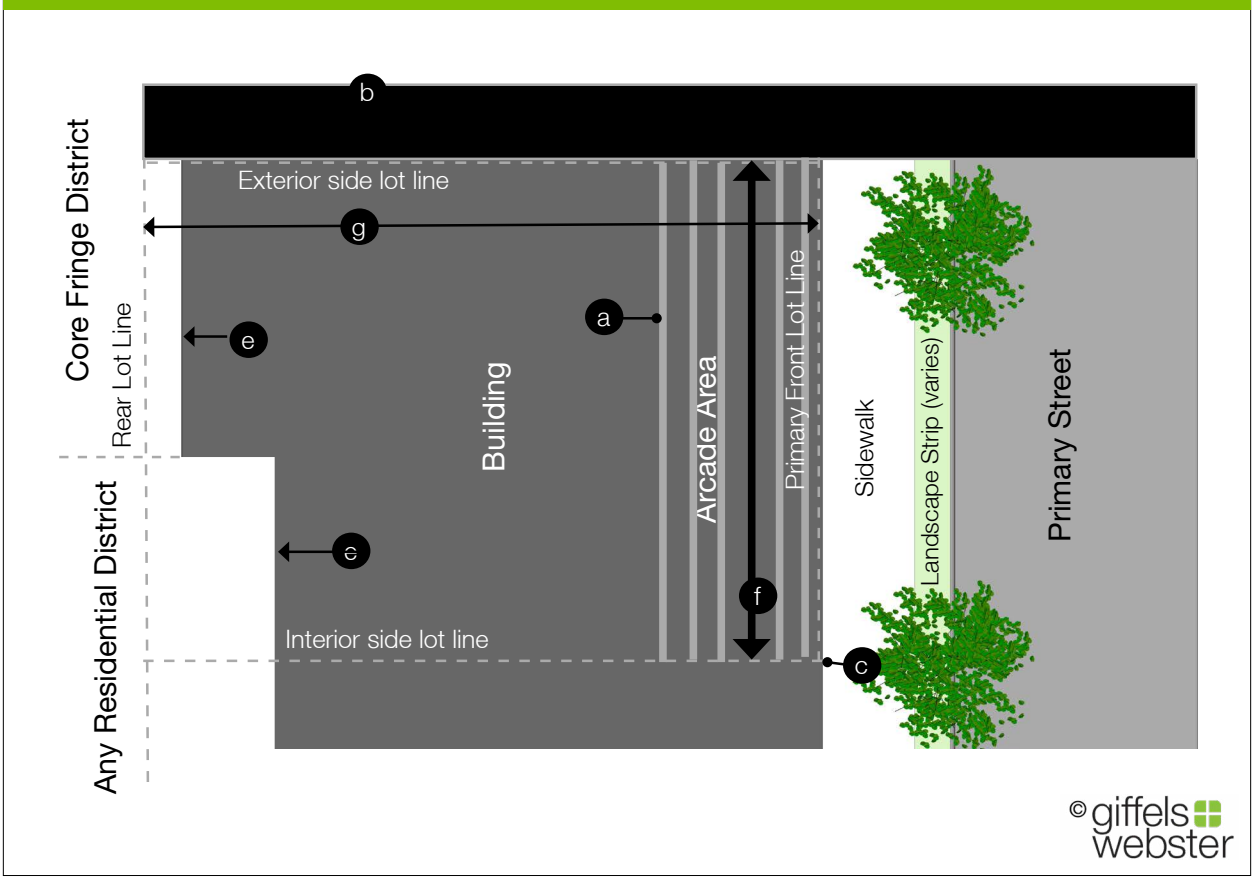
©giffels webster

| Table 3.1.J.4.c.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft.[1] | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |
| [1]Buildings may be a maximum of three stories and 42 ft. if the third floor is setback 10 ft. from all street-facing facades. | | |

# 3.1.J CC City Center

d. **Frontage type:** Arcade. This frontage type consists of a façade projects out towards the lot line on upper levels, but is recessed from the lot line on the ground floor. Arcades are ideal for retail use, in which case they are combined with ground floor storefronts, as well as civic buildings.

**FRONTAGE TYPE: ARCADE**



# 3.1.J CC City Center

## BUILDING FRONTAGE TYPE: ARCADE



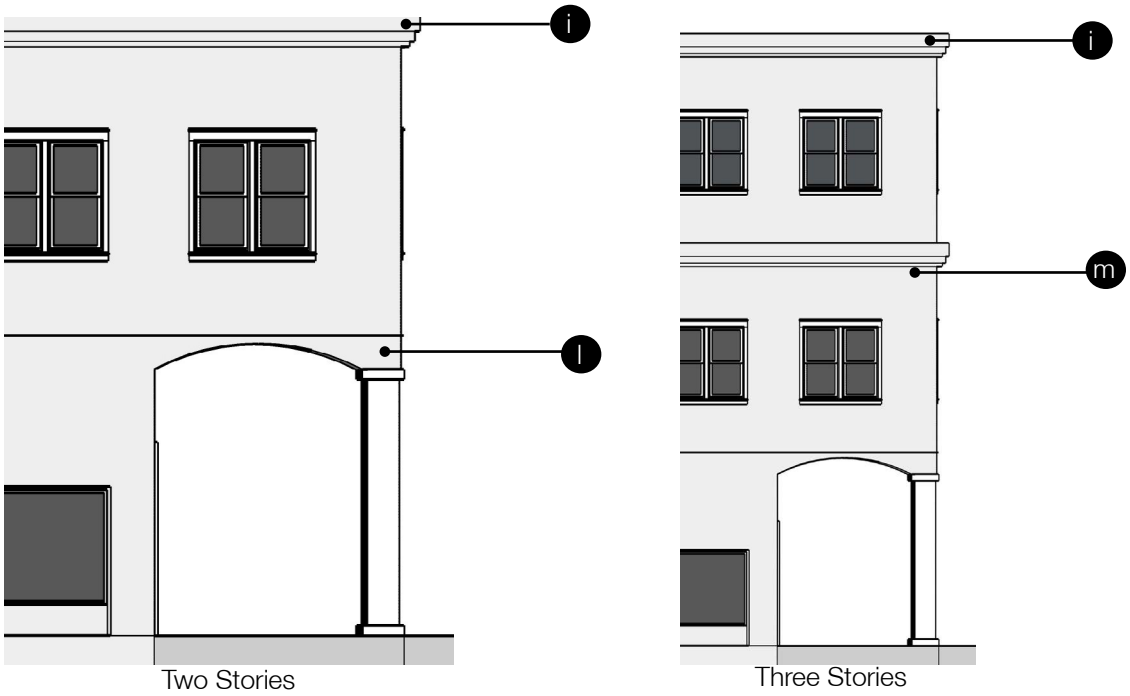

| Table 3.1.J.4.d.i Building placement | | |
|---|---|---|
| Build-To Line (Distance from the property line) | | |
| Front (primary street frontage) | 0 ft.[1] | a |
| Side yard (street-facing) | 0 ft. | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to City Center) | 0 ft. min.[2] | c |
| Side yard (adjacent to CMD district) | 0 ft. min.[2] | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade: Percent built to Build-to Line (BTL) | 80% min.[2] | f |
| Side (street facing) facade: Percent built to BTL | 25% min.[2] | g |

[1]The ground floor shall be shall be set back 10-25 ft.; 2nd floor shall have 0' setback.

[2]Any area long any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza, or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall (See Section 3.11.E.3).

# 3.1.J CC City Center

## TWO AND THREE STORY ARCADE BUILDINGS




Two Stories

Three Stories

©giffels webster

| Table 3.1.J.4.d.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | |
| Building height maximum | 2 stories; 30 ft.[1] | i |
| Accessory building maximum height | 15 ft. | |
| Finished ground floor level (max.) | 6 in. above sidewalk at ground floor setback | |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |
| [1]Buildings may be a maximum of three stories and 42 ft. if the third floor is setback 10 ft. from all street-facing facades. | | |

# 3.1.J CC City Center

e. **Frontage type:** Open lot. An open lot accommodates temporary or permanent open areas. This includes natural areas worthy of preservation, parks, parking lots, lots not yet developed, and similar uses. Small, one-story structures may be placed on an open lot provided lot coverage limits are met and the use of the structure is accessory to the principal open space use.

| Table 3.1.J.4.e.i Building placement (for accessory structures) | | |
|---|---|---|
| Street-facing setback (Distance from the property line) | | |
| Front (primary street frontage)[1] | 0 ft. min. | 50 ft. max. |
| Side yard (street-facing)[1] | 0 ft. | 50 ft. max. |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to City Center) | 0 ft. | |
| Side or rear yard (adjacent to CMD or/and Residential district) | 20 ft. | |
| Other | | |
| Maximum lot coverage by buildings | 10% | |
| Maximum accessory building height | 20 ft. | |
| [1]When the principal use is a parking lot, it shall be setback a minimum of twenty feet from any lot line adjacent to a street right-of-way and there shall be a landscaped area or decorative plaza with pedestrian seating between the parking lot and the lot line. | | |

| Table 3.1.J.4.e.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft.[1] | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |
| [1]Buildings may be a maximum of three stories and 42 ft. if the third floor is setback 10 ft. from all street-facing facades. | | |

## 5. Other regulations applying to the CC district.

See Section 3.11 Supplemental regulations for the City Center (CC) and CMD districts for additional requirements that apply to the City Center and CMD districts.

# 3.1.K CMD Central mixed use

## 1. Purpose

a. **General character.** The CMD district serves as an area of transition from surrounding districts into the City Center district. This district also provides potential areas of expansion for the City Center over time. The development pattern in this area is less reflective of zero setback development than in the CC district but is still intended to bring consistency and high-quality design to these areas. This district implements the core fringe recommendations of the downtown master plan.

b. **Building types and dimensions.** Buildings in the CMD district are one to two stories. They are set back from the front line in a configuration that allows for the development of two bays of parking in the front yard, with additional parking in the rear. Buildings typically do not occupy the full width of a lot. The front yard setback may be used to provide outdoor dining terraces or other gathering places.

c. **Parking and mobility.** Parking is provided at grade on the street and in private off-street lots built to serve the building on the same parcel. Private parking typically includes two bays of parking in the front, with remaining parking located in the rear and/or side yard. Bicycle parking is present throughout the district. The district is intended to strike a balance between pedestrian and auto-oriented activity.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Artisan manufacturing/galleries §4.38
c. Business support services
d. Financial institutions §4.13
e. Personal service establishments
f. Fitness centers under 5,000 sq. ft.
g. Residential, multiple-family §4.3
h. Home occupations §4.28
i. Live/Work units §4.49
j. Restaurants, sit down, with or without alcohol §4.6
k. Restaurants, carryout §4.6
l. Restaurants, outdoor cafes or areas §4.8
m. Retail §4.9 & §4.10
n. Offices, medical
o. Offices, administrative and professional §4.34
p. Parks, plazas, public

## 3. Special Land Uses

a. Entertainment venues and other places of assembly
b. Recreation, commercial indoor §4.39
c. Fitness centers over 5,000 sq. ft.
d. Parking garages §4.16
e. Parking lots
f. Uses of a similar character to the above as determined by the Planning Commission

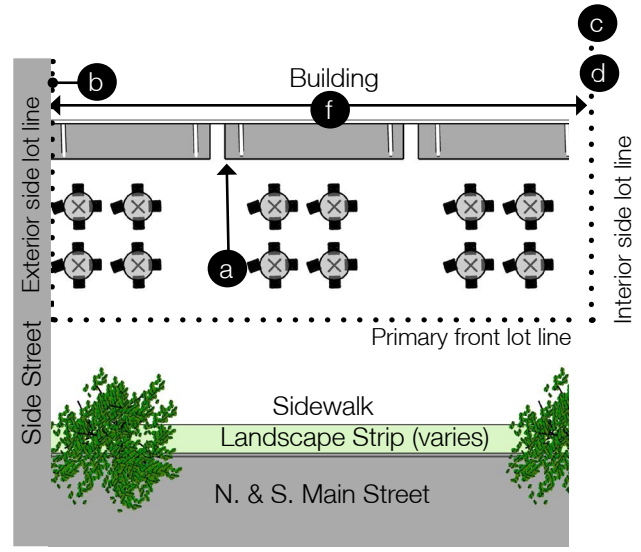
# 3.1.K CMD Central mixed use

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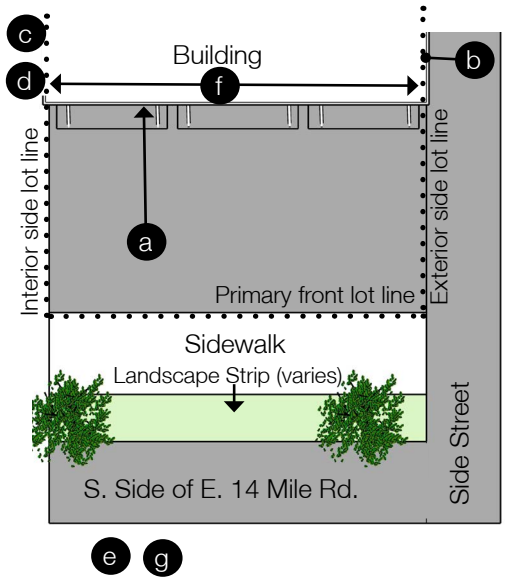
# 3.1.K CMD Central mixed use

4. Frontage types.
   a. **Frontage type:** Single- and multiple-story shopfront with front yard. This type is intended to encourage ground floor commercial uses in single-story and multiple-story buildings and some, depending upon the adjacent street, include a front yard. Buildings feature ample windows for window displays and open views into activity areas. Primary entrances are prominent and street-facing, and are set back from the street to accommodate landscaping, plazas, outdoor dining or street furniture.

**FRONTAGE TYPE: SHOPFRONT WITH FRONT YARD**




Refer to City Center - Shopfront graphic for elements




©giffels webster

# 3.1.K CMD Central mixed use

| Table 3.1.K.4.a.i Building placement | | |
|---|---|---|
| Build-to zone (distance from the property line) | | |
| Front yard (primary street frontage on N. and S. Main St.) | Minimum: 0 ft.; Maximum: 25 ft. | a |
| Front yard (primary street frontage on S. side of E. 14 Mile Rd.) | Minimum: 45 ft.; Maximum: 65 ft. | a |
| Side yard (street facing) | 0 ft. | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to CMD district) | 0 ft. | c |
| Side yard (adjacent to City Center district) | 0 ft. | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade: Percent built to build-to zone (BTZ) | 60% min.[1] | f |
| Side (street facing) facade: Percent built to BTZ | 25% min[1] | g |

[1]Any area along any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall. (See Section 3.11.E.3).

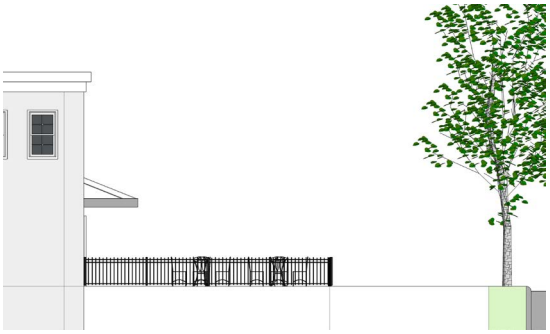
[2]30 feet if no alley.

# 3.1.K CMD Central mixed use

## FRONTAGE TYPE: SINGLE- AND MULTI-STORY SHOPFRONT WITH FRONT YARD

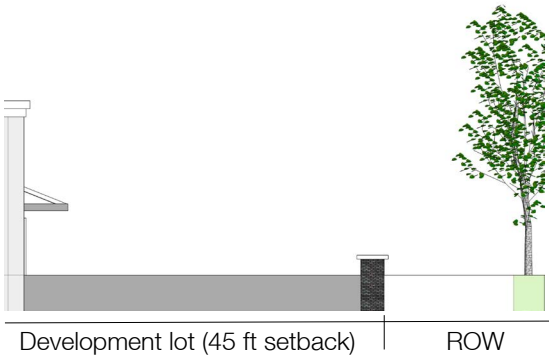


Shopfront with 25 ft setback (concrete example)






Shopfront with 45 ft setback (concrete example)

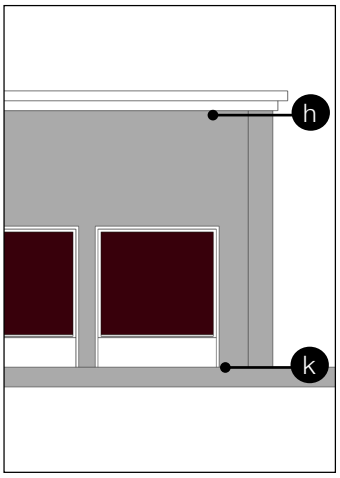



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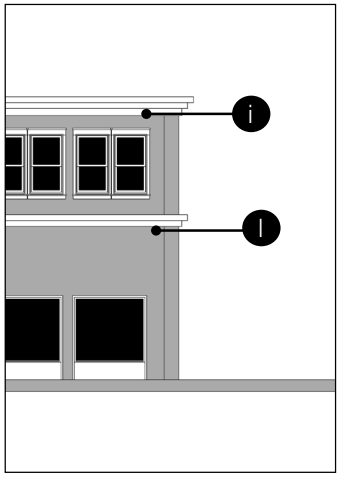
# 3.1.K CMD Central mixed use

| Table 3.1.J.4.a.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft. | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |

## BUILDING HEIGHT AND FLOOR/CEILING REGULATIONS



Single Story



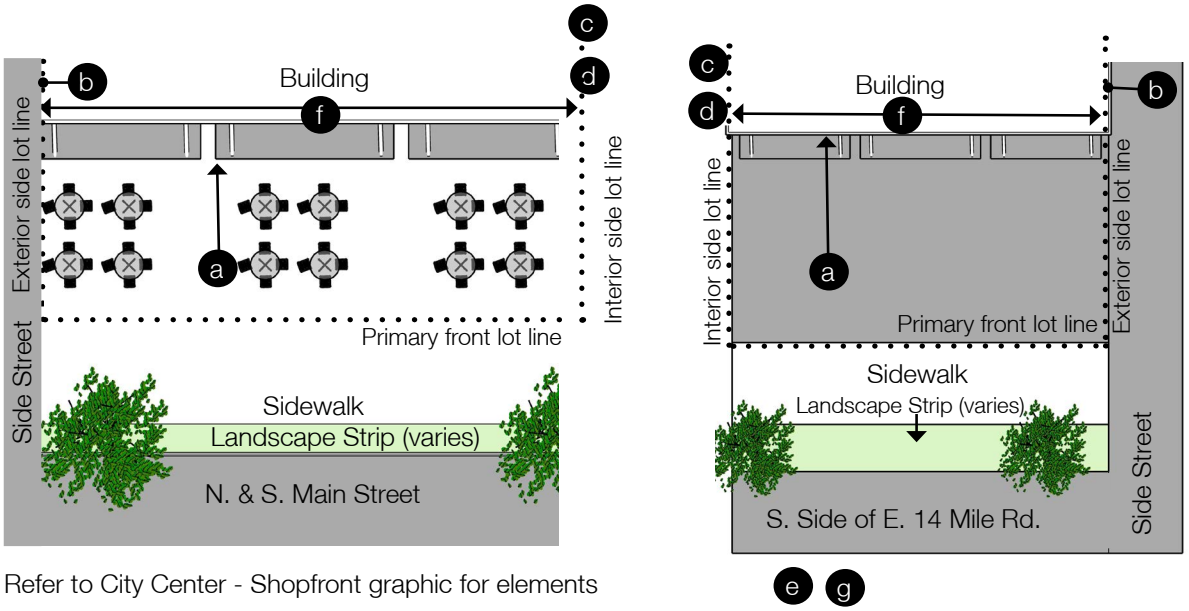
Two Stories

©giffels webster

# 3.1.K CMD Central mixed use

b. **Frontage type:** Forecourt with front yard. Street-facing building setback varies depending upon the street frontage. In most cases, a limited set back is provided, creating a small court space, parking area, or front yard. The space could be used as garden space for apartment buildings or as an additional shopping or restaurant seating area within retail and service areas.

**FRONTAGE TYPE: FORECOURT WITH FRONT YARD**




Refer to City Center - Shopfront graphic for elements

©giffels webster

# 3.1.K CMD Central mixed use

| Table 3.1.K.4.b.i Building placement | | |
|---|---|---|
| Build-to zone (distance from the property line) | | |
| Front yard (primary street frontage on N. and S. Main St.) | Minimum: 0 ft.; Maximum: 25 ft. | a |
| Front yard (primary street frontage on S. side of E. 14 Mile Rd.) | Minimum: 45 ft.; Maximum: 65 ft. | a |
| Side yard (street facing) | 0 ft. | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to CMD district) | 0 ft. | c |
| Side yard (adjacent to City Center district) | 0 ft. | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade built within build-to zone (BTZ) | 60% min.[1] | f |
| Side street facade built to BTZ | 25% min.[1] | g |

[1]Any area along any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall. (See Section 3.11.E.3).

[2]30 feet if no alley.

# 3.1.K CMD Central mixed use

## FRONTAGE TYPE: FORECOURT WITH FRONT YARD

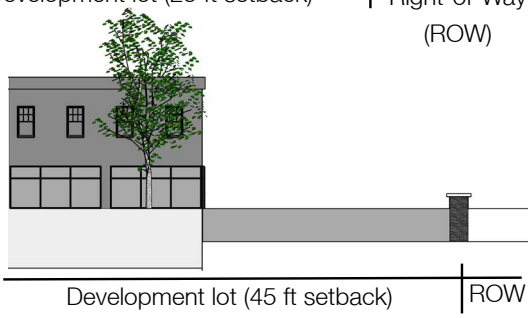


Forecourt with 25 ft setback (concept example)






Shopfront with 45 ft setback (concept example)

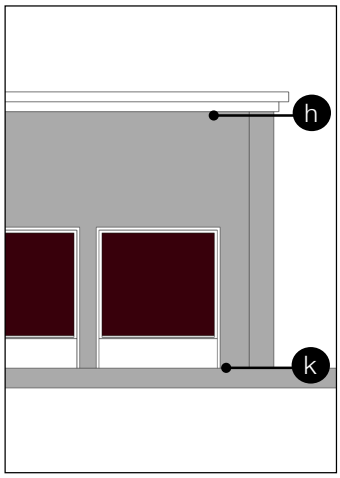



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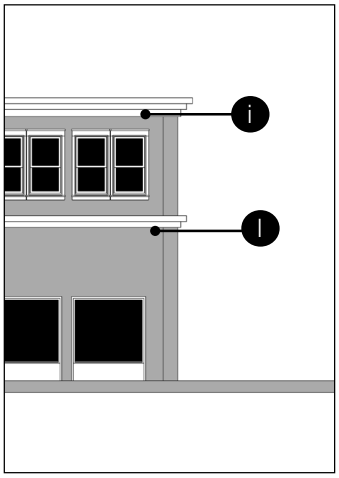
# 3.1.K CMD Central mixed use

| Table 3.1.J.4.b.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft. | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |

## BUILDING HEIGHT AND FLOOR/CEILING REGULATIONS



Single Story



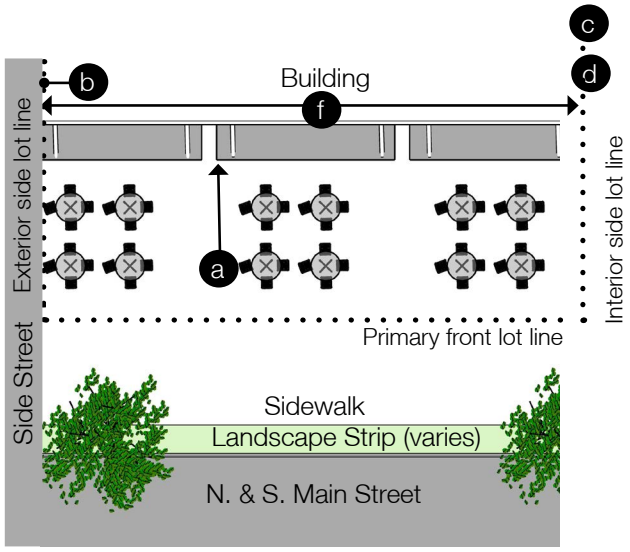
Two Stories

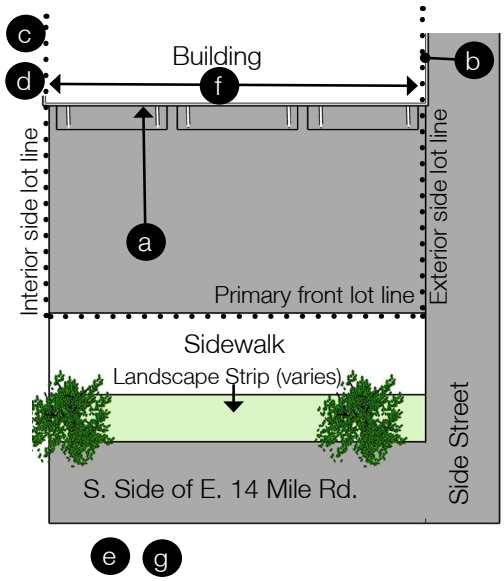
©giffels webster

# 3.1.K CMD Central mixed use

c. **Frontage type:** Gallery with a front yard. This frontage type is created by attaching a colonnade to a building façade that is aligned with or near the property line and typically contains ground-floor storefronts. The colonnade projects over the sidewalk and might encroach into the public right-of-way.

**FRONTAGE TYPE: GALLERY WITH FRONT YARD**




Refer to City Center - Shopfront graphic for elements

©giffels webster

# 3.1.K CMD Central mixed use

| Table 3.1.K.4.c.i Building placement | | |
|---|---|---|
| Build-to zone (distance from the property line) | | |
| Front yard (primary street frontage on N. and S. Main St.) | Minimum: 0 ft.; Maximum: 25 ft. | a |
| Front yard (primary street frontage on S. side of E. 14 Mile Rd.) | Minimum: 45 ft.; Maximum: 65 ft. | a |
| Side yard (street facing) | 0 ft. | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to CMD district) | 0 ft. | c |
| Side yard (adjacent to City Center district) | 0 ft. | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[2] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade built within build-to zone (BTZ) | 80% min.[1] | f |
| Side street facade built to BTZ | 25% min.[1] | g |

[1]Street facades must be built to the BTL along first 30 ft. from every corner. Any area along any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall. (See Section 3.11.E.3).

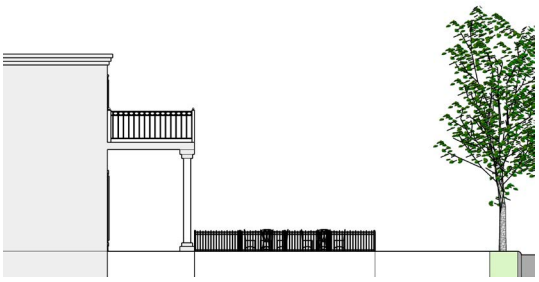
[2]30 feet if no alley.

# 3.1.K CMD Central mixed use

## FRONTAGE TYPE: GALLERY WITH A FRONT YARD

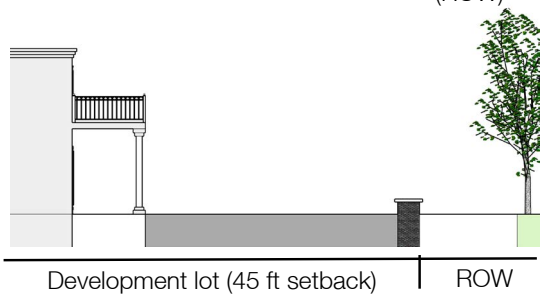


Gallery with 25 ft setback






Gallery with 45 ft setback

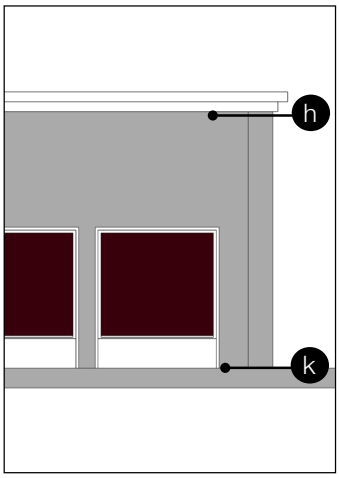



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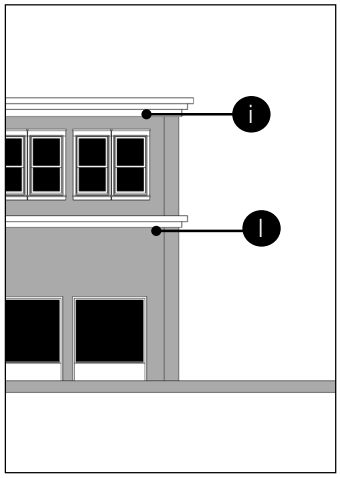
# 3.1.K CMD Central mixed use

| Table 3.1.J.4.c.ii Building height | | |
|---|---|---|
| Building height minimum | 18 ft. | h |
| Building height maximum | 2 stories; 30 ft. | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |

## BUILDING HEIGHT AND FLOOR/CEILING REGULATIONS



Single Story



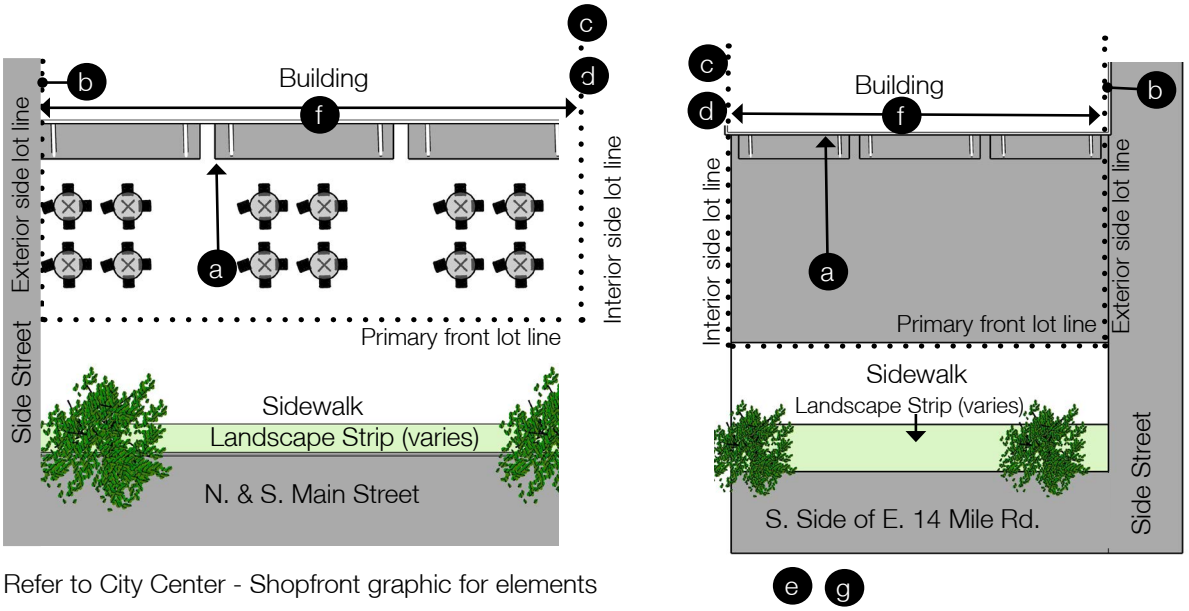
Two Stories

©giffels webster

# 3.1.K CMD Central mixed use

d. **Frontage type:** Arcade with front yard. This frontage type consists of a façade that extends towards the street on upper level, and is set back on the ground floor. In CMD, there may [be] a front yard depending upon street frontage. Arcades are ideal for retail use, in which case they are combined with ground floor storefronts, as well as civic buildings.

**FRONTAGE TYPE: ARCADE WITH FRONT YARD**




Refer to City Center - Shopfront graphic for elements

©giffels webster

# 3.1.K CMD Central mixed use

| Table 3.1.K.4.d.i Building placement | | |
|---|---|---|
| Build-to zone (distance from the property line) | | |
| Front (primary street frontage on N. and S. Main St.) | Minimum: 0 ft.; Maximum: 25 ft.[1, 3] | a |
| Front (primary street frontage on S. side of E. 14 Mile Rd.) | Minimum: 45 ft.; Maximum: 65 ft.[2, 3] | a |
| Side (street facing) | 0-25 ft. | b |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to CMD district) | 0 ft. | c |
| Side yard (adjacent to City Center district) | 0 ft. | d |
| Side yard (adjacent to any Residential district) | 30 ft. min. | d |
| Rear yard (adjacent to City Center or CMD district) | 10 ft. min.[4] | e |
| Rear yard (adjacent to any Residential district) | 30 ft. min. | e |
| Building form | | |
| Primary street facade built within build-to zone (BTZ) | 60% min. | f |
| Side street facade built to BTZ | 25% min.[1] | g |

[1]The 2nd floor shall have 0-25 ft. setback.

[2]The second floor shall have a 45-65 ft. setback.

[3]Any area along any portion of the BTL that is not adjacent to a building, outdoor dining area, plaza or similar pedestrian-oriented place shall have a minimum 2.5 ft. high masonry screenwall. (See Section 3.11.E.3).

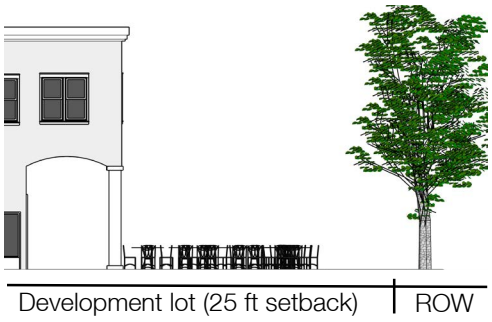
[4]30 feet if no alley.

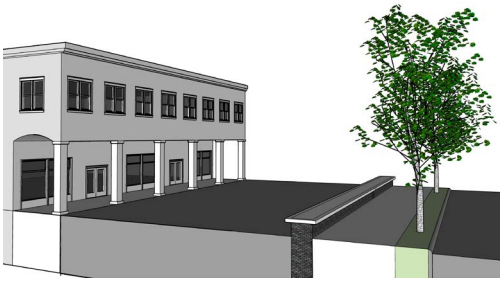
# 3.1.K CMD Central mixed use

## FRONTAGE TYPE: ARCADE WITH FRONT YARD

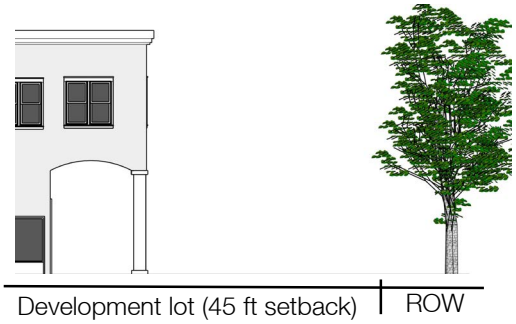


Arcade Concept with 25 ft setback



Arcade Concept with 45 ft setback

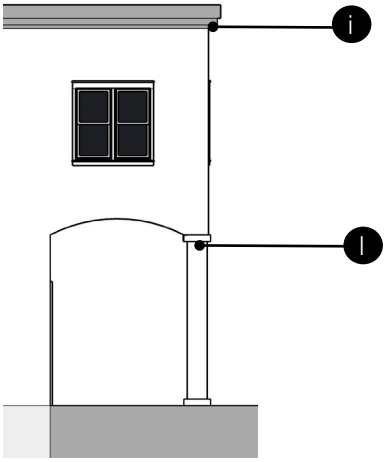



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# 3.1.K CMD Central mixed use

| Table 3.1.J.4.d.ii Building height and floor/ceiling regulations | | |
|---|---|---|
| Building height minimum | 26 ft. | h |
| Building height maximum | 2 stories; 30 ft. | i |
| Accessory building maximum height | 15 ft. | j |
| Finished ground floor level (max.) | 6 in. above sidewalk at ground floor setback | k |
| First floor ceiling height (min.) | 15 ft. | l |
| Upper floor ceiling height (min.) | 9 ft. | m |

**TWO STORIES**




©giffels webster

# 3.1.K CMD Central mixed use

e. **Frontage type:** Open lot. An open lot accommodates temporary or permanent open areas. This includes natural areas worthy of preservation, parks, parking lots, lots not yet developed, and similar uses. Small, one-story structures may be placed on an open lot provided lot coverage limits are met and the use of the structure is accessory to the principal open space use.

| Table 3.1.K.4.e.i Building placement (for accessory structures) | | |
|---|---|---|
| Street-facing setback (distance from the property line) | | |
| Front yard (primary street frontage)[1] | 0 ft. min. | 50 ft. max. |
| Side yard (street-facing)[1] | 0 ft. | 50 ft. max. |
| Setback (Distance from the property line) | | |
| Side yard (internal and adjacent to City Center) | 0 ft. | |
| Side or rear yard (adjacent to CMD or Residential district) | 20 ft. | |
| Other | | |
| Maximum lot coverage by buildings | 10% | |
| Maximum accessory building height | 20 ft. | |
| [1]When the principal use is a parking lot, it shall be set back a minimum of twenty feet from any lot line adjacent to a street right-of-way and there shall be a landscaped area or decorative plaza with pedestrian seating between the parking lot and the lot line. | | |

5. Other regulations applying to the CMD district.

See Section 3.11 Supplemental regulations for the City Center (CC) and CMD districts for additional requirements that apply to the City Center and CMD districts.

# 3.1.L CR Core Residential

## 1. Purpose

a. **Residential uses.** The intent of the Core Residential district is to preserve the existing single-family character of the area. It is envisioned that in the short term, residential uses will continue, but there may be a transition to low-impact non-residential uses as described below.

b. **Non-residential uses.** On certain designated streets, low-intensity non-residential uses such as small offices and by-appointment retail may reoccupy homes. These uses should not require significant parking beyond that which is customary in a residential neighborhood and should otherwise be harmonious with neighboring parcels. Hours of operation shall be limited to normal business hours. In all cases, parking must be provided on-site.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Bed & Breakfast
c. Residential, single-family detached §4.1
d. Residential, single-family attached §4.2
e. Home occupations §4.28
f. Parks, plazas, public

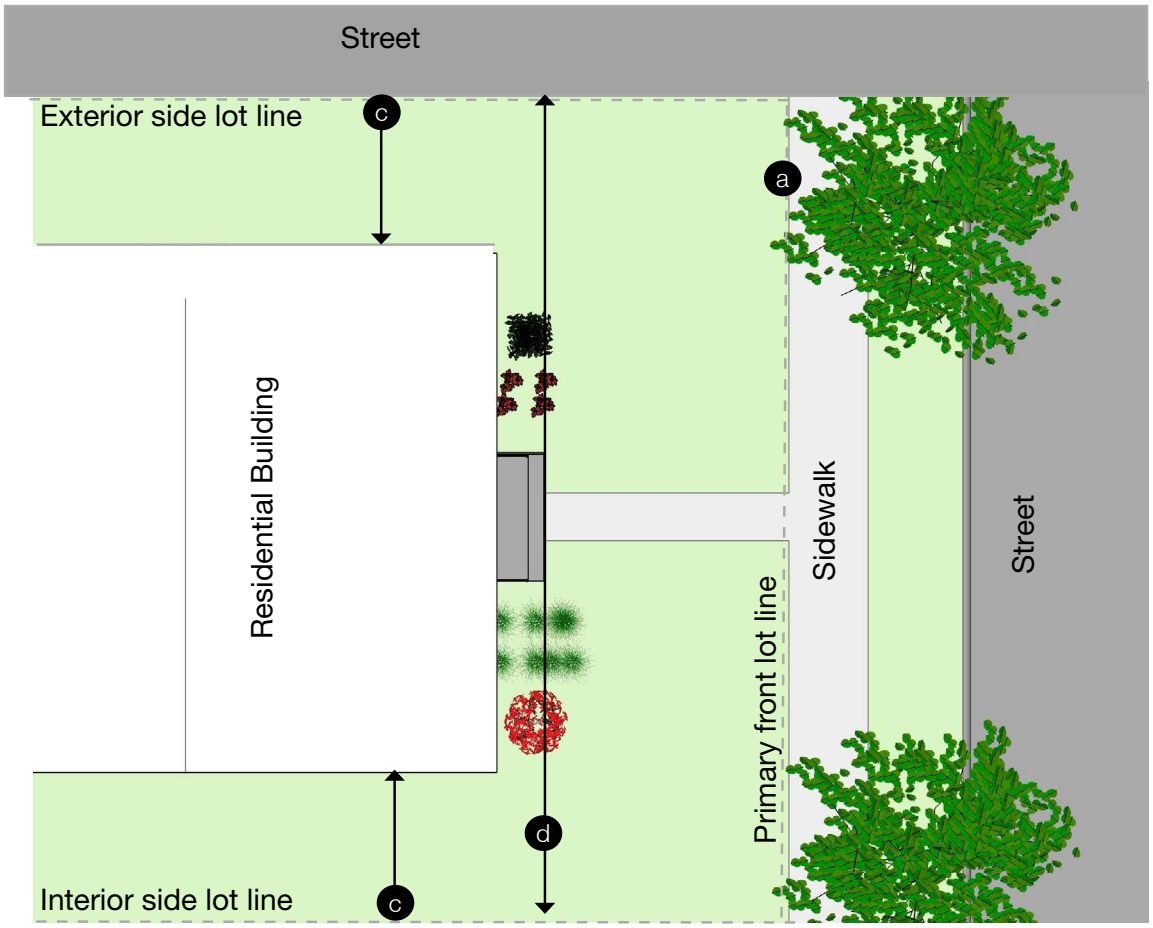
## 3. Special Land Uses

a. Artisan manufacturing/galleries §4.38
b. Home businesses §4.27
c. Offices, administrative and professional §4.34
d. Uses of a similar character to the above as determined by the Planning Commission
e. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.L CR Core Residential

4. Development Standards by Frontage Types.
   a. **Building frontage type:** Stoop with setback. This building type is intended to permit limited non-residential uses while preserving a residential setting adjacent to the City Center. Buildings are close to the frontage line and raised from the street for privacy. This frontage includes an exterior step and landing that may be covered.

**STOOP WITH SETBACK**



# 3.1.L CR Core Residential

| Table 3.1.L.4.a.i Building placement for stoops with setbacks | | |
|---|---|---|
| Build-To Zone (Distance from the property line) | | |
| Front (primary street frontage) | Minimum: 20 ft.; Maximum: 30 ft. | a |
| Side (street-facing) | 20 ft. min. | b |
| Setback (Distance from the property line) | | |
| Side (internal and external) | 10 ft. min | c |
| Rear | 35 ft. min. | d |
| Building form | | |
| Primary street facade built within the Build-To Zone (BTZ) | 40% min | d |
| Side street facade built within the BTZ | N/A | |

## BUILDING FRONTAGE TYPE: STOOP WITH SETBACK

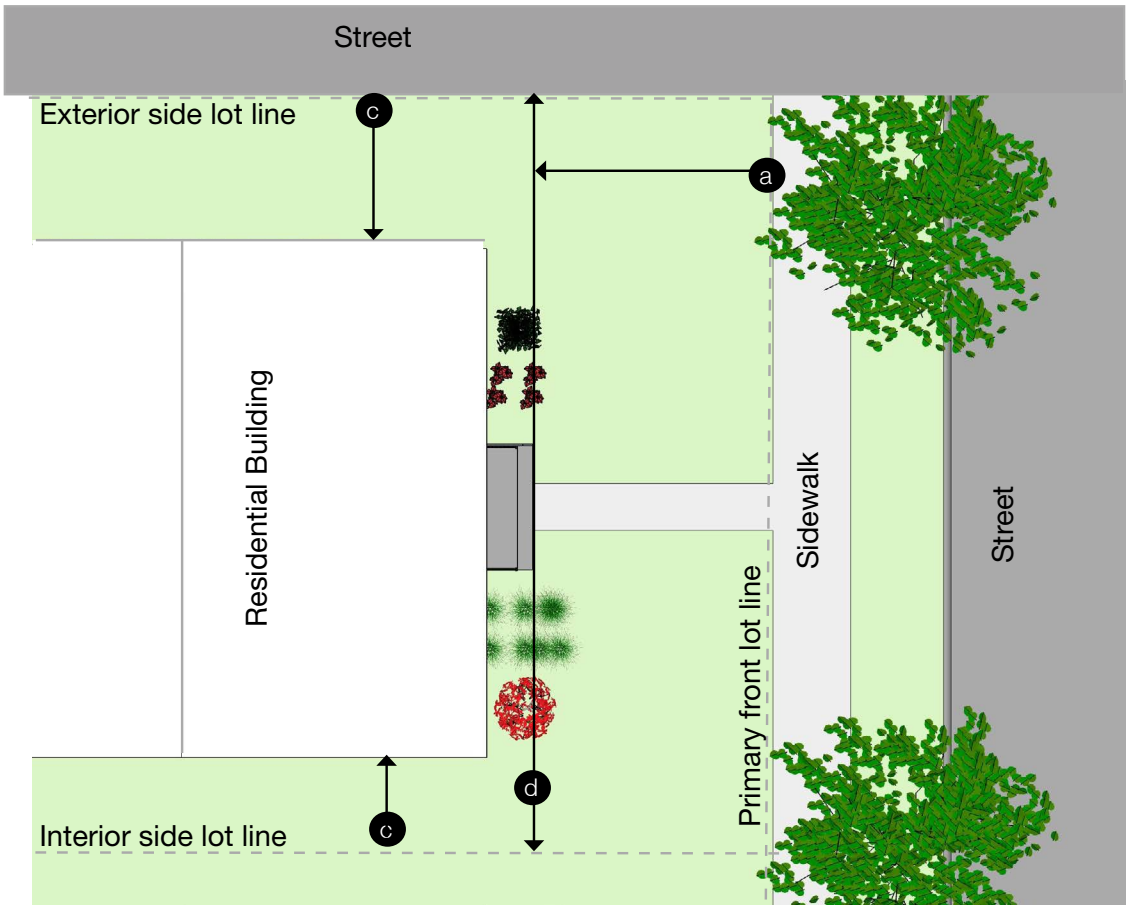



| Table 3.1.L.4.a.ii Building height, floors and ceilings, and lot coverage | | |
|---|---|---|
| Building height minimum | 1 story/18 ft. | |
| Building height maximum | 2 stories/30 ft. | i |
| Accessory building height maximum | 15 ft. | |
| Finish ground floor level (max). | 36 in. above sidewalk | |
| First floor ceiling height (min.) | 8 ft. | |
| Upper floor ceiling height (min.) | N/A | |
| Lot coverage (buildings) | 40% max. | |
| Table 3.1.L.4.a.iii Lot width and area | | |
| Lot width | 50 ft. min. | |
| Lot area | 5,500 sq. ft. min. | |

# 3.1.L CR Core Residential

b. **Building frontage type:** Porch. This building type is intended to maintain a residential quality of the neighborhood. Porches extend the façade of a building while maintaining a setback from the street. Fences at the property line may be used to better define the private space of a yard.

**PORCH**




©giffels webster

# 3.1.L CR Core Residential

| Table 3.1.L.4.b.i Building placement | | |
|---|---|---|
| Build-To Zone (Distance from the property line) | | |
| Front (primary street frontage) | Minimum: 20 ft.; Maximum: 30 ft. | a |
| Side (street-facing) | 20 ft. min. | b |
| Setback (Distance from the property line) | | |
| Side (internal and external) | 10 ft. min. | c |
| Rear | 35 ft. min. | d |
| Building form | | |
| Primary street facade built within the Build-To Zone (BTZ) | 40% min.* | d |
| Side street facade built within the BTZ | N/A | |

## BUILDING FRONTAGE TYPE: PORCH

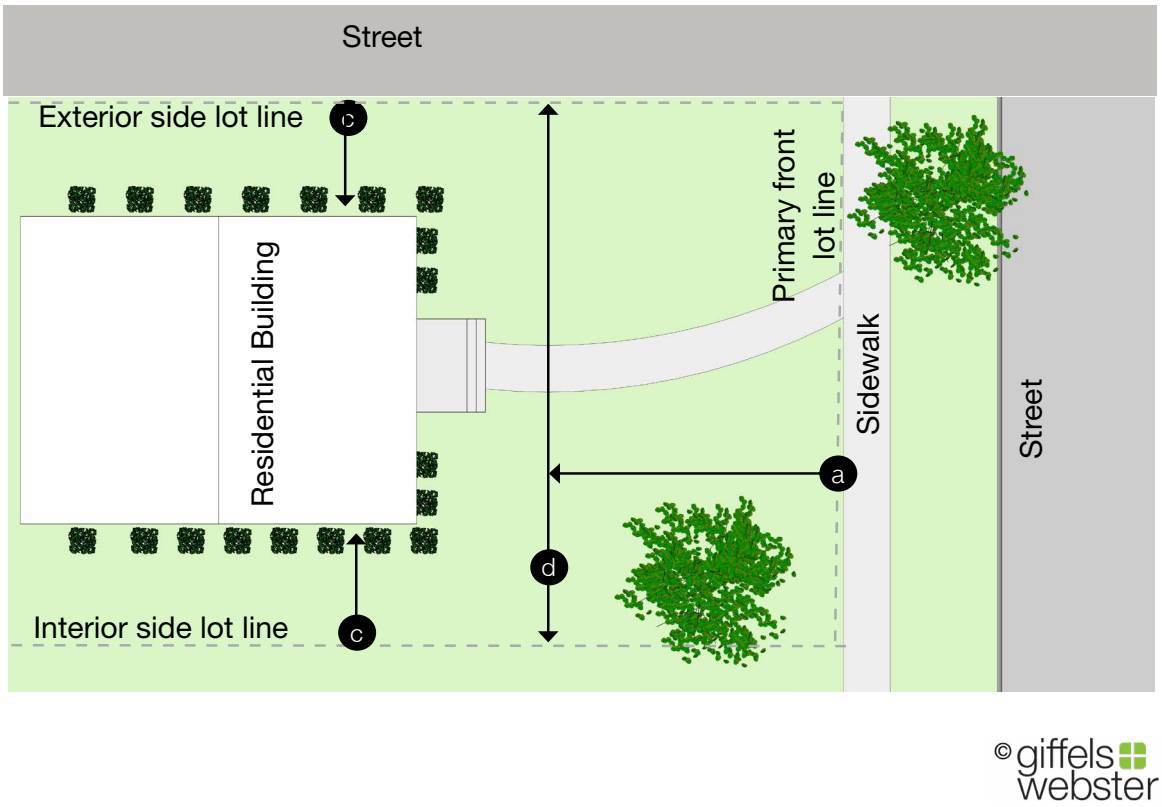



| Table 3.1.L.4.b.ii Building height, floors and ceilings, and lot coverage | | |
|---|---|---|
| Building height minimum | 1 story/18 ft. | |
| Building height maximum | 2 stories/30 ft. | i |
| Accessory building height maximum | 15 ft. | |
| Finish ground floor level (max.) | 36 in. above sidewalk | |
| First floor ceiling height (min.) | 8 ft. | |
| Upper floor ceiling height (min.) | N/A | |
| Lot coverage (buildings) | 40% max. | |
| Table 3.1.L.4.b.iii Lot width and area | | |
| Lot width | 50 ft. min. | |
| Lot area | 5,500 sq. ft. min. | |

# 3.1.L CR Core Residential

c. **Building frontage type:** Common yard. The façade in this frontage type is setback substantially from the frontage line. The front yard created is unfenced and is visually continuous with adjacent yards, supporting a common landscape.

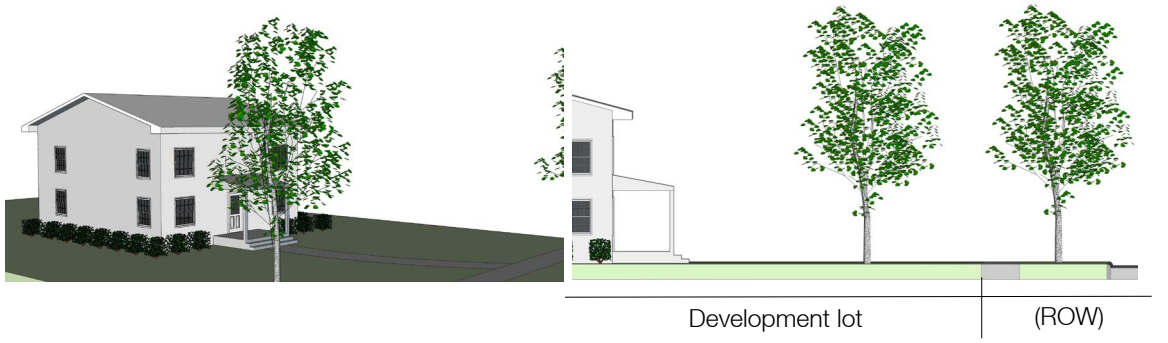
**COMMON YARD**




| Table 3.1.L.4.c.i Building placement | | |
|---|---|---|
| Build-To Zone (Distance from the property line) | | |
| Front (primary street frontage) | Minimum: 20 ft.; Maximum: 30 ft. | a |
| Side (street-facing) | 20 ft. min. | b |
| Setback (Distance from the property line) | | |
| Side (internal and external) | 10 ft. min. | c |
| Rear | 60 ft. min. | d |
| Building form | | |
| Primary street facade built within the Build-To Zone (BTZ) | 40% min. | d |
| Side street facade built within the BTZ | N/A | |

# 3.1.L CR Core Residential

## BUILDING FRONTAGE TYPE: COMMON YARD




| Table 3.1.L.4.c.ii Building height, floors and ceilings, and lot coverage | | |
|---|---|---|
| Building height minimum | 18 ft. | |
| Building height maximum | 2 stories | i |
| Accessory building height maximum | 15 ft. | |
| Finish ground floor level (max.) | 36 in. above sidewalk | |
| First floor ceiling height (min.) | 8 ft. | |
| Upper floor ceiling height (min.) | N/A | |
| Lot coverage (buildings) | 40% max. | |
| **Table 3.1.L.4.c.iii Lot width and area** | | |
| Lot width | 50 ft. min. | |
| Lot area | 5,500 sq. ft. min. | |

5. Other Regulations Applying to the CR District.
   a. The CR district shall be considered a residential district for the purposes of performance standards, screening and buffering.
   b. The regulations of Article 5 - Site Standards shall apply to the CR district, except where the CR district specifically sets a different standard. If these cases, the CR district standard shall control.

# 3.1.M BRD-1 Business renewal

## 1. Purpose

The Business Renewal District-1 district (hereinafter referred to as BRD-1) is intended as a gateway into the city from the south. The intent of the district is to allow for uses and provide site design guidelines that will enable optimal use of the existing parcels. Most parcels located within this district boundary are small, do not have a functional layout, have improper access and have little to no landscaping. The uses currently permitted within the district do not enable their use to create a vibrant entrance to the city's downtown. The district is intended to provide opportunities to a variety of office and commercial uses serving the needs of the community.

The intent of the district is to allow for smaller scale commercial and office based uses that will serve the needs of the residential neighborhoods in the adjoining area. The site design guidelines are intended to project high quality development, while not detracting from the residential neighborhoods surrounding it. The district also has a significant pedestrian orientation providing sidewalks and lighting and to encourage residents to walk to the downtown. Quality of life issues inherent in the intent of this section shall be addressed and demonstrated in development proposals. Quality of life issues may include, but are not limited to, land use adjacency, traffic flow and access management, building mass, building placement, siting and compatibility, architectural features, landscape design, lighting, pedestrian and bike accessible routes. The planning commission shall determine that a development plan creates a harmonious environment that adequately considers those impacted by the development, i.e., residents, customers, tenants, landowners and meets the general requirements of this section.

The BRD-1 is being adopted to implement the intent of the master plan, strengthen, clarify and revise current ordinances in order to support the vision for the future of the city set forth in the master plan.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Artisan manufacturing/galleries §4.38
c. Business support services (floor area not more than 5,000 sq. ft.)
d. Financial institutions §4.13
e. Personal service establishments
f. Retail §4.9 & §4.10
g. Fitness centers under 5,000 sq ft
h. Offices, administrative and professional §4.34
i. Restaurants, carryout §4.6
j. Restaurants, outdoor cafes or areas §4.8
k. Offices, medical

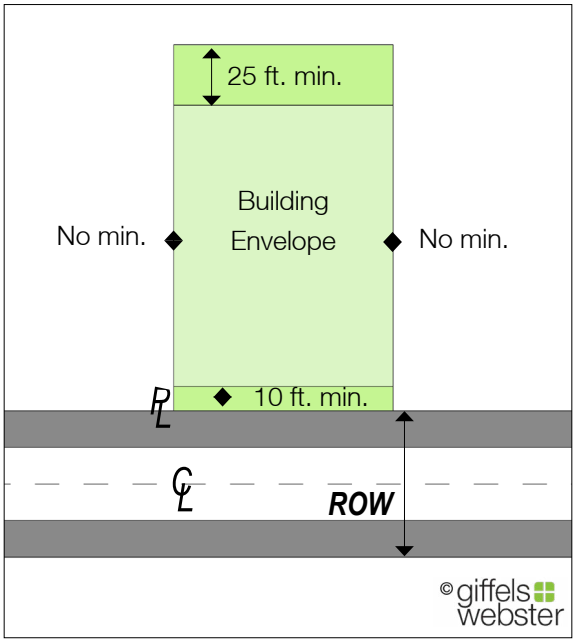
## 3. Special Land Uses

a. Child care centers §4.32
b. Places of worship §4.17
c. Private service clubs, fraternal organizations, banquet and meeting halls
d. Publicly owned buildings, telephone exchange buildings, and public utility offices (not storage yards, transformer stations, substations, or gas regulator stations)
e. Veterinary hospitals and clinics §4.29
f. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.M BRD-1 Business renewal

## 4. Prohibited Uses

a. Uses such as pawn shops, sexually oriented businesses and others similar uses as determined by the planning commission
b. Any retail or service based use requiring a drive-through
c. Large chain retail stores
d. Restaurants, taverns, bars or similar establishments serving more than ten persons
e. Automotive based uses (car washes, repair garages, service stations, gas stations, sales and rental and other similar uses)




## 5. Development Standards

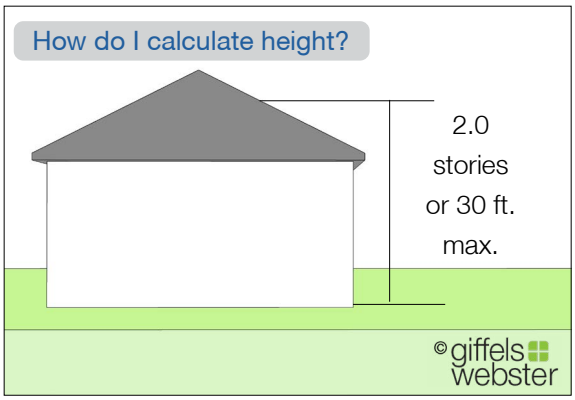
### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 10 ft. |
| Minimum rear yard setback: | 25 ft. |
| Minimum side yard setback: | |
| Least one: | 0 ft. |
| Total of two: | 0 ft. |

### Maximum Building Height

| | |
|---|---|
| Maximum building height: | 2.0 stories or 30 ft. |

See §3.13 for notes to the development standards.




**User Note:** Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 6. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Off-street loading §5.3
Sidewalks §5.7
Frontage on a public street §5.8
Access to sites §5.9
Corner clearance §5.11
Landscaping §5.15
Enclosure of roof appliances or accessories §5.16
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

(Amended by Ord. No. 773)

# 3.1.N BRD-2 Business renewal

## 1. Purpose

The Business Renewal District-2 district (hereinafter referred to as BRD-2) encompasses the northwest commercial-industrial corridor in the City of Clawson. The area is underutilized, with several parcels of land zoned for uses that cannot be accommodated within the small to mid-size parcels. The intent of the district is to allow for uses and provide site design guidelines that will enable optimal use of the existing parcels. The location of the Oakland-Troy airport within half a mile of the city's boundaries, and the development of the metropolitan rail system in the immediate area, provides the district potential for development into a high technology and support use corridor; however, there are some limitations to uses and site design based on the location of the airport's runway approach protection zone, which overlies a portion of the proposed district.

The current dominantly industrial and general business uses are to be converted to uses that create a campus-type environment with medium intensity land coverage, generous landscaping, preserving significant natural features and attractive buildings. The campus-type environment shall be created by the mixing of uses, interconnected sidewalks, vehicular and pedestrian cross access, site amenities and common architectural and landscaping elements.

The intent of the district is to allow for technology and advanced industrial uses along with hotels (in specific areas based on limitation imposed by the airport) and similar support uses that make up an industrial park setting. The site design guidelines are intended to project high quality development, which will set Clawson on the map as a location for potential high tech users. The district provides a buffer corridor between residential uses to the east and south and the busily traveled Crooks and Maple Roads. The district is intended to accommodate uses that will have minimal impact on the quality of life issues for the adjacent neighborhoods. Quality of life issues inherent in the intent of this section shall be addressed and demonstrated in development proposals. Quality of life issues may include, but are not limited to, land use adjacency, traffic flow and access management, building mass, building placement, siting and compatibility, architectural features, landscape design, lighting, and review findings by the planning commission that a development plan creates a harmonious and eco-friendly environment that adequately considers those impacted by the development, i.e., residents, tenants, landowners, etc.

The BRD-2 is being adopted to implement the intent of the master plan, strengthen, clarify and revise current ordinances in order to support the vision for the future of the city set forth in the master plan, and to assist in the development of a well planned community to meet the demand and requirements of the twenty-first century.

# 3.1.N BRD-2 Business renewal

User Note: Click on Blue for use-specific standards

## 2. Permitted Uses

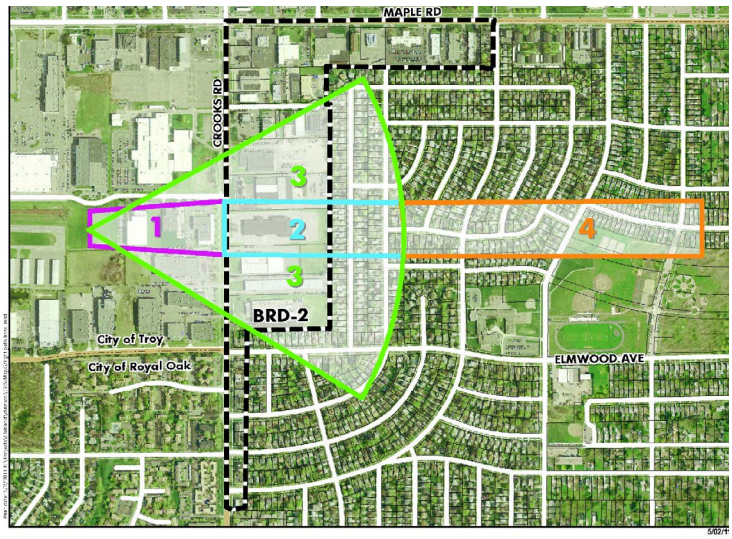
a. Accessory buildings, structures and uses §5.12
b. Business support services
c. Call centers
d. Data processing and computer center, including service and maintenance
e. High technology service uses
f. Media production facilities and printing facilities
g. Medical clinics and urgent care facilities
h. Offices, medical
i. Offices, administrative and professional §4.34
j. Publicly owned buildings, telephone exchange buildings, and public utility offices (not storage yards, transformer stations, substations, or gas regulator stations)
k. Research, design, pilot, or experimental product
l. Primary caregiver facilities §4.51
m. Restaurants, sit down, with or without alcohol, north of Anderson Court only
n. Restaurants, carryout, north of Anderson Court only

## 3. Special Land Uses

a. Financial institutions with drive-through service or automatic teller service §4.14
b. Display halls, convention centers, similar uses
c. Hotels and motels §4.48
d. Motels and motel courts §4.15
e. Manufacturing agents, including accessory display and warehousing
f. Messenger, mailing, and delivery services
g. Drive-through facilities for restaurants, north of Anderson Court only §4.7
h. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission
i. Uses deemed by the planning commission to be in keeping with the intent of the district noted in §3.1.N.1

## 4. Prohibited Uses

a. A concentration of individuals for extended periods of time
b. Uses of land deemed to be intensive commercial, or
c. Uses contrary to public safety owing to the airport location




BRD-2 boundary overlaid with Troy Airport runaway protection approach zones

# 3.1.N BRD-2 Business renewal

## 5. Development Standards

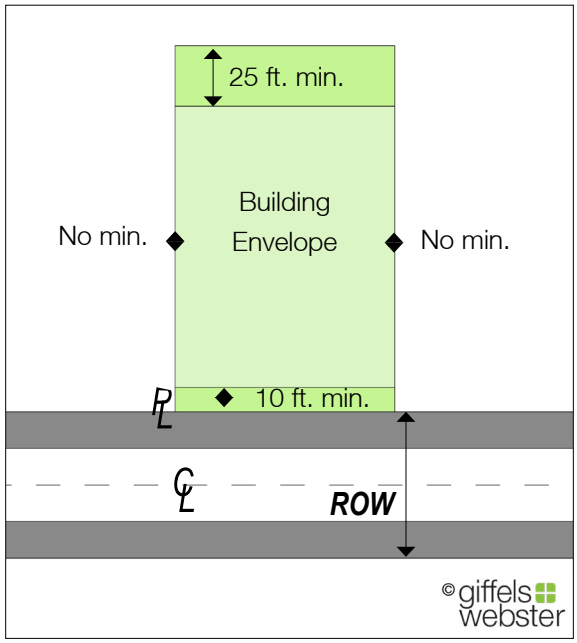
### Setbacks

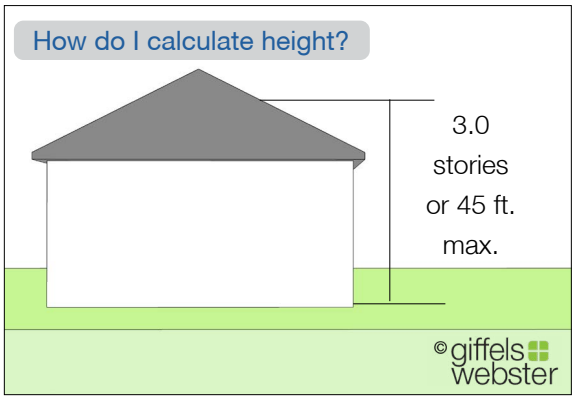
| | |
|---|---|
| Minimum front yard setback: | 10 ft. |
| Minimum rear yard setback: | 25 ft. |
| Minimum side yard setback: | |
| Least one: | 0 ft. |
| Total of two: | 0 ft. |

### Maximum Building Height

| | |
|---|---|
| Maximum building height: | 2.0 stories or 30 ft. |
| Maximum building height on Maple Rd: | 3 stories or 45 ft. |

See §3.13 for notes to the development standards.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 6. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Off-street loading §5.3
Sidewalks §5.7
Frontage on a public street §5.8
Access to sites §5.9
Corner clearance §5.11
Landscaping §5.15
Enclosure of roof appliances or accessories §5.16
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.N BRD-2 Business renewal

(Intentionally Blank)

# 3.1.O WG West Gate

## 1. Purpose

The West Gate District is intended as a gateway into the city. The intent of the district is to create a visual and functional impact through redevelopment with buildings of a greater height and size welcoming the public to a vibrant shopping area. The district is intended to provide opportunities to a variety of commercial uses serving the needs of the community and also serving the needs of the residents of adjacent communities. The district is intended to define the border of the city and provide for a distinct separation from the City Center District further to the east.

The intent of the district is to encourage high-quality and distinctive development that will complement and support the city's downtown area. The west Gate District will reflect an inviting and vibrant identity for the westerly gateway into the city while requiring land use planning and development techniques that result in a pleasing, compatible, visual presence. The West Gate District also has a significant pedestrian orientation providing sidewalks, lighting and amenities such as plazas, pocket parks and other features that are inviting to pedestrians. The intent of this district is also to make provision for uses which have a community orientation, and are less intense than the regional uses permitted elsewhere in the city. Quality-of-life issues inherent in the intent of this section shall be addressed and demonstrated in development proposals. Quality-of-life issues may include, but are not limited to, open space, sense of place considerations, land use adjacency, traffic flow and access management, building mass, building placement, siting and compatibility, architectural features, environmental resource protection and landscape design, lighting, and review findings by the planning commission that a development plan creates an environment that adequately considers those impacted by the development, i.e., residents, customers, tenants, landowners, etc., within a context to achieve the gateway transition to the city's other areas.

The West Gate District is being adopted to implement the intent of the master plan, strengthen, clarify and revise current ordinances in order to support the vision for the future of the city set forth in the master plan.

The district is also intended to accomplish the following:

a. Serve as a gateway entrance into the city;
b. Encourage a mixed use environment;
c. Encourage areas between buildings and sidewalks to be maintained as green space;
d. Encourage incorporation of amenities as part of site development;
e. Encourage shared parking and access;
f. Encourage innovative building design, including environmental friendly design components;
g. Encourage uses that will facilitate vehicular and pedestrian traffic.

# 3.1.O WG West Gate

User Note: Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Artisan manufacturing/galleries §4.38
c. Business support services
d. Financial institutions §4.13
e. Personal service establishments
f. Fitness centers under 5,000 sq ft
g. Offices, administrative and professional §4.34
h. Retail §4.9 & §4.10
i. Retail, outdoor §4.9 & §4.10
j. Recreation, commercial indoor §4.39
k. Restaurants, sit down, with or without alcohol §4.6
l. Restaurants, carryout §4.6
m. Restaurants, fast food, drive-in, and drive-through §4.7
n. Restaurants, outdoor cafes or areas §4.8

## 3. Special Land Uses

a. Financial institutions with drive-through service or automatic teller service §4.14
b. Retail with drive-through facilities §4.10
c. Outdoor retail sales of plant materials, lawn equipment, etc. §4.12
d. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission.

## 4. Prohibited Uses

a. Uses such as pawn shops, sexually oriented businesses and others similar uses as determined by the planning commission shall be expressly prohibited in the West Gate District for the following reasons:
   i. There are other areas within the city which are appropriately zoned for these type of uses.
   ii. The West Gate District is envisioned as a family-oriented retail destination and the above type of uses do not contribute towards that vision.

# 3.1.0 WG West Gate

## 5. Development Standards

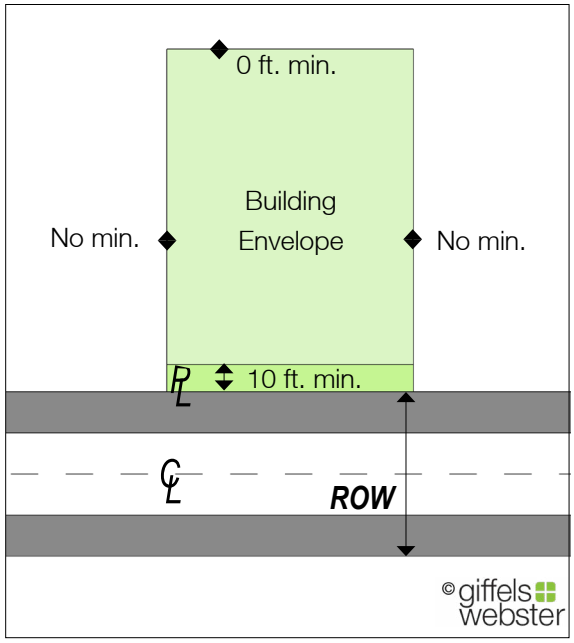
### Setbacks

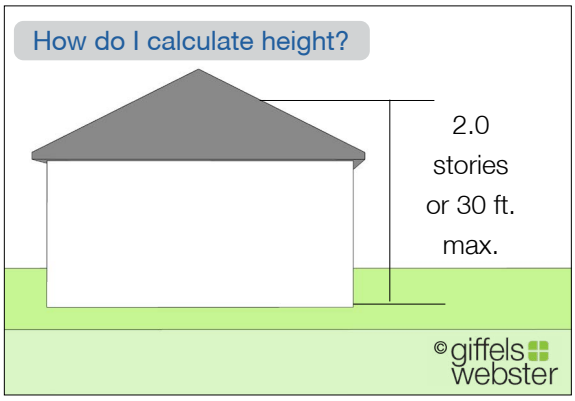
| | |
|---|---|
| Minimum front yard setback: | 10 ft. |
| Minimum rear yard setback: | 0 ft. |
| Minimum side yard setback: | |
| Least one: | 0 ft. |
| Total of two: | 0 ft. |

### Maximum Building Height

| | |
|---|---|
| Maximum building height: | 2.0 stories or 30 ft. |

See §3.13 for notes to the development standards.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 6. Additional Requirements

### Article 5

Off-street parking and loading §5.1
Parking §5.2
Off-street loading §5.3
Sidewalks §5.7
Frontage on a public street §5.8
Access to sites §5.9
Corner clearance §5.11
Landscaping §5.15
Enclosure of roof appliances or accessories §5.16
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18

### Article 6

Site plan review and approval §6.1
Special land uses §6.2

# 3.1.O WG West Gate

(Intentionally Blank)

# 3.1.P I-1 Limited industrial

## 1. Purpose

The intent of the I-1 limited industrial district is to provide locations for wholesale activities, warehouses, and industrial operations which produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with surrounding residential or commercial uses. Accordingly, permitted manufacturing, distribution warehousing, and light industrial uses permitted in this I-1 district should be fully contained within well-designed buildings, with adequate off-street parking and loading areas, and with proper screening around outside storage areas.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Dry cleaning plants or laundries, central (not dealing directly with customers at retail) §4.10
c. Essential services
d. Family day care homes
e. Greenhouses §4.12
f. Industrial clinics
g. Kennels §4.30
h. Laboratories: experimental, film, or testing
i. Research, design, pilot, or experimental product when conducted within a completely enclosed building
j. Manufacture and repair of electric or neon signs, light sheetmetal products
k. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs, and television
l. Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials
m. Manufacture, compounding, processing, packaging, or treatment of products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machining shops
n. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products
o. Manufacture of pottery and figurines or other similar ceramic products
p. Public buildings and utilities including necessary structures, storage yards, and other related uses except heating and electric generation plants
q. Schools, trade or industrial §4.19
r. Self-storage facilities
s. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractors' equipment and supplies; enclosed or obscured by a wall §4.44
t. Warehouse, mini
u. Warehousing and wholesale establishments
v. Trucking facilities
w. Other uses similar to those permitted

## 3. Special Land Uses

a. Automobile repair garages and undercoating shops §4.42
b. Motels and motel courts §4.15
c. Outside storage of materials and supplies §4.44
d. Retail uses with an industrial character due to their outdoor storage requirements or activities §4.11
e. Uses similar to those uses permitted in this district and not listed in any district of this zoning ordinance, as determined by the planning commission

# 3.1.P I-1 Limited industrial

## 4. Development Standards

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 30 ft., See §5.1.G & §3.7 |
| Minimum rear yard setback: | 50 ft., See §5.1.G & §3.7 |
| Minimum side yard setback: | |
| Least one: | See §5.1.G & §3.7 |
| Total of two: | See §5.1.G & §3.7 |

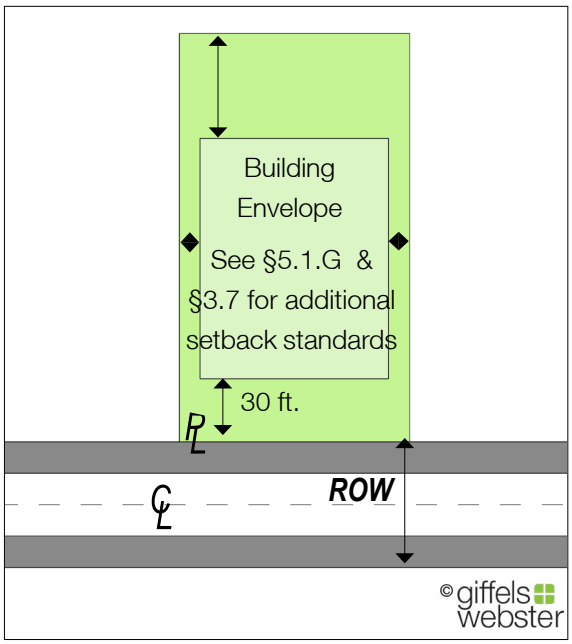
### Maximum Building Height

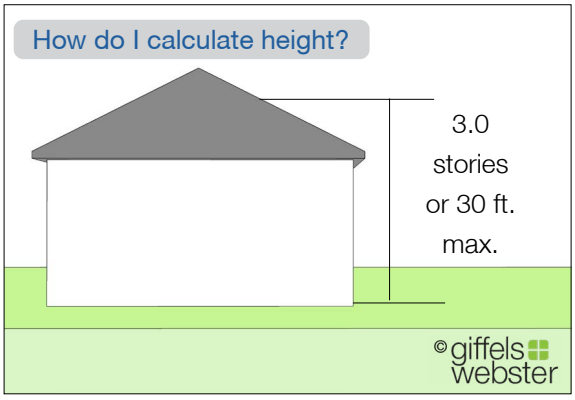
| | |
|---|---|
| Maximum building height: | 3.0 stories or 30 ft. |

### Proximity to Residential Districts

No building shall be located closer than 50 feet to any adjacent residential district.

See §3.14 for notes to the development standards.




User Note: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirement

### Article 5

Access to sites §5.9
Corner clearance §5.11
Landscaping §5.15
Enclosure of roof appliances or accessories §5.16
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18
Open storage or dumping on land §5.19
Storage of obnoxious matter in open containers §5.20

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

# 3.1.Q I-2 General industrial

## 1. Purpose

The intent of the I-2 general industrial district is to provide for and encourage development of industrial uses in an industrial park setting. The I-2 general industrial district is further designed to ensure the compatibility between the industrial operations therein and the activities and character of the area in which the I-2 district is applied. The I-2 district is so structured so as to allow all uses permitted in the I-1 district, as well as other uses that are of a more intensive nature and that need to be subject to the more restrictive setbacks in this I-2 district in order to ensure the protection of the public health, safety and welfare. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with surrounding residential or commercial uses.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

a. Accessory buildings, structures and uses §5.12
b. Dry cleaning plants or laundries, central (not dealing directly with customers at retail) §4.10
c. Essential services
d. Retail uses characteristic to serving industrial park needs §4.11
e. Family day care homes §4.21
f. Greenhouses §4.12
g. Self-storage facilities
h. Industrial clinics
i. Kennels §4.30
j. Laboratories: experimental, film, or testing
k. Machine shops; metal buffing, plating, and polishing shops; metal and plastic molding and extrusion shops; millwork and planing mills; painting and sheetmetal shops; undercoating and rustproofing shops; welding shops
l. Manufacture and repair of electric or neon signs, light sheetmetal products
m. Manufacture of cement products and construction
n. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs and television
o. Manufacture or assembly of automobiles, automobile bodies, automotive parts and accessories, electrical fixtures, apparatus, hardware and batteries; cement, lime gypsum, plaster of Paris, and other similar materials
p. Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials
q. Manufacture, compounding, processing, packaging, or treatment of products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machining shops
r. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products
s. Manufacture of pottery and figurines or other similar ceramic products
t. Petroleum production, refining and storage
u. Storage and transfer, and electric and gas service buildings and yards
v. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractors' equipment and supplies; enclosed or obscured by a wall §4.44

# 3.1.Q I-2 General industrial

w. Warehouses, mini
x. Warehousing and wholesale establishments
y. Processing, refining, or storage of food and foodstuffs
z. Schools, trade or industrial §4.19
aa. Public buildings and utilities including necessary structures, storage yards and other related uses except heating and electric generation plants
ab. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, and water and sewage pumping stations; no outdoor storage
ac. Research, design, pilot or experimental product development when conducted within a completely enclosed building
ad. Trucking facilities
ae. Primary caregiver facilities §4.51
af. Other uses similar to those permitted
ag. Uses of a similar character to the above as determined by the planning commission

## 3. Special Land Uses

a. Cellular phone towers §4.31
b. Heating and electric generation plants
c. Incineration of garbage or refuge
d. Junkyards §4.45
e. Radio and television towers, public utility microwaves and public utility television transmitting towers and their attendant facilities
f. Uses of a similar character to the above as determined by the planning commission

# 3.1.Q I-2 General industrial

## 4. Development Standards

### Setbacks

| | |
|---|---|
| Minimum front yard setback: | 100 ft., See §5.1.G |
| If front yard abuts an industrial collector street: | 25 ft. |
| Minimum rear yard setback: | 60 ft., See §5.1.G |
| Minimum side yard setback: | |
| Least one: | 20 ft., See §5.1.G |
| Total of two: | 40 ft., See §5.1.G |

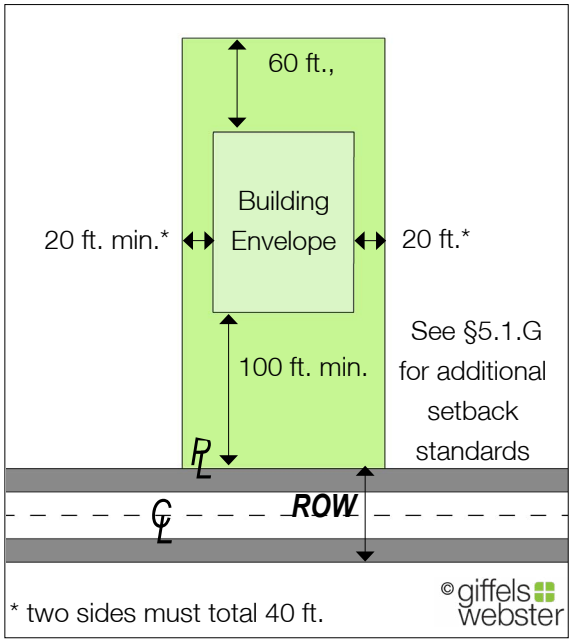
### Maximum Building Height

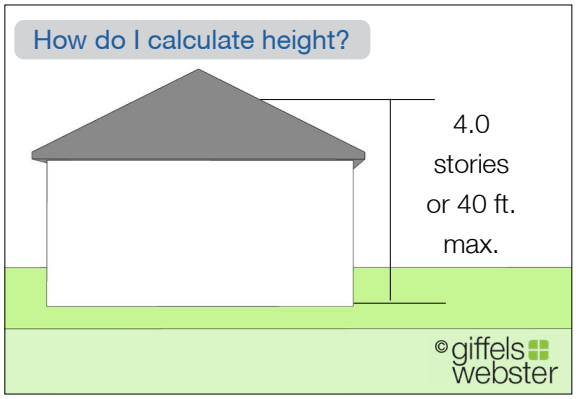
| | |
|---|---|
| Maximum building height: | 4.0 stories or 40 ft. |

### Proximity to Residential Districts

No building shall be located closer than 50 feet to any adjacent residential district.

See §3.14 for notes to the development standards.




**User Note**: Click on Blue for use-specific standards. These are links to additional, but not comprehensive, requirements for the district.

## 5. Additional Requirements

### Article 5

Access to sites §5.9
Corner clearance §5.11
Landscaping §5.15
Enclosure of roof appliances or accessories §5.16
Dumpsters or outdoor trash receptacles §5.17
Exterior lighting §5.18
Open storage or dumping on land §5.19
Storage of obnoxious matter in open containers §5.20

### Article 6

Site plan review and approval §6.1
Special land uses §6.2
Condominium developments §6.4

# 3.1.Q I-2 General industrial

(Intentionally Blank)

# 3.1.R VP Vehicular parking

## 1. Purpose

The intent of the P-1 vehicular parking district is to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries. Such areas shall be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This P-1 district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

**User Note:** Click on Blue for use-specific standards

## 2. Permitted Uses

In a P-1 vehicular parking district, no land shall be used, and no building shall be hereafter erected, converted, or structurally altered for any use other than an off-street vehicular parking area and essential services, subject to the provisions to Section 5.1 Off-street parking and loading thru Section 5.4 Michigan Uniform Traffic Code (UTC). Further, off-street parking facilities in a P-1 district shall be developed subject to the following limitations:

a. The parking area shall be accessory to, and for use in connection with one or more business, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
b. Such parking lots shall be contiguous to an RM-1, RM-2, or nonresidential district. Parking areas may be approved when adjacent to such districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such districts.
c. Parking areas shall be used solely for parking for private passenger vehicles, for periods of less than one day and shall not be used as an off-street loading area.
d. No commercial repair work or service of any kind, or sale or display, shall be conducted in such parking area.
e. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
f. No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed 15 feet in height and 20 square feet in area.
g. Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with Section 5.1 Off-street parking and loading thru Section 5.4 Michigan Uniform Traffic Code (UTC).

# 3.1.R VP Vehicular parking

## 3. Development Standards

Required conditions. Off-street parking facilities in the P-1 vehicular parking district shall be developed and maintained subject to the following conditions:

a. On-site vehicular circulation. Adequate vehicular entranceways, exits and circulation shall be provided and shown on the parking plan.

b. Driveways. Each entrance and exit to and from such parking lot shall be at least 20 feet in distance from any adjacent property located in any residential district.

c. Side and rear yards. Where the P-1 district is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along such lot line.

d. Front yards. Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block there shall be setback equal to the required residential setback for such residential district, or a minimum of 25 feet, whichever is greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between such setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

# 3.1.S PUD Planned Unit Development

## 1. Purpose

a. It is the intent of this section is to authorize the use of planned unit development regulations for the purpose of encouraging the flexibility in the regulation of land development; innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and public services and utilities; encourage useful open space; provide better housing, employment, shopping opportunities, compatibility of design and use between neighboring properties; and development that is consistent with the city's master land use plan.

b. The approval of a planned unit development application shall require an amendment to this article to revise the zoning map and designate the subject property as "PUD, planned unit development." Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

c. The provisions of this section are not intended as a device for ignoring this article and specific standards set forth therein, or the planning upon which it has been based. Provisions of this section are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this section to ensure appropriate, fair, and consistent decision making.

d. Eligibility criteria. To be eligible for planned unit development approval, the applicant must demonstrate and the planning commission and city council must find that the proposed development meets the following criteria:

   i. **Recognizable and substantial benefit.** The planned unit development shall achieve a higher quality of development than would otherwise be achieved under conventional standards, and shall result in a recognizable and substantial benefit to the community, and to the ultimate users of the developed site.

   ii. **Availability and capacity of public services.** The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.

   iii. **Consistency with the master plan and zoning ordinance.** The proposed development shall be consistent with the goals and objectives of the city's master plan, the purpose of this zoning article, and the intent of these planned unit development regulations.

   iv. **Economic and neighborhood impact.** The proposed development shall not impede the continued use or development of surrounding lots for uses permitted by this zoning article or planned in the adopted city master plan.

e. Redevelopment. Any development that includes a site designated as a brownfield by state or federal law, redevelopment or reuse of a functionally obsolete building, or removal of a nonconforming use or structure may qualify for consideration as a planned unit development.

# 3.1.S PUD Planned Unit Development

## 2. Permitted Uses

In a planned unit development, the principal uses which shall be permitted include all business, service, and professional office uses; all commercial uses; or any combination of these uses. Multiple-family and single-family attached residential uses shall be permitted either by themselves or in combination with such commercial or office use.

## 3. Regulations.

a. **Unified control.** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this article. The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This subsection shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given to the city.

b. **Pedestrian and vehicular access.** Pedestrian and vehicular access to a planned unit development shall be subject to the following:

   i. Each lot, main building, and principal use within a planned unit development district shall have vehicular and pedestrian access from a public street right-of-way.

   ii. Adequate provision shall be made for an interconnected network of streets, sidewalks, and essential services to serve the planned unit development area.

   iii. Permitted nonresidential uses shall abut a major thoroughfare, as defined in Section 2.2 Definitions, with primary vehicular access from a major thoroughfare or collector street. Secondary access may be provided from local streets where determined necessary by the planning commission for health and safety purposes.

   iv. Permitted multiple-family residential uses shall abut and have primary vehicular access from a major thoroughfare or collector street, as defined in Section 2.2 Definitions. Secondary access may be provided from local streets where determined necessary by the planning commission for health and safety purposes.

c. **Minimum area.** A planned unit development shall include sufficient land area to conform with the intent of this section, to comply with all applicable regulations of this article, to adequately serve the needs of all permitted uses in the development, and to ensure compatibility between uses and the surrounding neighborhood.

d. **Usable open space.** The proposed planned unit development shall contain at least as much usable open space as would otherwise be required by the existing underlying zoning.

# 3.1.S PUD Planned Unit Development

e. **Applicable base regulations.** Unless waived or modified in accordance with the procedures and standards set forth in this section, the yard and bulk, parking, loading, landscaping, lighting, and other standards set forth in the districts listed as follows shall generally be applicable for uses proposed as part of a planned unit development:

i. Multiple-family residential uses shall comply with the regulations applicable in the RM-2 multiple-family residential district. Single-family attached residential uses shall comply with the regulations applicable in the RM-1 multiple-family residential district.

ii. Commercial and office uses shall comply with the regulations applicable in the CC City Center district.

iii. Mixed uses shall comply with the regulations applicable for each individual use, as outlined in this subsection e, except that if conflicts exist between provisions, the regulations applicable to the most dominant use shall apply.

To encourage flexibility and creativity in development consistent with the planned unit development concept, departures from compliance with the base regulations may be granted by the city council, upon recommendation of the planning commission, as a part of the approval of the planned unit development. For example, such departures may include modifications of lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading and landscaping requirements; and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

f. **Obscuring wall.** An obscuring wall shall be provided on those sides or rear of the property abutting land zoned residential, as per Section 5.14 Obscuring walls.

g. **Parking and loading requirements.** Parking and loading/unloading requirements set forth in Section 5.1 Off-street parking and loading thru Section 5.4 Michigan Uniform Traffic Code (UTC) shall apply except that the number of spaces required may be reduced in a planned unit development if approved by the city council, upon recommendation of the planning commission, as part of the site plan. Such reduction shall be justified by the applicant and shall be based upon a finding that sufficient parking will be available through the sharing of spaces by different uses, that the parking requirement is excessive for the type of use proposed, or similar factors.

h. **Landscaping and maintenance of common areas.** All yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. The city council shall review and approve a landscaping plan and maintenance plan.

i. **Conveyance.** Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall ensure the city council that all yards and common areas will be developed in accordance to the site plan or never changed to another use. Such conveyance shall:

i. Provide for the privately owned open space to be maintained by private property owners with an interest in the open space. Maintenance standards and a maintenance schedule shall be included.

ii. Provide for assessment of the private property owners by the city, after due notice, for the cost of maintenance of the open space if it is inadequately maintained and becomes a public nuisance.

# 3.1.S PUD Planned Unit Development

j. **Compliance with article's general provisions.** A planned unit development shall comply with the provisions in Section 1.3, Section 7.1 - Section 7.5.

k. **Additional considerations.** During review of a proposed planned unit development, the planning commission shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfares, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

l. **Timetable for construction.** A timetable for construction for a planned unit development and any phase of a planned unit development shall be included as part of the review and approval process. The city may require that a performance bond be posted by the developer to ensure compliance with the construction timetable. Unapproved deviations or delays in the timetable during construction may result in a loss of all or a portion of the performance bond.

m. Development agreement. A development agreement as required in Section 3.1.S.5 Review procedures.

4. **Application procedures.** In addition to a site plan in accordance with Section 6.1 Site plan review and approval, an application for planned unit development shall contain the following:

a. Cover letter signed by the applicant and owner holding an equitable interest in the property.

b. Legal description showing the location and acreage of the property.

c. General description of proposed development, including a timetable of development.

d. A narrative addressing how each of the criteria of Section 3.1.S.1.d Eligibility criteria are met by the proposed project.

e. Site plan at a scale of one inch to 100 feet or larger, prepared in accordance with Section 6.1 Site plan review and approval. Additional information on the site plan shall include:

i. A proposed schedule of usable floor areas, total land areas by category of use, and building ground coverage.

ii. Areas preserved for open space, indicating the proposed improvements.

iii. Architectural sketches showing building elevations for all sides and heights, external wall finishes, location of entryways, and loading and unloading facilities.

iv. Other information deemed pertinent to the proposed development by the planning commission or city council, such as but not limited to a traffic study, market study, or environmental study.

f. A fee for the processing of the planned unit development application, as established by the city council.

# 3.1.S PUD Planned Unit Development

5. Review procedures.

a. **Preapplication conference.** In order to facilitate review of a planned unit development proposal in a timely manner, the applicant shall request a preapplication conference. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. The applicant shall present at such a conference, at a minimum, a sketch plan of the proposed planned unit development (drawn to scale), a legal description of the property in question, the total number of acres in the project, the approximate number of residential units to be constructed, floor area of the office and commercial uses, and areas to be designated as common areas or open space. No formal action shall be taken at a preapplication conference. There shall be no fee for a preapplication conference. Statements made at the preapplication conference shall not be legally binding commitments.

b. **Conceptual review and qualification.** After a formal application has been filed for a planned unit development, it shall be reviewed by the planning and zoning department for completeness and submitted to the planning commission. The planning commission shall review the plan to determine whether it qualifies for planned unit development based on Section 3.1.S.1.d Eligibility criteria.

c. Public hearing. If the planning commission finds that the plan meets the eligibility criteria, it shall schedule a public hearing on the proposed planned unit development. The public hearing held pursuant to this subsection shall also serve as the public hearing for the proposed zoning amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the city, and sent by mail or personal delivery to the owners of property for which approval is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than 15 days before the public hearing scheduled. Such notification shall contain the following information:

   i. Nature of the planned unit development project requested.
   ii. Boundaries of the property which is the subject of the request.
   iii. Date and time of the public hearing.
   iv. Location and times that written comments will be received concerning the request.

d. **Planning commission recommendations.** At the public hearing or within a reasonable time following the public hearing, the planning commission shall make its final consideration of the request, and shall recommend to the city council denial, approval, or approval with conditions, of the request. Section 3.1.S.6 Standards for approval and Section 3.1.S.6 Standards for approval set forth standards on which the basis for determination shall be made. The planning commission shall have prepared a report stating its conclusions, the basis for its recommendations, and any conditions relating to an affirmative recommendation. The planning commission shall also make a recommendation on the proposed zoning amendment.

e. **State and county approval.** All planned unit development projects shall require the review and approval of the following agencies prior to final site plan approval:

   i. The county road commission or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the state department of transportation.
   ii. The county drain commission.

# 3.1.S PUD Planned Unit Development

iii. The county health department, if deemed necessary by the planning commission.

f. **City council action.** The city council shall be provided with a copy of the planning commission's report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the planned unit development. Within a reasonable time of the action of the planning commission, and after all approvals under Section 3.1.S.5.d are obtained, the city council shall deny, approve, or approve with conditions, the request. The city council shall require that a performance guarantee be deposited with the city to ensure faithful completion of improvements, in accordance with Section 7.14 Performance guarantees.

g. **Signed development agreement.** If the application and site plan are approved by the city council, the applicant and all owners of record or the legal representative of the owners of record of all property included within the planned unit development shall then sign a development agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The agreement shall incorporate the approved application and site plan, and the conditions of approval, and shall be binding upon the applicant and owners of record and upon their heirs, successors, and assigns. The application and site plan shall not be officially approved nor may the building permit be issued, until such agreement has been signed as required and has been received by the city clerk. The approved development agreement shall be recorded with the Oakland County Register of Deeds.

h. **Designation on zoning map.** Within ten business days of the official approval of the application and the site plan by the city council, the city clerk shall attest the planned unit development designation for the lot in question on the zoning map.

i. **Recorded with register of deeds.** The approved site plan and signed agreement shall be recorded by the petitioner with the county register of deeds within ten days of the date of approval of the application. The petitioner shall immediately provide a certified copy of the recorded documents to the city clerk.

6. **Standards for approval.** In considering any application for approval of a planned unit development plan, the planning commission and city council shall make their determinations on the basis of the standards for site plan approval set forth in Section 6.1 Site plan review and approval, as well as the following standards and requirements:

a. **Conformance with the planned unit development concept.** The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of this section, as well as with specific project design standards set forth in this section.

b. **Recognizable benefits.** The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

# 3.1.S PUD Planned Unit Development

c. **Compatibility with adjacent uses.** The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. Consideration shall be given to:
   i. The bulk, placement, and materials of construction of proposed structures.
   ii. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
   iii. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
   iv. The hours of operation of the proposed uses.
   v. The provision of landscaping and other site amenities.

d. **Impact of traffic.** The planned unit development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to:
   i. Estimated traffic to be generated by the proposed development.
   ii. Access to major thoroughfares.
   iii. Proximity and relation to intersections.
   iv. Adequacy of driver sight distances.
   v. Location of and access to off-street parking.
   vi. Required vehicular turning movements.
   vii. Provisions for pedestrian traffic.
   viii. Access to loading and unloading areas.

e. **Public services.** The proposed planned unit development shall not exceed the capacity of existing and available public services including, but not necessarily limited to, utilities, public roads, police and fire protection, and schools; unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.

f. **Compatibility with the master land use plan.** The proposed planned unit development shall be consistent with the general principles and objectives of the adopted city master land use plan.

g. **Economic impact.** The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

h. **Compliance with applicable regulations.** The proposed planned unit development shall be in compliance with all applicable federal, state, and local laws and regulations.

i. **Phasing.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

# 3.1.S PUD Planned Unit Development

7. Revision of approved plans.
   a. **General revisions.** Approved final plans for a planned unit development may be revised in accordance with the procedures set forth in Section 3.1.S.5 Review procedures. In the event that any element of the development agreement requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded as provided in Section 3.1.S.6 Standards for approval. Action to amend a development agreement requires approval by the city council.
   b. **Minor changes.** Notwithstanding subsection a of this section, minor changes may be permitted by the planning commission following normal site plan review procedures outlined in Section 6.1 Site plan review and approval, subject to its finding that:
      i. The planning commission shall make a finding that the change is minor and does not require the full PUD approval process.
      ii. Such changes will not adversely affect the initial basis for granting approval.
      iii. Such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in Section 3.1.S.1 Purpose.

8. Enforcement.
   a. The city council may enforce any or all provisions of the approved site plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns or agents.
   b. Each phase of the project shall be commenced within 24 months of the schedule set forth on the approved plan for the planned unit development. If construction is not commenced within the required time period, approval of the plan shall become null and void. Revisions to the construction schedule may be approved by the city council.

## 3.2 Zoning map

The boundaries of the city zoning districts are shown on a map adopted by the city council. The map shall be entitled "Zoning Map, City of Clawson, Oakland County, Michigan," and shall bear the date adopted or amended. It shall be the duty of the city mayor and clerk to authenticate such records by placing their official signatures thereon. Such map, with all accompanying explanatory matter, is made a part of this article and shall be, as such, a part of this article as if the matters and information set forth thereon were all fully described in this section.

## 3.3 Application of article provisions

A. Except as otherwise provided in this article, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved. No land shall be redeveloped or use commenced, expanded or continued within the city except as specifically, or by necessary implication, authorized by this article.

B. Lawful nonconforming structures and uses existing at the time of passage of this article are specifically governed by Section 7.16 Noncomformities and Section 7.17 Encumbering land required to satisfy article regulations.

## 3.4 Interpretation of district boundaries

A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following lot lines, the centerlines of streets or alleys, and city limits shall be construed as following such lines.
2. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
3. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public right-of-way, it is intended that such district boundaries so extend to the center of any public right-of-way.
4. Where a district boundary line, as established in this section or as shown on the zoning map, divides a lot which was in a single ownership and of record at the time of enactment of this article, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this article, shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within 25 feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.
5. Where due to the scale, lack of detail or illegibility of the zoning map of this article there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, such lines shall be interpreted upon written request, or upon its own motion, by the zoning board of appeals, after recommendation by the planning commission.

## 3.5 Permissive zoning and uses not expressly permitted

Land uses are permitted specifically in the various zoning districts of this article. Where not specifically permitted, uses are thereby specifically prohibited unless construed by the planning commission to be similar to a use expressly permitted. No land contained within any zoning district within the city shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Section 7.16 Noncomformities and Section 7.17 Encumbering land required to satisfy article regulations.

A. **Uses permitted as a right.** Permitted uses, as identified in sections of this article covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, district intent, permit, certificate and site plan requirements found elsewhere in this article, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated.

B. **Uses permitted after special land use approval.** The uses identified as special land uses in this ordinance covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Section 6.2 Special land uses regarding procedure and requirements for special land use approval uses shall apply to these uses.

C. Uses that are not expressly permitted in this ordinance may be permitted as special land uses, subject to the following:
   1. The applicant shall apply for special land use approval in accordance with Section 6.1 of this ordinance.
   2. The planning commission shall expressly find that the use is substantially similar to, and of no greater impact than, a permitted or special land use that is listed in the zoning district in question.
   3. Approval shall be in accordance with the review process and approval standards for special land uses outlined in Section 6.1.
   4. Any appeal shall be taken from the City Council as presently provided by section 606 of the Michigan Zoning Enabling Act.

## 3.6 Single-family residential district standards

A. For all uses permitted other than single-family residential, setbacks shall equal the height of the principal building or the setback required in the District Summary Table, whichever is greater.

B. Where an existing front setback line has been established by existing residential dwellings occupying 40 percent or more of the frontage within the same block, such established setback shall apply.

C. The side yard abutting upon a street shall not be less than ten feet when there is a common rear yard relationship in such block and a common side yard relationship with the block directly across the common separation street. In the case of a rear yard abutting the side yard of an adjacent lot, or when such side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district and all regulations applicable to the front yard shall apply.

D. Where two lots in a single-family residential district share a side yard orientation along a common lot line, the total of the abutting side yard setbacks shall equal the "total of two" side yard setbacks for that district in the District Summary Table. Where an existing nonconforming building has reduced the side yard setback of one of these lots, the side yard setback for the other lot shall equal the difference between the required "total of two" side yard setbacks and the side yard setback of the nonconforming lot.

## 3.7 Additional setback standards for O-1, B-1, B-2, B-3, and I-1 districts

No side yards are required along the interior side lot lines, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which has a rear yard abutting a residential district, there shall be provided a setback of 20 feet on the residential street side of the lots. Where a lot has a side or rear yard which borders on a residential street, there shall be provided setbacks of not less than ten feet for all parking, loading and storage areas on the side bordering the residential street. A minimum five-foot wide greenbelt shall be maintained along a residential street per the requirements of 5.15 Landscaping, greenbelts and planting materials. An obscuring wall shall be provided on those sides or rear lot lines of a lot abutting land zoned residential, per 5.14 Obscuring walls.

## 3.8 Supplemental regulations for the Office Service (O-1 and O-2) districts

A. **Office service district (O-1) standards.** Unless otherwise noted for specific uses, buildings and uses in the O-1 office service district shall comply with the following required conditions:
   1. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
   2. No interior displays shall be visible from the exterior of the building.
   3. The outdoor storage of goods and materials shall be prohibited.
   4. Warehousing or indoor storage of goods or material beyond that normally incident to the permitted uses in subsections A.1—A.3 of this section, shall be prohibited.
   5. Where adjacent lots on two or more sides of a lot in the O-1 district are occupied by nonconforming structures with less than the required front yard setback, the required front yard setback for the lot located between the nonconforming structures shall be the average of the front yard setbacks for the nonconforming structures on each side.

B. Office district (O-2) required conditions. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this article for the respective uses and use districts.

## 3.9 Supplemental regulations for the Neighborhood Business district (B-2)

Required conditions. Except as otherwise noted for specific uses, buildings and uses in the B-2 central business district shall comply with the following required conditions:

A. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.

B. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

C. Exterior walls facing public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property.

D. There shall not be outside storage of any goods, inventory, or equipment.

## 3.10 Development standards for the B-3 district

Required conditions. Except as otherwise noted for specific uses, buildings and uses in the B-3 general business district shall comply with the following required conditions:

A. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.

B. Exterior walls facing public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property. If it is necessary to locate this equipment on a building side facing residentially zoned or used property, it shall be screened from views off-site.

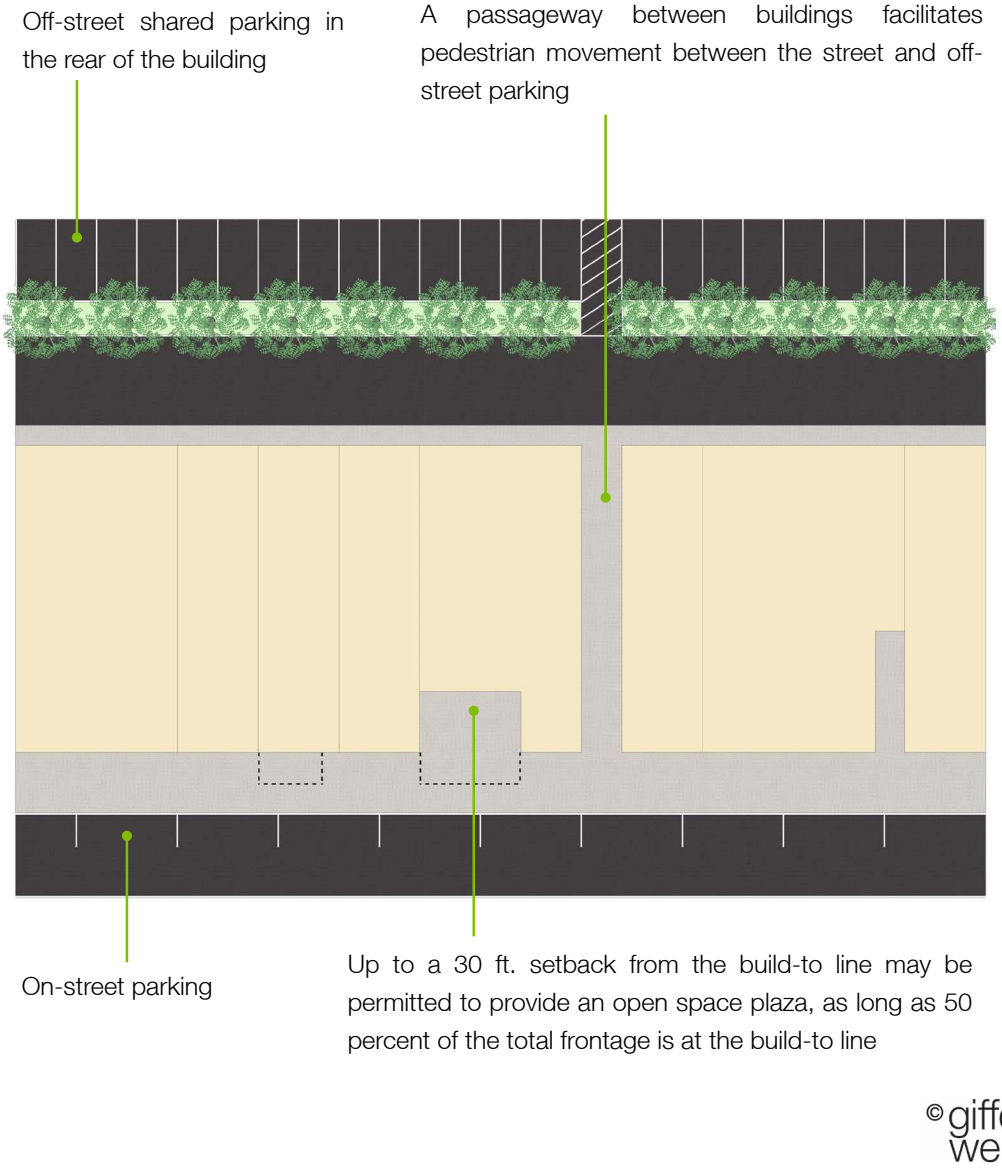
C. There shall be no outside storage of any goods, inventory, or equipment.

## 3.11 Supplemental regulations for the City Center (CC) and CMD districts

A. Building placement.

1. Buildings shall be constructed so that the building façade on a primary street is at the build-to line (BTL) in the City Center district and within the build-to zone (BTZ) in the CMD district. For arcade and gallery frontage types, the second floor shall meet this requirement, but the ground floor may be set back up to 25 additional feet. Primary street façades shall occupy the minimum percentage of the full width of the parcel, as required for each building frontage type, subject to the following:
   a. Building entrances. Recessed areas from three to five feet from the façade may be provided for primary building entrances and these limited areas may exceed the maximum required setback or vary from the BTL.
   b. Paved areas. All areas located between the building and the street shall be paved for pedestrians unless specific landscaped areas within the paved sections are approved by the city.
   c. Forecourt. When a forecourt is provided, it may be set back up to 30 feet from the BTL. A minimum of 50 percent of the total frontage shall meet the BTL.
2. In the remaining portion of the BTL or BTZ that does not contain a building or forecourt, there shall be constructed a two and one-half [foot] high (min.) brick or stone knee wall in line with the building façade or at the property line (see Section 3.11.E.3).

**BUILDING PLACEMENT**




B. **Building elements.** The requirements listed in this subsection shall apply to all façades facing a primary street as well as façades that directly face a park or plaza. Walls shall not be blank and shall include windows and architectural features customarily found on the front of a building. Human scale shall be created by building massing as well as the use of architectural elements such as cornices, colonnades, awnings, walkways, street-level display windows, lighting, and a variety of building materials. Human scale shall be further reinforced by site design features around the building exterior. The following additional requirements shall apply:

1. **Building composition.** Building façades containing two or more stories shall be comprised of three distinct components: a base or ground floor, a middle, and a top. One-story buildings shall have a base and a top.

a. Base. The base of a building shall be designed to clearly define where the building begins. It shall enhance the pedestrian experience by providing quality durable materials as well as ample windows that encourage views into a ground floor space.
b. Middle. For buildings with more than one story, the middle of a building, which begins above the ground floor, shall be separated from the ground floor by a visible break (horizontal expression line) that includes a change of color and material or material pattern. This break may include the sign band area. Upper floor windows shall be inset and grouped to complement the rhythm of the ground floor openings (see Section 3.11.B.2.b and Section 3.11.B.2.c).
c. Top. The top of the building is distinguished by a cornice or noticeable roof edge. Flat roofs shall be enclosed with parapets.
    I. Equipment. Rooftop mechanical and other equipment shall be positioned and screened to minimize views from adjacent properties and obscure views from the public rights-of-way.
    II. Accessibility. Roofs may be accessible and may be used as balconies or terraces. Vegetated (green) roofs are encouraged to cool buildings and limit stormwater runoff.

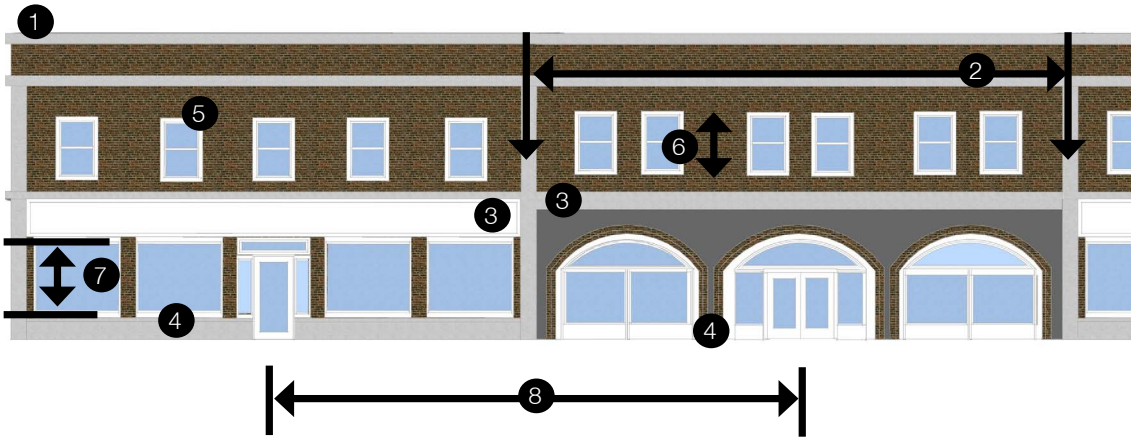
2. Windows and doors.
    a. Generally.
        I. Materials. Structural elements to support canopies or signage, along with mullion and frame systems for windows and doors, shall be painted, powder-coated or stained (or the equivalent). Glass shall be clear or lightly tinted. Reflective glass is not permitted. Glass block windows shall not be permitted unless the planning commission grants an exception for use as an accent.
        II. Shutters. When shutters are used, whether operating or decorative, they shall be equal to the width of one-half of the adjacent window opening.
        III. Façade openings. All upper floor windows shall be vertically proportioned.
    b. Ground floor windows and doors.
    c. Integral design. All storefronts shall have doorways, windows, and signage that are integrally designed.
    d. Transparency. Each storefront shall have transparent or lightly tinted areas, equal to at least 70 percent of the total ground floor wall area located between two and eight feet from ground level. These required window areas shall be either windows that allow views into retail space, dining areas, office work areas, lobbies, pedestrian entrances, merchandise display windows or other windows consistent with encouraging an active pedestrian environment along the storefront. The planning commission may permit up to 30 percent of the required transparency area to be replaced with an alternative façade treatment of similar area (e.g., wall art or vertical landscaped wall) that achieves the similar effect of engaging pedestrian interest.

e. Entry. At least one functioning doorway shall be provided for every primary street-facing storefront, with the primary entrance on the street. One doorway shall be provided for every 75 feet in horizontal building length.

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

## BUILDING ELEMENTS & WINDOWS/DOORS

This graphic illustrates selected regulatory elements that apply to the City Center and Core Fringe Districts.




1. Top of building - buildings must include a top or cap element; Cap Type: Parapet example shown with cornice in this illustration (see 3.11.B.1.c)
2. Vertically divide facade into segments not greater than 60 feet wide (see 3.11.B.3.b)
3. Horizontal expression lines define the base of the building (see 3.11.B.1.a)
4. Base types: Left-Storefront base; Right - Arcade base
5. Min. percentage of transparent, non-reflective windows on upper floors (see 3.11.B.2.d)
6. Orient windows vertically in upper floors and define edges of each window; group in relation to ground floor openings (see 3.11.B.2.f)
7. Min. and max. percentage of transparent, non-reflective windows on ground floor, measured between two and eight ft. above walk as specified (see 3.11.B.2.d)
8. Provide a minimum of one entrance for every 75 ft. of building frontage (see 3.11.B.2.e)

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3. Building materials.
   a. At least 90 percent of all exterior building façades shall be finished with a combination of two or more of the following: Glass, brick, cut or cast stone, painted or stained wood, integrally colored concrete units with brick proportions (e.g., half-high units), and split-faced, scored or fluted block. Use of stucco shall be limited to no more than 25 percent of a single façade. For parcels that do not abut Main Street or 14 Mile Road, buildings may have cementious (e.g., hardie plank or the equivalent) siding as an additional material choice. The planning commission for a site plan may approve a variation in these materials or additional materials if it finds the overall architectural design and visual character fits with the spirit of this section, and the materials are compatible with neighboring buildings and the adopted master plan. Exterior insulation finishing system (EIFS) is a prohibited material.
   b. Variation. There shall be a change in the vertical or horizontal building plane when there is a change in color or material. Street facing façades shall be divided vertically into segments no greater than 60 feet wide.
4. **Corner buildings.** Buildings located at a street corner shall have appropriate architectural features and details that accentuate its prominent corner location through additional building height and/or adding a building peak or tower element at the corner. Other creative techniques may be used, subject to the acceptance of the planning commission. Special architectural corner features may be permitted to exceed the maximum building height by up to ten feet if an exception is granted by the planning commission.
5. **Canopies and awnings.** Façades may be supplemented with awnings, canopies, and similar elements that meet the following:
   a. Style and height. Straight and gently sloped flat sheds shall be used for awnings. If sloped, they shall have a pitch of no more than 25 degrees (3:12). Canopies shall be have the appearance of being flat, extending perpendicular from the building façade. Awnings and canopies shall be at least eight feet above sidewalk grade at the lower drip edge.
   b. Encroachment. Awnings, canopies, and similar elements may encroach beyond the BTL or BTZ and into a street right-of-way or easement, but must avoid the canopy area of street trees (based on tree maturity); and be set back a minimum of five feet from the face of the road curb. Awnings shall be positioned immediately above ground floor windows, in scale with the window and overall building façade. Canopies shall be permitted only above building entrances, and shall be in scale with the entrance and building façade. Awnings used above the ground floor may extend no more than two feet from the building façade. Encroachment into any right-of-way requires approval of building director and compliance with chapter 66 of the city Code.
   c. Colors. Awnings and canopies shall be complementary to the building façade.
   d. Materials. Awnings shall be constructed of a durable material such as canvas or other material approved by the building official that will not fade or tear easily. Plastic and vinyl awnings are not permitted.
   e. Signage. The vertical drip of an awning may be stenciled with signage a maximum of eight inches by a horizontal length not to exceed 80 percent of the awning width, subject to the sign ordinance regulations.

6. **Balconies.** Balconies may be added to façades above the first floor with the following conditions:
   a. Balconies shall not extend more than six feet from the building face.
   b. Materials shall be compatible with the building and be integrally designed.
   c. Balconies shall not extend into a public right-of-way without approval of building director and meeting chapter 66 of the city Code.
7. **Building lighting.** In addition to the requirements of Section 5.18 Exterior lighting, the following shall apply:
   a. Height. For façades facing Main Street or 14 Mile Road, exterior lights, if provided, shall be mounted between six and 14 feet above adjacent grade. If the lighting projects more than three inches from the façade, it shall have a minimum height of eight feet and a maximum height of 14 feet above adjacent grade.
   b. Alley lighting. Fixtures in alleys shall illuminate the alley, be at least eight feet in height and not cause glare onto adjacent lots.
   c. Floodlights or directional lights. Such lighting may be used to illuminate alleys or parking garages, but must be shielded to prevent light from spilling upward or into adjacent lots, the street, or area outside of the district. If uplighting is proposed (e.g., for façade illumination), it shall only be permitted if it minimizes spillover beyond the surface being illuminated and the level of illumination is deemed appropriate for the context of the block in the district.
   d. Contained illumination. Site lighting shall be of a design and height and shall be located so as to illuminate only the lot with no spillover onto adjacent lots. An exterior lighting (photometric) plan shall be submitted with each site plan and is subject to approval by the planning commission.
   e. Flashing, traveling, animated or intermittent lighting. Such lighting is not permitted, whether of a permanent or temporary nature, outside the building, or inside the building where it could be seen from the public way.
   f. Rope lighting and similar LED lights that attract attention to a building, use or structure are prohibited.
   g. No direct light source shall be visible from any street or adjacent residential property.

C. Off-street parking.

1. Location:
   a. Primary and secondary pedestrian streets. Surface parking lots shall have a minimum setback - as specified by building typology - from the front or exterior side lot line and be located behind or to the side of a building. Structured parking is permitted to be placed at the BTL or within a build-to zone, but must contain a liner building with a permitted first floor use that is a minimum of 20 feet deep. Upper level habitable liners are also encouraged.
   b. Other roads. Surface parking lots are permitted in the rear or side of any lot and in parking structures and shall be setback in accordance with building typology.
2. **Driveways and access.** Driveway access shall not be permitted off Main Street or 14 Mile Road.
3. **Screening and landscaping.** (See Section 3.11.E).
4. Vehicular parking:
   a. Under those circumstances in which a developer or owner of a building has provided alternative arrangements or made commitments for patron or customer parking acceptable to the planning commission, or has entered into a previously approved development agreement, the parking requirements for first floor use in a multiple story building shall be exempt or modified by the planning commission from the requirements of Section 5.1 through Section 5.4, off-street parking and loading, of article X of the land development regulations.
   b. The planning commission may, unless an existing parking agreement exists with the city that commits on-site parking, approve reductions in parking requirements for single-story structures where all of the following requirements are met:
      I. Construction materials and design are exemplary and implement the goals, objectives and policies of the city's master plan and the framework design plan.
      II. An existing mansard roof is being removed and not being replaced.
      III. The applicant demonstrates the availability of shared parking within 300 feet of the subject site, as measured from property line to property line. Proof of availability of parking shall be demonstrated through submission of a signed parking agreement with the other property owner(s).
      IV. No accent colors are being used to express corporate identity or a business theme.
      V. Use of the adopted DDA color palette is encouraged.
      VI. Building signage is limited to architecturally compatible wall, projecting and/or suspending signage.
   c. All upper floor office and residential uses shall be required to provide off-street parking spaces in accordance with Article 5 - Site Standards of this article, and the following:
      I. Users are encouraged to provide collective parking facilities in accordance with Section 5.1.B.1.e.
      II. The planning commission may approve a reduction in parking requirements if the applicant demonstrates that adequate parking will be provided either on site or within 300 feet of the site.

d. When an upper-floor user is unable to provide all or some of the required off-street parking spaces within reasonable proximity (will be determined by planning commission with recommendation from city planner and director of building and planning to such building or use, the user may request to pay a fee in lieu of parking in accordance with Section 5.1.C Fee in lieu of off-street parking. The cost per parking space and the payment methods shall be established from time to time by resolution of the city council.

5. **Bicycle amenities.** Secure, visible, and accessible parking for bicycles shall be provided at a rate of one space plus one additional space for every 5,000 square feet of floor area with a minimum of one space and up to maximum of ten spaces required. Such parking may be provided off-site within 300 feet of the building.

D. Functional elements.

1. Loading docks and areas, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of buildings and landscaping.
2. Areas for truck parking, trash collection and/or compaction, loading, HVAC equipment, and other such uses shall not be visible from public or private rights-of-way or residential zoning district, and shall be located at least 15 feet from Main Street, 14 Mile Road, and sidewalks unless they are roof mounted and appropriately screened, in which case the setback can be reduced to five feet.

E. Landscaping/screening.

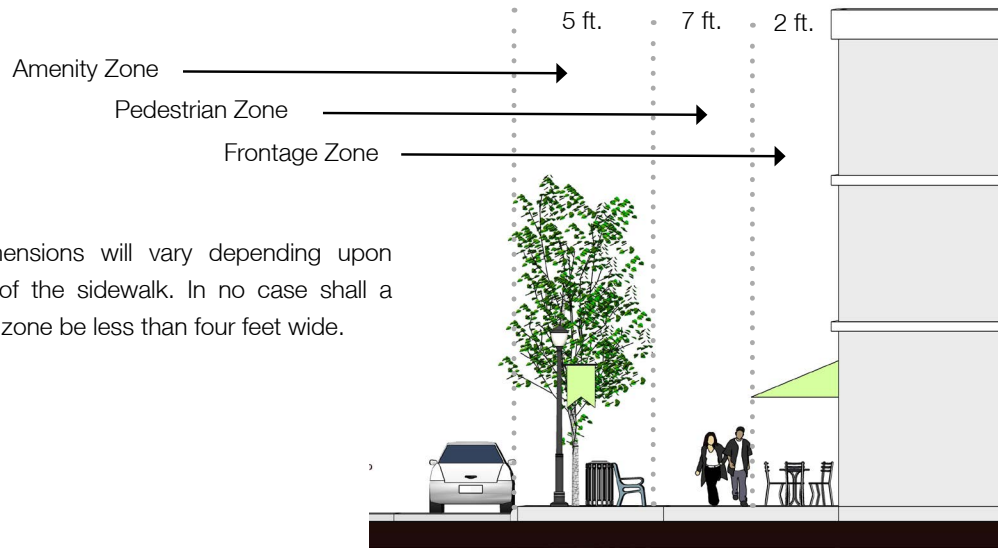
1. **Generally.** Sites should include landscaping to the extent practicable as an integral part of site design and should give consideration as to the use of landscaping for stormwater management. Best practices shall be used, where feasible, including the use of bioswales, drip irrigation, and native species.
2. **Mechanical equipment.** Mechanical equipment, including, but not limited to, HVAC equipment, electrical transformers, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins) and storage tanks may not be stored at ground level facing Main Street or 14 Mile Road and, if provided in the rear yard or interior side yard, must be screened from public view. Rooftop mechanical equipment must be screened from public view, using materials that are complementary to the overall building design.
3. **Parking lot screening.** Parking lots adjacent to public or private streets shall be screened by one or a combination of the following: brick, stone or similar quality and appearance masonry knee wall, or a combination of the above kneewall with ornamental metal fencing and hedgerow, with the design intent of screening an area two and one-half feet high adjacent to parking lots. In addition, perimeter greenbelts along Main Street and 14 Mile Road shall have one canopy tree planted for every 30 feet of lineal frontage.

4. Fences:
   a. All fences shall be installed so the finished side is facing outward.
   b. Chain-link fences and razor wire are prohibited.
   c. Fences and walls that screen refuse areas shall comply with Section 5.17 Dumpsters or outdoor trash receptacles of the article.
   d. Fences and walls used to screen mechanical, refuse and loading elements shall be a minimum of one foot taller than the element being screened.
   e. All other fences shall have a maximum height of five feet measured from grade.
   f. Fences shall not be permitted in a front or street-facing side yard.
5. Street trees and plantings:
   a. Spacing. Trees must be provided along the frontage (street-facing) streetscape, with an average spacing of 30 feet on center, in accordance with the city's streetscape plan.
   b. Tree wells. Tree wells in sidewalks must be five feet by five feet with a three and one-half-foot minimum depth and design to adequate drain and provide plant nutrients. Perimeter fencing shall not be permitted.
   c. Clear vision. Trees shall not be placed closer than 30 feet from intersections, nor be placed in the clear vision triangle (see Section 5.11 Corner clearance).
   d. Irrigation. Irrigation systems must be installed at the time of development. Drip irrigation is strongly encouraged.
   e. Plant selections: Plants should be chosen for specific locations based on size and mass at maturation as well as ease of maintenance and meet the requirements of Section 5.15 Landscaping, greenbelts and planting materials.
6. Café railings. An outdoor dining area for a restaurant shall separate the dining area from the sidewalk pedestrian zone with a café railing, or similar feature, approved by the city.
   a. The café railing may extend not more than eight feet beyond the front lot line provided a clear pedestrian path of at least five feet in maintained on the sidewalk.
   b. The café railing shall be at least 30 inches and not more than 36 inches high. The café railing shall be constructed of a decorative material such as black metal, wrought iron or similar quality material that is durable and keeping within the aesthetic qualities of the district.
   c. The café railing shall be anchored to (but not into) the sidewalk in a manner that permits removal and storage during months when not in use.
   d. A license shall be obtained from the building director. See also chapter 66 of the city Code.

F. Street furnishings.

1. Pedestrian lighting.
   a. When a building is set back from the build-to line, where permitted, pedestrian-scaled lighting shall provide or supplement other lighting so as to provide a minimum of one footcandle of light between the building face and the curb.
   b. Other pedestrian pathways shall be lit with pedestrian scale lighting to provide a minimum of one footcandle of light along the pathways.
   c. No direct light source shall be visible from any street or adjacent residential property.
2. Street furniture.
   a. Street furnishing shall be placed at least two and one-half feet from the curb face where on-street parking occurs, and five feet where travel lanes adjoin the curb, subject to building director approval, where required.
   b. Street furnishings must be those approved by the city.

**FRONTAGE, AMENITY AND PEDESTRIAN ZONES**




These dimensions will vary depending upon the width of the sidewalk. In no case shall a pedestrian zone be less than four feet wide.

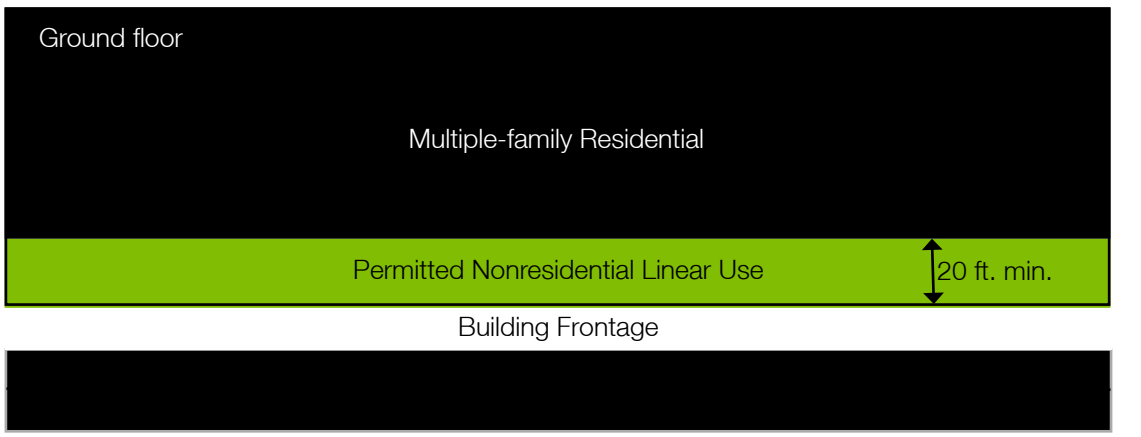
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G. **Storefront vacancy.** For the purpose of this section, a "storefront vacancy" in the City Center and CMD districts is defined as a vacant commercial ground floor (street level) space in any otherwise occupied or unoccupied building.
   1. Vacant storefronts shall be properly secured to prevent trespassing during the period of vacancy.
   2. Property owners of vacant storefronts shall implement temporary alternative uses of storefront window areas such as utilizing them as a display area for community information, local public art, and merchandise from other stores or similar treatment identified in the Clawson Downtown Design Guidelines.
   3. Vacant storefronts shall not be boarded up, covered with paper, or otherwise appear derelict or abandoned. Temporary covering of windows in a decorative fashion shall be permitted during periods of active store renovations.

H. **First floor use for multiple family residential.**
   1. **City Center.** Multiple-family residential shall be a principal permitted use on the ground floor if the first 20 feet or more of ground floor building depth facing a primary street (Main Street and 14 Mile Road) is used for one or more of the permitted or conditional uses otherwise allowed, an accessory exercise facility, or some other active accessory use that is conducive to encouraging pedestrian circulation in the district. Such nonresidential or accessory use(s) shall extend the full width of the ground floor building frontage. When used as described above, the nonresidential or accessory use on the ground floor is considered a liner use, and is illustrated below. In exceptional circumstances, a lobby area may be permitted in the liner area by the planning commission as a special land use.
   2. **CMD.** Multiple-family residential shall be a principal permitted use on the ground floor if a liner use is provided as described above, and illustrated herein.

I. Conflicting regulations. Whenever there are conflicts between the City Center and CMD district provisions and any other sections of the zoning ordinance, the provisions of the City Center and CMD shall apply, subject to the interpretation by the zoning administrator. If there is a conflict between an illustration and the text of the ordinance, the ordinance text shall apply.

**LINER USE FOR MULTIPLE FAMILY RESIDENTIAL**



## 3.12 Supplemental regulations for the Core Residential (CR) district

A. The CR district shall be considered a residential district for the purposes of performance standards, screening and buffering.

B. The regulations of Article 5 shall apply to the CR district, except where the CR district specifically sets a different standard. If these cases, the CR district standard shall control.

## 3.13 Development standards for the BRD-1, BRD-2, and WG districts

A. Area, height, bulk, and placement requirements.

1. Front yards. The area constituting the front yard shall be maintained as a landscape greenbelt. The following deviations may be permitted by the planning commission:
   a. Belt courses, sills, lintels, and cornices may project up to 18 inches into the greenbelt area for buildings constructed at the ten-foot setback line.
   b. Canopies and awnings associated with a ground floor use may encroach into the greenbelt area if the planning commission makes a determination that it will not negatively impact landscape plantings. Awnings over sidewalk areas shall have a minimum clearance of ten feet with no additional ground supports.
   c. Display, show or bay windows may project up to 18 inches into the greenbelt area.
2. Rear and side yards. There is no side yard setback requirement, unless specifically required per building codes. In the WG district, there is no rear yard setback requirement, unless specifically required per building codes. The site must also be designed for adequate access and circulation around the building.
3. Floor area.
   a. In the BRD-1 and BRD-2 districts, there is a maximum floor area limit for specific uses in the district as established in subsections 3.1.M.2, 3.1.M.3, and 3.1.M.4. The intent in limiting the floor area is to allow for structures that will fit on the small sized parcels within the area and still provide for adequate parking, circulation and landscaping.
   b. In the WG district there is no maximum floor area limit for structures in the district, provided the applicant demonstrates the availability of adequate parking, landscaping and other site design features. Further, the building or structure proposed shall have architectural details on all facades exceeding 50 feet in length to prevent the appearance of a single large expanse of wall. The planning commission shall make a determination on the adequacy of architectural details proposed.
4. Height. In the BRD-2 district, structures taller than the limit along Maple Road shall be considered by the PC upon presentation by the applicant and planning commission's determination that the increased height is in keeping with the intent of the district, will not negatively impact any of the abutting uses, and that sufficient measures have been taken to minimize any potential impacts through the use of wider greenbelts, increased landscaping and other features.
5. No hazard approval. Structures in the BRD-2 district located within zones 2 and 3 may be subject to regulations imposed by the FAA and/or State Aviation Authority. Tall structures may require a "no hazard" certification from the state which is administered by the state authorities.

B. **Design specifications and design guidelines.** It is the intent of the BRD-1, BRD-2, and WG districts as set forth in 3.1.M.1, 3.1.N.1, and 3.1.O.1 to provide an environment of high quality building architecture and site design. This environment should be complimentary and fit in with the adjoining residential neighborhoods in the BRD-1 district, and project the city as a technology destination in the BRD-2 district. Special emphasis shall be placed upon methods that encourage tasteful, imaginative design for individual buildings, and to create a welcome entrance into the city's downtown in the BRD-1 and BRD-2 districts, and create a complex of buildings compatible with the streetscape in the WG district.

1. Miscellaneous design criteria.
    a. Building entries shall be readily identifiable and accessible from a public sidewalk or from a sidewalk connector.
    b. Architecture will be evaluated based upon its compatibility to buildings and uses in the general area.
    c. Architectural plans shall confirm that materials are appropriate for the location on the building. In the event that it is determined by the building official that the building materials are inappropriate they shall be replaced at the owner's expense.
    d. Use of environmentally friendly building materials and design is strongly encouraged. In the BRD-2 district, under certain circumstances, available incentives may be utilized to encourage such innovation.
2. Building massing and form.
    a. In the BRD-1 district:
        I. All facades of a building visible from a public right-of-way shall be provided with design elements such as clear glazed windows, spandrel windows, faux window openings, brick trim detailing, awnings etc. to provide additional visual interest.
        II. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, portico or other architectural feature.
        III. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.
    b. In the BRD-2 district:
        I. All building elevations visible from a public right-of-way or residential district shall be designed to incorporate vertical design elements, building off-sets, facade articulations, overhangs, shadows or other techniques to break up the horizontal mass of the building and to reflect an office or administrative appearance.
        II. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.

c. In the WG district:
   I. Buildings with wall facades exceeding 50 feet in length shall be provided with architectural details to relieve the blank facade. For larger buildings, the detail shall be repeated every 50 feet.
   II. All facades of a building visible from a public right-of-way shall be provided with design elements such as clear glazed windows, spandrel windows, faux window openings, brick trim detailing, awnings etc. to provide additional visual interest.
   III. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, portico or other architectural feature. Where feasible, a building shall be provided with dual entrances: one facing the public right-of-way and a second entrance from the rear yard where parking is located.
   IV. Proposed building architecture shall be subject to review and approval by the planning commission. Planning commission shall have the discretion to require additional architectural improvements in the interest of meeting the intent of the district.

3. Materials.
   a. One dominant material shall be selected, with a preference towards masonry and stone. Products such as dryvit and EFIS are prohibited to a height of ten feet from finished grade, except that such materials may be used as an accent detail such as a cornice or similar feature. Exterior construction materials shall be consistent with the city's design standards.
   b. Consideration shall be given to incorporating durable building materials. If any material is deemed not acceptable by the building official for maintenance purposes, such material shall be replaced at the owner's expense.
   c. In the BRD-1 and WG districts:
      I. Materials shall blend with those existing on adjacent properties, to the extent feasible.
      II. To the extent feasible all facades of the building shall be constructed of the same materials. However, the planning commission may allow the use of a different material on the side and rear facades which are not visible from public rights-of-way or which do not adversely affect the appearance of the building as a whole.
   d. In the BRD-2 district:
      I. All exterior building facades and accessory building shall be integrated, harmonious and compatible with the finished material used on the front facade design features. Reflective glass or metal panels shall not be the predominant exterior material. The use of paint, smooth concrete masonry units and stained concrete masonry units shall not be deemed as in compliance with this section.
      II. Rear entrance facades shall be of finished quality and constructed of the same material as the front facade. When parking is located in the rear of the building, the rear entrance shall respond to the same needs as the front facade, only at a reduced scale. This shall include minimal identification signage, an attractive entry and pedestrian sidewalks.
   e. In the WG district, materials shall blend with those existing on adjacent properties, to the extent feasible.

4. Building roofs.
   a. A parapet of at least 42 inches high shall screen the mechanical equipment on a flat roof.
   b. Mansard roofs are not permitted. In the BRD-1 district, roof design shall be designed to compliment and blend in with the residential neighborhoods in the adjoin areas.
   c. In the BRD-2 district, roofs shall be peaked or have the appearance to being peaked. The roof shape and materials shall be architecturally compatible with the rest of the building. Flat roof buildings are not permitted; however an exception shall be made by the planning commission, only upon demonstration by the applicant that the proposed flat roof design is intended to facilitate a green roof or other environmentally friendly building design.
5. Color and texture.
   a. Colors shall be subdued in tone, of a low reflectance and of neutral or earth tone colors. Simple and uniform texture patterns are encouraged. In the BRD-2 district, corporate colors may be used, but shall be integrated into the overall design of the building.
   b. Variations in color shall be kept to a minimum.
   c. The color of all awnings or canopies shall complement the building colors.
   d. Applicant shall present a colored rendering and color material samples to the planning commission for approval.
   e. In the BRD-1 and WG districts, use of building materials and colors purely to reflect corporate identity or business theme is discouraged.
   f. In the BRD-2 district, use of bright, primary or pastel colors shall not be permitted as the dominant color.

C. **Off-street parking.** Buildings and uses in the BRD-1 and WG districts shall be subject to the parking requirements of Section 5.1 through Section 5.4.
   1. The use of shared parking between two or more buildings and/or uses shall be permitted by the planning commission upon demonstration by the applicant that the individual uses do not have overlapping hours of operation, and the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.
   2. In the BRD-1 district, off-street parking shall be located in the front, rear or side yards, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.

3. In the BRD-2 district, to the extent feasible, all off-street parking shall be located in the rear or side yards. If the layout of the site prohibits the accommodation of all spaces in the rear and side yards, some parking (in no case to exceed 30 percent of the total required), shall be permitted in the front yard, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.
4. In the WG district:
    a. To the extent feasible, parking shall be located within the rear and side yards and concealed from the view of the public right-of-way.
    b. The planning commission may allow off-street parking to be located in the front yard, provided a minimum ten-foot-wide landscape greenbelt is provided along the site's frontage and no more than one-half of the required parking spaces for the site are located in the front yard. The plantings in the greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.
    c. If a business located within the district has hours of operation that do not extend into late evening (after 8:00 p.m.), the parking spaces associated with the business shall be open to the public.

D. **Off-street loading**. Loading/unloading activity shall take place in the rear yard only. Where rear yard loading is not feasible in the BRD districts, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In the WG district, if the rear yard abuts the front entrance to another building or use, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.

E. **Screening.** In the BRD-2 district, transition landscaping in the form of low and ornamental plantings and trees shall be provided between abutting BRD-2 uses. Where deemed appropriate, maintenance agreements may be imposed by the PC.

F. **Other regulations in the BRD-2 district.**
1. Shipments outbound from the user here permitted shall be by small trucks, vans and similar vehicles as compared to tractor or semi-truck trailers.
2. Printing operations are permitted only when all phases of the operations are completely enclosed within a structure.

G. **Open space amenities in the WG district.** To encourage pedestrian activity in the area and provide for a gateway entrance to the city, developments are encouraged to incorporate open space amenities and site design feature(s) into the site's development. These may include, but are not limited to benches, plaza areas, outdoor art, sculptures and welcome sign to the city. The open spaces amenities in this district are intended to provide an inviting setting into the city and are not intended to detract from the open space amenities within the City Center district located to the east.

## 3.14 Supplemental regulations for the Industrial (I-1 and I-2) districts

A. **Limited industrial district (I-1) standards.** Except as otherwise noted for specific uses, buildings and uses in the I-1 limited industrial district shall comply with the following required conditions:
   1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in Section 5.25 Performance standards.
   2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

B. **General industrial district (I-2) standards.** Except as otherwise noted for specific uses, buildings and uses in the I-2 general industrial district shall comply with the following required conditions:
   1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in Section 5.25 Performance standards.
   2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
   3. The front yard setback requirement of 100 feet in the I-2 district may be reduced to 25 feet where such front yard abuts on an industrial collector street.

## 3.15 General exceptions

A. **Essential services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the city. It is the intention of this section to exempt such essential services from the application of this article, except that all buildings shall be subject to site plan review in accordance with this article.

B. **Voting place.** The provisions of this article 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 limits.** The height limits of this article shall not apply to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts in which they are located, provided that they do not exceed the maximum permitted height of the building by more than ten feet.

D. **Lots adjoining alleys.** In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this article, one-half the width of such alley abutting the lot shall be considered as part of such lot.

E. **Yard regulations.** When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the zoning board of appeals.

F. **Projections into required open spaces.**

1. An open, unenclosed and unscreened porch or paved terrace, roofed or unroofed, may project into the required front yard for a distance not to exceed ten feet.
2. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

G. **Access through yard.** For the purpose of this article, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which it is placed, shall, for the purpose of this article, not be considered to be a structure, and shall be permitted in any required yard.

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# Chapter 34, Article X | Article 4
## Use Standards

# Article 4 - Use Standards


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## 4.1 Standards for detached single-family dwelling units

All single-family detached dwelling units shall meet the following standards:

A. The dwelling unit shall comply with the minimum square footage requirements of this article for the zone in which it is located.

B. The dwelling unit shall have a minimum width 24 feet across each of the front, side and rear elevations and complies in all respects with the city building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the state construction code, then such federal or state standard or regulation shall apply. The provisions of this section shall not have the effect of making one-family dwellings, which exist as of the effective date of this ordinance, nonconforming.

C. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. If the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required.

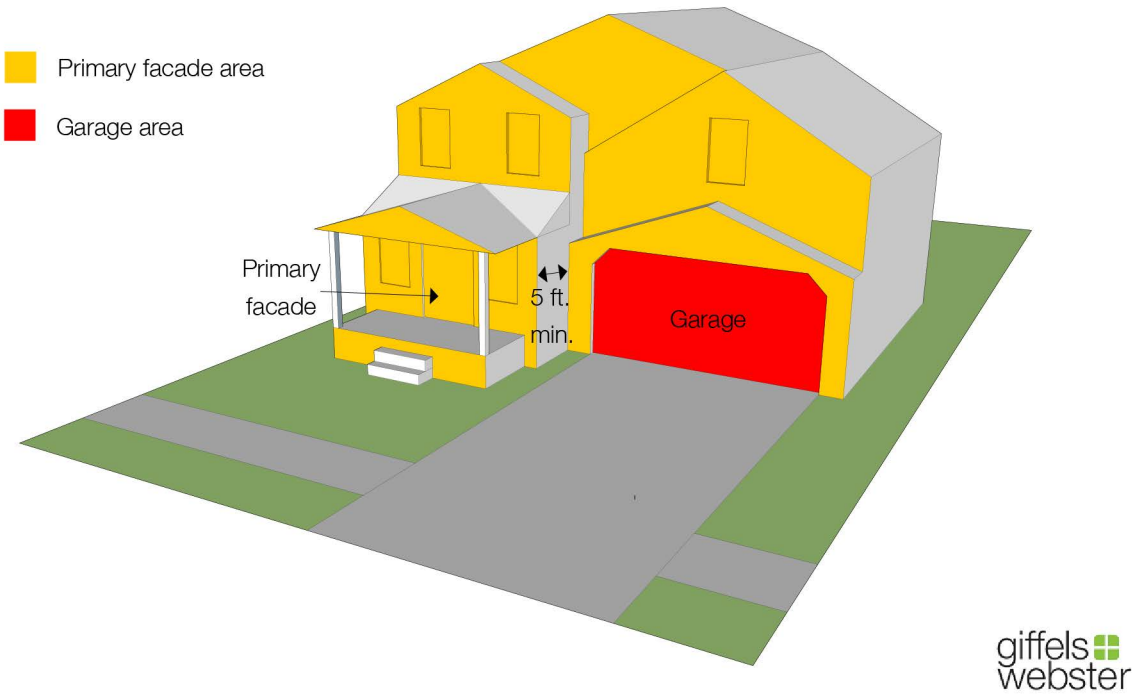
D. If a dwelling is a mobile home, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.

E. The dwelling unit shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction of equal or better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.

F. The dwelling unit shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the building official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the zoning board of appeals within a period of 30 days from the receipt of notice of such building official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single-family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than 20 percent of the lots situated within such area; or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the city.

G. No greater than 25 percent of the front facade of the dwelling unit shall be comprised of the entrance to a garage. Garages shall be recessed a minimum of five feet from the primary front façade of a dwelling unit.

**GARAGE AREA**




H. The dwelling unit shall contain no additions or rooms or other areas which are not constructed with a quality of workmanship of equal or better quality than the original structure, including permanent attachments to the principal structure and construction of foundations as required in this definition.

I. The dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

J. The standard stated in subsection I of this section shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the city pertaining to such parks.

K. All construction required in this definition shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

L. In the B-1 district, single-family homes converted to commercial uses and converted back to a single-family residential use are permitted. Such homes, and any single-family homes in existence at the time of this ordinance may be improved or expanded in conformance with Section 4.1 Standards for detached single-family dwelling units and the standards of the R-2 district (Section 3.1.B R-2 Single-family residential 2).

M. Excessive impervious surface coverage can harm the aesthetic quality of neighborhoods, increase urban heat island effects, and impair the ability of land to absorb stormwater, contributing to flooding and erosion. In order to prevent these effects, impervious surface coverage of a residential lot shall be limited by Section 3.1.A.4 and Section 3.1.B.4, and further regulated as follows:

1. In a front yard or exterior side yard, paving shall be limited to a permitted stoop, porch, or patio, customary walkways, and a driveway. In no case shall impervious coverage of a front yard exceed 50% (fifty percent) of the area of the yard.
2. Where a driveway traverses a side yard on an interior lot, one of the two side yards on the lot may be fully paved, provided that paved portion of the yard in question does not exceed 12 feet in width. However, in no case shall both side yards be fully paved.
3. Areas of impervious surface shall not direct water onto neighboring properties.

(Amended by Ord. No. 763)

## 4.2 Standards for single-family attached dwellings

A. In the RM-1 district, single-family attached dwellings are subject to the provisions of Section 4.3 Standards for multi-family dwellings.

B. In the RM-2 district, single-family attached dwellings are subject to the following:

1. The proposed site shall have one property line abutting a major thoroughfare, as defined in Section 2.2 Definitions, and the principal ingress and egress to such site shall be directly from the major thoroughfare, as provided in Section 5.9 Access to sites.
2. The site shall be so planned as to recognize yard and general development relationships with adjacent land uses.
3. Access drives, parking areas and maneuvering lanes shall be located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. Sidewalks for convenient pedestrian flow between dwelling units, parking areas, outdoor living areas, and public rights-of-way shall be provided.
4. The required parking spaces shall be as conveniently located in close proximity to the dwellings they are intended to serve as is practicable.

## 4.3 Standards for multi-family dwellings

A. Multiple-family dwellings are subject to the following conditions in the RM-1 and RM-2 districts:

1. In both the RM-1 and RM-2 districts, all units shall have at least one living room and one bedroom, except that no more than ten percent of the units may be of an efficiency-apartment type, except as otherwise provided. The following room assignments shall control the maximum permitted number of dwelling units per acre.
   a. Efficiency = one room
   b. One bedroom = two rooms
   c. Two bedrooms = two rooms
   d. Three bedrooms = four rooms
   e. Four bedrooms = five rooms
   f. Plans presented showing one, two or three bedroom units and including a "den," "library" or other extra room shall count any such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.
2. In RM-1 and RM-2 districts, the minimum distances between buildings shall be regulated according to the length and height of such buildings based on the formula in this subsection. Off-street parking may be permitted in the side or rear yard only. In no instance shall any parking spaces be located closer than ten feet to any dwelling units unless such spaces are located in a garage which is an integral or functional part of the dwelling unit structure. Off-street parking lots shall be screened from view from any public right-of-way or single-family residential district by an obscuring wall or greenbelt, as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials. The formula regulating the required minimum distance between two buildings in all RM-1 and RM-2 districts is as follows:

$$Y = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

where:

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

$L_A$ = Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

$L_B$ = Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly form above, lines drawn perpendicular to building B will intersect any wall of building A.

$H_A$ = Height* of building A.

$H_B$ = Height* of building B.

* The height of a building shall be measured as the average level of the ground immediately adjacent to the exterior walls along the total length of the building as defined under $L_A$ and $L_B$ above.

3. In the RM-1 and RM-2 multiple-family residential districts, the distance between any bounding property line and the nearest building shall be determined by the height and length of building wall or walls facing such property line and shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

where:
Y = Required yard.
L = The total length of that portion of a lot line from which, when viewed directly from above, lines drawn perpendicular from the lot line will intersect any part of the building.
H = Height of building as defined in Section 4.3.A.2 of this section.
However, no front yard shall be less than 30 feet in an RM-1 district and 50 feet in an RM-2 district.

4. Minimum floor area per dwelling unit in multiple-family residential districts are as follows:

**TABLE 4.3.A.4 MINIMUM FLOOR AREA PER DWELLING UNIT IN MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

| | |
|---|---|
| Efficiency unit | 375 |
| One bedroom unit | 500 |
| Two bedroom unit | 700 |
| Three bedroom unit | 900 |
| Four bedroom unit | 1,100 |
| Plus 150 square feet for each bedroom over four bedrooms in the dwelling unit | |

B. Multiple-family dwellings are subject to the following conditions in the RM-1 district:

1. The distance between buildings shall, in no instance, be less than 30 feet.
2. The site shall be so planned as to provide ingress and egress directly onto a major thoroughfare, as defined and provided in Section 5.9 Access to sites.
3. The site shall be so planned as to recognize yard and general development relationships with adjacent land uses.
4. Access drives, parking areas and maneuvering lanes shall be located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. Sidewalks for convenient pedestrian flow between dwelling units, parking areas, outdoor living areas, and public rights-of-way shall be provided.
5. The required parking spaces shall be as conveniently located in close proximity to the dwellings they are intended to serve as is practicable.
6. In an RM-1 multiple-family district (low rise), the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,000.

C. Multiple-family dwellings are subject to the following conditions in the RM-2 district:
   1. In an RM-2 multiple-family district (high rise), the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 500.
   2. Multiple-family dwelling units in excess of three stories are permitted in the RM-2 district, subject to the following:
      a. The distance between buildings shall, in no instance, be less than 50 feet.
      b. The proposed site shall have one property line abutting a major thoroughfare, as defined in Section 2.2 Definitions, and the principal ingress and egress to such site shall be directly from the major thoroughfare, as provided in Section 5.9.
      c. The site shall be so planned as to recognize yard and general development relationships with adjacent land uses.
      d. Access drives, parking areas and maneuvering lanes shall be located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. Sidewalks for convenient pedestrian flow between dwelling units, parking areas, outdoor living areas, and public rights-of-way shall be provided.
      e. The required parking spaces shall be as conveniently located in close proximity to the dwellings they are intended to serve as is practicable.

## 4.4 Satellite dish antenna

In the RM-1 and RM-2 districts, one satellite dish antenna is permitted when placed in accordance with setback provisions applicable to accessory structures in Section 5.12.

## 4.5 Development of public or non-residential property in residential zoning districts

A. **Purpose and intent.** It is anticipated that in the future property within the City of Clawson owned by an institution serving the public or other non-residential uses in residential zoning districts, may be sold when it is no longer used for its current purpose. Such parcels may be sold for development that constitutes a change of use. New uses shall be designed and planned to protect the health, safety and welfare of nearby residents by appropriately considering traffic, infrastructure design requirements, water runoff to adjoining parcels, compatibility of the use with the surrounding area, and aesthetic compatibility with surrounding area. This section is adopted to promote the orderly transition of such sites to a different use.

B. **Standard single-family residential use.** In those instances in which the proposed use is for single-family residential construction in a recorded plat or site condominium the following requirements shall apply:

1. A site plan shall be submitted in accordance with the provisions of Section 6.1.B Approval of the land development code.
2. If the proposed development is intended to use the same configuration of a recorded plat affecting the parcel of land under consideration, any conditions, deed restrictions or requirements of the original plat shall be followed, unless it is demonstrated that such requirements no longer apply or may have been declared by statute or judicial decision to be unconstitutional.
3. The single-family residential use proposed shall meet existing building regulations as to height, setback and lot area requirements.
4. To the extent possible and practical, the architectural style of original houses within the recorded subdivision shall be complemented by the appearance of the new buildings.

C. **Special use considerations for development of former public property.** In those instances in which the proposed development intends to use one or more platted lots per single-family residential structure without altering the recorded platted lots, the following considerations shall be necessary to receive approval from the planning commission.

1. A detailed site plan shall be provided as required by Section 6.1.B Approval of the land development code.
2. The combination of platted lots per single-family residence must be shown on the site plan.
3. Structures to be constructed may be larger than those constructed in the original plat, provided that maximum floor area shall not exceed 3,500 square feet on the first floor, has a rear set back from the nearest point of the structure of 35 feet or more; and has side setbacks of more than 20 feet.
4. A detailed landscaping plan must be shown on the site plan for any common areas. A maintenance plan with detail must also be provided for those areas.
5. The lot coverage for all buildings shall not exceed 35 percent of total combined lot area for each residence.
6. The front yard setback for the principal residence shall be 45 feet from the nearest point of the building to the closest line of the access road to the site.

D. **Road, water runoff, infrastructure improvements.** The developer must show in the site plan all roadways, common areas, sidewalks to be constructed in the proposed development. All detail for storm water and waste disposal must be detailed. Requirements for such improvements must comply with City of Clawson requirements. A maintenance plan must also be submitted for the repair and replacement of such items with the acknowledgement that in the event the City of Clawson should be required to maintain or upgrade such improvements, the city has the right to assess each parcel the expense of such repairs, maintenance or upgrades and to assess the cost as a lien against each parcel.

E. **Application fees.** An application fee to be paid to the City of Clawson for plans filed under this section of the land development code will be established in an amount by resolution of the city council which can be modified from time to time. The basis for the fee to be paid by each applicant will be on the estimated administrative, consultant and clerical time extended in reviewing the application.

## 4.6 Restaurants, carry-out or sit down, with or without alcohol

In the City Center district, restaurants may be permitted subject to the following conditions:

A. Outdoor dining is a permitted accessory use on a ground floor or upper floor deck, subject to the following conditions:
   1. Outdoor dining shall not be located in a required setback area except for an area up to 15 [feet] wide and adjacent to a principal structure.
   2. The outdoor dining area shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, decorative metal fencing or architectural feature.
   3. The outdoor dining area shall not be located within ten feet of any properties used or zoned for residential purposes. The area shall be screened from view from all residential properties by an obscuring wall or greenbelt, per the conditions of Section 3.11.C Off-street parking.
   4. The outdoor dining area shall be kept clean and void of litter at all times.
   5. All vending machines shall be located within a completely enclosed building.
   6. No additional signage is permitted within the outdoor dining area.
   7. Outdoor dining areas may be located in the public right-of-way, subject to approval by building director.

B. Amplification of live music shall only be permitted within a completely enclosed building.

C. Rooftop restaurants are principally permitted subject to the following conditions:
   1. The hours of the rooftop seating area shall not create a nuisance to the adjoining uses.
   2. For any establishment desiring to serve alcoholic liquor there must be advanced approval for outdoor sales from the Michigan Liquor Control Commission and the city.
   3. There must be sufficient insurance to cover or indemnify the city.
   4. The applicant, in receiving approval for a rooftop café or eating area, must acknowledge that such use can be immediately revoked for the violation of any of the conditions of that use; a violation of any applicable provision of this section; a violation of any provision of a plan of operation under section 6-65; or an unauthorized modification of use from that originally described in the application and approval of the planning commission. The applicant shall execute a plan of operation incorporating relevant provisions.
   5. All such operations shall not commence prior to April 15 of any given year and shall cease by November 15 of that same year.

6. No signage shall be permitted within the outdoor café or eating area, including umbrella signs, banners, etc. The only permitted signage shall be in association with the interior use and shall be consistent with the requirements of section 36-9.00.
7. Rooftop seating areas comprised of fully removable furniture and decor, with or without the sale of alcoholic liquor, are permitted in the CC district, subject to review by the city planner and final approval by the director of building and planning, subject to the conditions herein and the following additional condition: Temporary coverings are permitted provided they are removed at the end of each season.

## 4.7 Drive-through uses

A. General Standards. In all districts, all drive-throughs shall meet the following standards:
1. The planning commission, in its sole discretion, may approve up to two menuboards (per lane) upon determination that it is integral to the nature of the business. Menuboards shall meet the following standards:
   a. Menuboards shall not exceed seven feet in height.
   b. One menuboard (in stacking lane) shall not exceed 16 square feet and the other (at the speaker) shall not exceed 32 square feet in area, up to four square feet of which may be a digital display.
   c. The area of the menuboard is exclusive of the structure's framing.
   d. All menuboards shall be single-sided.
   e. No menuboard may be located between the building and any street-facing property line.
2. Speaker systems located on parcels directly abutting a residentially zoned or used parcel shall have a noise level not to exceed 55 decibels, as measured at the property line, between the hours of 11:00 p.m. and 6:00 a.m. Speaker systems located on parcels abutting non-residential parcels shall have a noise level not to exceed 80 decibels between the hours of 11:00 p.m. and 6:00 a.m. The planning commission shall have the discretion to place additional restrictions on the hours of operation of the drive-through speakers based on the location of the specific site, proximity to residential uses and upon receipt of input or concerns from the neighboring property owners.
3. Drive-through lanes shall not be placed on the street-facing side of a building.
4. Drive-through lanes shall not be located on the street-facing side of the building.
5. Multiple lanes may be permitted for any drive-through facility, so long as stacking space is provided for each drive-through lane.
6. Where the exit from the drive-through lane faces a roadway, said exit shall be screened from traffic on the roadway by evergreen shrubs reaching a height of no less than 3 feet in order to prevent headlights from shining directly into the roadway.
7. The Planning Commission may require additional screening landscaping to protect abutting residential uses from adverse effects of the drive-through.
8. Drive-through lanes shall provide at least one means for vehicles to bypass the remainder of the lane between the entrance to the lane and the order pick-up window, or payment window, if a separate payment window is included in the plan.

9. Stacking spaces shall not interfere with access to parking spaces, maneuvering lanes, or loading areas.
10. The centerline turning radius of all drive-through lanes shall be a minimum of 25 feet.

B. In the West Gate District, restaurants and fast-food establishments with drive-in or drive-through facilities may be permitted subject to the following standards:
   1. Any building on the site shall be located a minimum of 25 feet from an adjacent right-of-way line or residential property line.
   2. Public access to the site shall be located at least 60 feet from any intersection of two public streets.
   3. Drive-through windows and ordering stations shall not be located within 75 feet of a residentially zoned district.
   4. Screening shall be provided in the form of a landscape greenbelt with a minimum width of ten feet along a residentially zoned district.
   5. Adequate lighting shall be provided for the drive-through area and shall be shielded from adjacent properties.

C. Fast food, drive-in, and drive-through restaurants may be permitted in the general business district (B-3) after special land use approval, subject to the following conditions:
   1. The main and accessory buildings shall be set back a minimum of 40 feet from any adjacent right-of-way line or residential property line.
   2. Public access to the site shall be located at least 60 feet from any intersection of any two streets.
   3. Drive-through windows or other facilities and waiting lanes shall not be located within 100 feet of a residentially zoned district.

(Amended by Ord. No. 770)

## 4.8 Outdoor cafes or eating areas

A. In the neighborhood business district (B-2), outdoor cafes or eating areas where patrons are served while seated in the open air are permitted with special land use approval and subject to the following conditions:
   1. The outdoor eating area shall not exceed 15 percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.
   2. The outdoor eating area shall be located no closer than 15 feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
   3. The outdoor eating area shall not be located within 50 feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or greenbelt, in compliance with Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.
   4. The outdoor eating area shall be kept clean and void of litter at all times.
   5. All vending machines shall be located within a completely enclosed building.

B. In the West Gate district (WG), outdoor cafes must be located on private property. Such cafés and seating areas are not permitted to be located on public property or sidewalk areas.

## 4.9 Retail or service businesses

A. In the RM-2 and O-1 districts, business uses of a retail or service nature are permitted after special land use approval provided that:
   1. Such business uses are clearly incidental and accessory to the main use.
   2. The business use is totally obscured from any exterior view.
   3. The business uses shall not exceed 25 percent of the floor area at grade level and/or 50 percent of a subgrade level, and shall be prohibited on all floors above the first floor (or grade level).

B. In the City Center district, the temporary outdoor display of goods is permitted as an accessory use to a retail business, subject to the following:
   1. Temporary outdoor display may be placed within the adjacent public right-of-way, along the front lot line or in the front yard, up to a depth of three feet provided the display area is not greater than 40 percent of the frontage of the building multiplied by three feet, up to 100 square feet. A minimum clear area of four feet shall be maintained along all pedestrian walks (five feet where mandated by ADA requirements).
   2. All outdoor display, including all merchandise, display units, and similar material, shall be limited to the regular operating hours of the business and shall be brought indoors each day during non-business hours.
   3. Outdoor display shall be located in a designated area immediately abutting the associated building(s).
   4. The outdoor display of merchandise shall not exceed a maximum height of eight feet.

## 4.10 Retail stores, including, but not limited to, drug stores, dry cleaners, etc., with drive-through facilities

Retail stores may be permitted in the West Gate District subject to the following standards:

A. Drive-through windows/pickup stations shall not be located within 50 feet of a residentially zoned district.

B. Screening shall be provided in the form of a landscape greenbelt with a minimum width of ten feet along a residentially zoned district.

C. Adequate lighting shall be provided for the drive-through area and shall be shielded from adjacent properties.

## 4.11 Retail uses, characteristic to serving industrial park needs such as restaurants and such other places serving food or beverages

In the general industrial district (I-2), these uses are permitted, provided that:

A. Such retail uses are clearly incidental and accessory to the main use.

B. The retail use is totally obscured from any exterior view.

C. The retail uses shall not exceed 25 percent of the floor area at grade level and/or 50 percent of a subgrade level, and shall be prohibited on all floors above the first floors (or grade level).

## 4.12 Outdoor retail sales of plant materials, lawn equipment, etc.

A. Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment, and home garden supplies may be permitted in the general business district (B-3) following special land use approval, provided that:

1. Plant storage and display areas shall comply with the minimum setback requirements.
2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

B. Outdoor retail sales of plant materials, lawn equipment, etc., may be permitted in the West Gate District subject to the following standards:

1. All outdoor sales area must be enclosed by a decorative aluminum, wrought iron or wood fence with a maximum height not to exceed 36 inches.
2. Outdoor sales area are subject to setback standards listed in Section 3.13 Development standards for the BRD-1, BRD-2, and WG districts below.
3. The outdoor sales area shall be laid out to allow for adequate access around the displays.
4. The storage of soil, fertilizer, mulch and other similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
5. Adequate lighting shall be for the outdoor sales area and shall be shielded from adjacent properties. Yard areas facing a public right-of-way shall be provided with decorative and/or ornamental lighting only.

## 4.13 Financial institutions

A. In the City Center district, drive-through uses for financial institutions shall not be accessed from a primary street.

B. Financial institutions are permitted after special land use approval in the West Gate District, subject to the following standards:

1. Any building on the site shall be located a minimum of 25 feet from an adjacent right-of-way line or residential property line.
2. Public access to the site shall be located at least 60 feet from any intersection of two public streets.
3. Adequate lighting shall be provided for the drive-through area and shall be shielded from adjacent properties.

C. In the BRD-2 district, no freestanding or kiosk-type automatic teller machine shall be permitted.

## 4.14 Financial and banking institutions with drive through service or automated teller service

A. In the office service district (O-1), these uses may be permitted following special land use approval and subject to the following:

1. The entrance to or exit from any such use is located at least 50 feet from the intersection of any two streets (except for one-way exits/entries with restricted turning movements which may be located closer than 50 feet to the intersection);
2. All such uses shall have direct access to a major thoroughfare, collector street, or local street, provided that traffic does not negatively impact a residential neighborhood;
3. All driveway entrances will be 25 feet from the curved edge of any other driveway entrance;
4. The drive-through aisle configuration for nonautomated teller service provides stacking space for at least four cars for each aisle on-site not requiring any cars to be resting in any designated rights-of-way (aisles for automated teller service must provide at least three stacking spaces meeting the requirements of this subsection); and
5. All lighting or illuminated display shall not reflect onto any adjacent residential zone.

B. In the neighborhood business district (B-2), financial institutions, including banks, credit unions and savings and loan associations with drive-through service, including automatic teller machines designed for drive-through service may be permitted following special land use approval, subject to the following conditions:

1. Drive-through service facilities shall be attached to and located at the rear of the principal building.
2. All vehicle stacking lanes shall be contained on the lot.
3. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
4. Measures shall be taken to provide for customer safety, including lighting, visibility, and location.
5. It shall be demonstrated that fumes and exhaust from waiting vehicles will be contained within the stacking lane area.
6. Driveways, building setbacks and building locations, parking lots and vehicle stacking areas shall be designed so as to minimize negative impacts on streetwalls.

## 4.15 Motels and motel courts

Motels and motel courts may be permitted in the general business district (B-3) following special land use approval and provided that:

A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
B. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.
D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

## 4.16 Parking structures

In the City Center district, parking structures may be permitted subject to the following requirements:

A. The garage may be self-contained or combined with a building which fronts on a perimeter public street.
B. Access to the garage shall be from a rear or side alley.
C. Garages shall be no less than two stories.

## 4.17 Places of worship

Places of worship may be permitted in the R-1 and R-2 districts provided that:

A. The lot shall maintain frontage on a major thoroughfare for not less than the minimum lot width required in the underlying zoning district.
B. Buildings of greater than the maximum height permitted in the District Summary Table may be permitted by the planning commission, provided that the front, rear and side yards are increased above the minimum required yards by one foot for each foot of building that exceeds the maximum height permitted.
C. All ingress and egress from such site shall be directly onto a major thoroughfare, as provided in Section 5.9 Access to sites.
D. Off-street parking shall be prohibited in the front yard setback area and within ten feet of the rear or side property lines. In case any off-street parking abuts a lot in any residential district, a wall or a greenbelt shall be provided per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.
E. The lot shall have adequate land area to accommodate the building, setbacks, parking, greenbelts, landscaping and other required site improvements, to minimize negative impacts on affected residential uses.

## 4.18 Not-for-profit public, parochial and private schools offering courses in general education

Not-for-profit public, parochial and private schools offering courses in general education may be permitted in the R-1 and R-2 districts following special land use approval, provided that:

A. All ingress and egress from such site shall be directly onto a major thoroughfare, as provided in Section 5.9 Access to sites.
B. Buildings of greater than the maximum height permitted in the District Summary Table may be permitted, provided that front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.
C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.

## 4.19 Public or private colleges or universities and other such institutions of higher learning, offering courses in general, technical or religious education

In the RM-1 district, these uses may be permitted following special land use approval, provided that:

A. Buildings of greater than the maximum height permitted in the District Summary Table may be permitted, provided that the front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.
B. All ingress and egress from such site shall be directly onto a major thoroughfare, and as provided in Section 5.9 Access to sites.
C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.

## 4.20 Municipal, county, regional, and state service buildings and uses

Municipal, county, regional and state service buildings and uses may be permitted in the R-1 and R-2 districts following special land use approval, provided that:

A. Operating requirements necessitate that the facility be located within the district in order to serve the immediate vicinity.
B. Public buildings and utility uses shall not include any outdoor storage of materials or vehicles.
C. The architecture and construction materials shall be in character with the surrounding residential area.

## 4.21 State-licensed residential facilities with seven or more residents

State-licensed residential facilities with seven or more residents (including group child day care homes and adult foster care small group homes (seven to 12 residents), adult foster care congregate facilities and adult foster care large group homes (more than 12 residents) may be permitted in the R-1, R-2, RM-1, and RM-2 districts following special land use approval, provided that:

A. Facilities with more than six but fewer than 12 residents shall be subject to the following:
   1. Is located not closer than 1,500 feet to any of the following:
      a. Another licensed group child care home.
      b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979 (MCL 400.701 et seq.)
      c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, Michigan Public Act 368 of 1978 (MCL 333.6101 et seq.)
      d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
      e. The distances required above shall be measured along a road, street, or place maintained by the state, county or city and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.
   2. Has appropriate fencing for the safety of the children in the group day care home, as determined by the planning commission.
   3. Does not exceed 16 hours of operation during a 24-hour period. The planning commission may limit, but not prohibit, the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.
   4. Meets all city sign regulations used by a group day care home to identify itself.
   5. Provides adequate off-street parking accommodations for all employees.
   6. A licensed or registered family or group child day care home that operated before March 30, 1989, is not required to comply with the requirements of this section.

      The requirements of the section do not prevent the city from inspecting and enforcing a family or group child day care home for the home's compliance with this chapter, or any applicable conditions attached to the license or offered by the applicant/licensee.

B. Facilities with seven or more residents shall be subject to the following:
   1. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
   2. Concentrations of such facilities shall be avoided.
   3. The foster care home shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood.
   4. The principal and accessory buildings shall be a minimum of 100 feet from any residential structure in the district.

## 4.22 Public utility building

When operating requirements necessitate the locating of public utility buildings or substations and uses (without storage yards) within the district in order to serve the immediate vicinity, such facilities shall be permitted in all zoning districts, subject to special land use approval by the planning commission (see Section 6.2 Special land uses), review and approval of the site plan, and a finding by the planning commission that the use is compatible to the surrounding area and will not be injurious to the surrounding neighborhood and is not contrary to the spirit and purpose of this article.

## 4.23 Nursing home, convalescent homes, and rest homes

In the RM-1 district, these uses may be permitted following special land use approval, subject to the following conditions:

A. Such facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

B. The site plan shall be so planned as to provide ingress and egress directly onto a major thoroughfare as defined and provided in Section 5.9 Access to sites.

C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.

D. Such facility shall provide a minimum of 150 square feet of outdoor open space for every bed used or intended to be used. The open space for any such facility shall be a minimum of 3,000 square feet. The open space shall be landscaped and shall include places for walking and sifting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

## 4.24 General hospitals

In the RM-1 district, general hospitals may be permitted following special land use approval, subject to the following conditions:

A. Buildings of greater than the maximum height permitted in the District Summary Table may be permitted provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.

B. All ingress and egress from such site shall be directly onto a major thoroughfare, as defined and as provided in Section 5.9 Access to sites.

C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.

## 4.25 Housing for the elderly

In the RM-1 district, housing for the elderly (including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops) may be permitted following special land use approval, subject to the following conditions:

A. Buildings of greater than the maximum height permitted in the District Summary Table may be permitted, provided that front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height permitted.

B. All ingress and egress from such site shall be directly onto a major thoroughfare, as defined and as provided in Section 5.9 Access to sites.

C. Off-street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 5.14 Obscuring walls and Section 5.15 Landscaping, greenbelts and planting materials.

## 4.26 Mortuary establishments

In the O-1 district, mortuary establishments are permitted with special land use approval, provided that:

A. Adequate assembly area is provided off-street for vehicles to be used in funeral processions.

B. Such assembly area shall be provided in addition to any required off-street parking area.

C. A caretaker's residence may be provided within the main building or mortuary establishments.

## 4.27 Home businesses

Home businesses may be permitted in CR district, subject to the following requirements:

A. Hours of operation:
   1. There shall be no retail activity on the site between 8:00 p.m. and 8:00 a.m.
   2. When located adjacent to a residential use, activities shall be conducted completely within a building between the hours of 10:00 p.m. and 8:00 a.m.

B. There shall be no sound, odor, light, smoke, or other nuisances beyond that which would be expected in a residential district.

C. One parking space for each employee outside of the home owner shall be provided in an off-street parking area.

D. No outdoor storage of materials is permitted.

## 4.28 Home occupations

All home occupations shall meet the following standards:

A. No article or service shall be sold or offered for sale on the premises except such articles or services as are produced by that permitted home occupation.

B. No home occupation shall be conducted in any accessory building.

C. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.

D. No home occupation shall generate other than normal residential traffic either in amount or type.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

F. Day care centers, tea rooms, veterinarian's office, tourist homes, animal hospitals, kennels, millinery shops, barbershops and beauty shops, among others, shall not be deemed to be home occupations.

## 4.29 Veterinary hospitals and clinics

Veterinary hospitals may be permitted in the local business district (B-1), the general business district (B-3), and the business renewal district (BRD-1) following special land use approval and subject to the following conditions:

A. All activities shall be conducted within a fully enclosed main building.

B. All buildings shall be set back a minimum 100 feet from any abutting residential district boundary.

## 4.30 Kennels

In the limited industrial district (I-1) kennels are permitted subject to the following conditions:

A. Kennels shall be subject to all permit and operational requirements established by county and state regulatory agencies.

B. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 100 feet from any residentially zoned district or buildings used by the public on adjacent property.

## 4.31 Wireless communications towers

A. **Purpose**. It is the general purpose and intent of this subsection to carry out the intention of federal or state regulations or statutes by authorizing appropriate and relevant communication facilities needed to operate wireless communications systems. It is the further purpose and intent of this subsection to establish general guidelines for the preservation of the character of the residential community and; as needed, to preserve the character of the commercial area; and by doing so, apply the necessary fact basis demonstrated by the applicant relevant to the following considerations:

1. Protect residential areas adverse impacts of towers and antennas;
2. Encourage the location of towers in nonresidential areas as practicable;
3. Effectively minimize the negative visual impact of towers throughout the community;
4. Require the joint use of new and existing tower sites rather than construction of additional single-use towers.
5. Require the advanced disclosure of information about plans for wireless communication facilities so as to permit the City of Clawson to effectively and realistically plan for the location of such facilities; and
6. Minimize the adverse effect of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities, taking into consideration, as example only, the following: legitimacy of time frame for removal; the expense of removal; the negative impact once use ceases; the posting of security for removal; execution of documents assuring timely removal, and so forth as determined by the city.

B. **Definitions**. All definitions pertaining to wireless technology are grouped in Section 2.2 Definitions under “wireless communications.”

C. **Applicability**. All towers or antennas erected in the city after the adoption of the ordinance from which this subsection is derived shall be subject to the provisions of this subsection except as otherwise provided in this subsection.

D. Exceptions.

1. This subsection shall not govern any tower or the installation of any antenna that is under 75 feet in height and is either wholly owned and used by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
2. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this subsection other than to conform with the FAA, FCC and applicable state construction, building and electrical codes, unless the planning commission demonstrated a need for change in which a special hearing shall be held to review the relevant documentation.
3. For the purpose of this subsection, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, may be considered one tower as demonstrated by the owner/operator. Measurements for setbacks and separation distances shall be measured from the outer parameter of the towers included in the AM array. Additional tower units may be added within the parameter of the AM array by right.
4. Antennas or towers located on property owned, leased or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city council.

E. General requirements.

1. Uses. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, land division requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot; provided the requisite signatures for consent are obtained from all parties having a legal interest in such installation.
3. Inventory of sites:
    a. Each applicant for an antenna and/or tower shall provide to the building department an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the city or within one mile of the corporate limits thereof, including specific information about the location, height and design of each tower.
    b. The building department may share such information with other applicants applying for administrative approvals or special use permits under this subsection or other organizations seeking to locate antennas within the city. However, the building department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for collocation.
    c. The building department shall have jurisdiction under this section to determine whether the inventory of sites requires consideration of readjustment, or removal due to the demonstrated observation of tower/signal pollution.

4. **Franchise required.** Owners and/or operators of towers or antennas shall certify that any franchise required by law for the construction and/or operation of a wireless communications system in the city has been obtained and shall expeditiously file a copy of the franchise with the city clerk.
5. **Public notices.** For the purposes of this subsection, any special use request, variance request or appeal of an administratively approved use or special use, shall require public notice as provided in Section 6.2.D Notice of public hearing.

F. **General standards.**

1. Towers and antennas shall meet the following aesthetic requirements:
   a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
   b. At a tower site the design of the buildings and related structures shall, to the extent possible, use the material, colors, textures, screening and landscaping that will blend them into the natural settings and surrounding buildings as determined by the planning commission.
   c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color as identical or closely compatible with the color of the supporting structures so as to make the antenna and related equipment as visually unobtrusive as possible.
2. The height of a tower shall be measured from the finished grade at the base of the tower to the highest point on the tower or other structure, including any antenna.
3. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.
4. All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with authority to regulate towers and antennas. Should such standards and regulations be changed, then the owners of towers and antennas governed by this subsection shall bring such owners towers and antennas into compliance with such revised standards and regulations within six months of the effective dates of such revised standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations, as determined by the applicable authority, shall constitute grounds of nonconformance with this chapter and the removal of the tower or antenna at the owner's expense.
5. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in state construction, building and electrical codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If upon inspection the city concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then upon notice provided to the owner, the tower shall be brought into compliance with such standards within 30 days following notice. Failure to bring the tower into compliance within 30 days shall constitute grounds of nonconformance with this chapter and the removal of the tower or antenna at the owner's expense.

6. No advertising or identification signs visible from off-site shall be permitted, nor permitted on an antenna or tower.
7. Buildings and support equipment associated with antennas or towers shall comply with the requirements set forth in this subsection.
8. Variances. The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact or to meet the required collocation standards. In no case shall the setback be less than 20 feet. The setback from any property zoned or used for residential purposes shall not be varied.
9. Description of security for removal. A performance guarantee shall be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this section. The security shall be in the form of a performance bond or dedicated escrow account placed with the city for coverage of stated purposes, and may be required as part of a development agreement between the city and the applicant. The security shall be a promise of the applicant and owner of the property to remove the facility in accordance with the requirements of this section, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the city in securing removal.

G. Administratively approved uses.

1. If the application involves co-location on an existing tower or structure and if the proposal is determined by the building department to be an eligible facilities request, it shall be a principal permitted use and shall be reviewed administratively.
2. On-site relocation. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on a lot within 50 feet of its existing location. After such tower is rebuilt to accommodate the collocation, only one tower may remain on the lot. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to other provisions of this subsection. The on-site relocation of a tower under this section shall not be deemed to be a violation of those provisions of this subsection regarding separation of distances between towers. However, the on-site relocation of a tower which comes within the separation distances to off-site uses and designated areas as set forth in this section shall be permitted only when a variance has been approved by the zoning board of appeals.
3. Installing a cable micro cell network through the use of multiple low powered transmitters/receivers attached to existing wire line systems such as conventional cable or telephone wires, or utility poles or similar technology that does not require the use of towers.
4. The following procedures shall govern the issuance of administrative approvals for towers and antennas:
    a. The building department shall review the application for administrative approval and determine if the proposed use complies with the general standards set forth in this section as well as the setback and separation distance established in this section.
    b. In connection with any administrative approval, the building department may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

H. Special use permits.

1. Generally. The following provisions shall govern the issuance of special land use permits for towers or antennas by the planning commission:
   a. If a tower or antenna is not otherwise permitted under this section, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
   b. Applications for special use permits under this subsection shall be subject to the procedures and requirements set out elsewhere in this section. In granting a special use permit, the planning commission may recommend the city council impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
   c. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
   d. An applicant for a special use permit shall submit the information described in this section, accompanied by a fee, not to exceed the actual review and processing fees or $1,000.00, whichever is greater, for the costs of reviewing the special use application.
2. Information required. In addition to any information required for applications for special use permits pursuant to this chapter, applicants for a special use permit for a tower shall submit the following additional information:
   a. A scaled site plan clearly showing the location, type and height of the proposed tower, on-site land uses, adjacent land uses and zoning, zoning classification of the site, adjacent roadways, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and the topography of the parcel.
   b. A legal description of the parent lot and leased parcel, if applicable.
   c. Evidence of the lot owner's consent to place the proposed tower.
   d. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned property and unplatted residentially zoned property.
   e. The separation distance from other towers described in the inventory of existing tower sites set forth in this section.
   f. A landscape plan showing specific landscape materials.
   g. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
   h. Certification of compliance with all applicable federal, state and local laws.
   i. A sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
   j. Other tower and antenna sites owned or leased or operated by the applicant in the city.

k. Identification of the entities providing the backhaul network for the proposed tower.
l. A description of the suitability for the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
m. A description of feasible locations of future towers or antennas within the city based upon existing physical engineering technological or geographical limitations if the proposed tower is approved.
n. A statement by the applicant that the proposed tower is needed:
    I. Because of proximity to an interstate or state highway, or its proximity to areas of population concentration or commercial, business or industrial centers; or
    II. Because there are areas where signal interference occurs due to tall buildings, masses of trees, or other obstructions;
    III. Because the proposed antenna is needed to complete a communications grid as it relates to the needs of the city and surrounding areas; and
    IV. The telecommunications provider is not able to collocate its antenna on another tower.

3. **Standards for special land use approval**. In addition to any standards for consideration of special land use permit applications pursuant to this chapter, the planning commission shall also consider the following factors in determining whether to recommend the city council issue a special use permit for a tower. The planning commission is empowered to waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this subsection are better served thereby. The factors to be considered as follows:
    a. Height of the proposed tower does not exceed that which is minimally required to function in accordance with federal requirements and permit the collocation of additional antennae;
    b. Proximity of the tower to residential structures and residential district boundaries;
    c. Nature of uses on adjacent and nearby properties;
    d. Surrounding topography;
    e. Surrounding tree coverage and foliage;
    f. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    g. Proposed ingress and egress;
    h. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures; and
    i. A willingness to permit other communication service providers to collocate antennae on the tower, upon agreement to reasonable terms and conditions. This factor does not require the tower owner to permit access where doing so will interfere with the owner's ability to provide or receive signals.

j. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

I. No existing towers or structures are located within the geographic area which meet the applicant's proposed antenna and related equipment.

II. Existing towers and structures are not of sufficient height to meet the applicant's engineering requirements.

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

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

V. The fees, costs or other contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

VI. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.

VII. The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as cable micro cell network using multiple low powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology would exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

I. Setbacks.

1. The following setback requirements shall apply to all towers for which either administrative approval or a special use is required;
2. Towers must be set back a distance equal to the fall zone for the tower proposed, or at a distance of least 75 percent of the height of the tower, whichever is greater, from any adjoining lot line; and
3. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

J. Separation.

1. The separation requirements in this subsection shall apply to all towers and antennas for which either administrative approval or a special use permit is required.
2. Separation from off-site uses and designated areas shall be as follows:
   a. Tower separation shall be measured from the base of the tower to the lot line at the off-site use or designated area.
   b. A tower shall be located 200 feet or three times the height of the tower, whichever is greater, from any single-family residential units or vacant single-family residentially zoned land which is platted or has received preliminary subdivision plan approval which is not expired.

c. A tower shall be located 100 feet or two times the height of the tower, whichever is greater, from any vacant unplatted residentially zoned land or existing multiple-family residential units.
d. A tower shall comply with the setback distance set forth in this section for any non-residentially zoned land or non-residential use.

3. Separation of distances between towers shall be as follows:
   a. Separation distances between towers shall be measured between the proposed tower and preexisting towers. Separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base as indicated on the site plan of the proposed tower.
   b. Separation distances between towers shall be based upon tower construction as follows:
      I. The distance between a proposed lattice or guyed tower and existing lattice or guyed tower shall be 5,000 feet; between the proposed lattice or guyed tower and an existing monopole 75 or more feet in height shall be 1,500 feet, and for a monopole less than 75 feet in height, 750 feet.
      II. The distance between a proposed monopole 75 or more feet in height and an existing lattice or guyed tower or monopole 75 or more feet in height shall be 1,500 feet, and an existing monopole less than 75 feet in height shall be 750 feet.
      III. For a proposed monopole less than 75 feet in height, its distance from any existing tower shall be 750 feet.

K. Fencing, landscaping and equipment.

1. The tower shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anticlimbing device, provided, however, that the planning commission may waive such requirements if it deems appropriate.
2. The tower facility shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The buffer shall consist, at a minimum, of a landscaped strip four feet wide outside the perimeter of the tower compound. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible so as to permit any natural growth surrounding or on the site to provide a sufficient buffer. In locations where the visual impact of a tower would be minimal, the landscaping requirements set forth in this subsection may be reduced or waived by the planning commission.
3. Any unmanned equipment structure associated with a communications tower shall not exceed 600 square feet and be located on the lot in accordance with the height, yard, and building coverage requirements for the applicable zoning district classification of the parcel.

L. Nonconforming uses and structures.

1. Towers that are constructed and antennas that are installed in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of the nonconforming use or structure.
2. Towers existing on the date of adoption of the ordinance from which this subsection is derived shall be permitted to continue such tower's use as they presently exist. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on preexisting towers. New construction, other than routine maintenance on a preexisting tower, shall comply with the requirements of this subsection.
3. Nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and shall not be required to meet separation requirements specified within this subsection. The type, height and location of the tower on-site shall be of the same type and intensity as the original facility approved. Building permits to rebuild the facility shall comply with the applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or such permit expires, the tower and antenna shall be deemed abandoned as specified by this subsection.

M. Application review.

1. Application. The City of Clawson shall prepare and make publicly available an application form which shall be limited to the information necessary for the City of Clawson to consider whether an application is an eligible facilities request. The application shall not require the applicant to demonstrate a need or business case for the proposed modification. Each applicant for administrative approval shall submit the following information, along with a fee, not to exceed the actual review and processing fees or $1,000.00, whichever is greater, to reimburse the costs to the city for reviewing each application:
    a. A scaled site plan clearly indicating the location, type and height of the structure or existing or relocated on-site tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, setbacks from property lines, elevation drawings of the structure or existing or relocated on-site tower and any other proposed structures, and topography of the lot.
    b. A legal description of the lot and the leased parcel as applicable.
    c. Evidence of the tower or structure owner's consent to place the proposed antenna.
    d. The setback distances between the existing or relocated on-site tower and the nearest residential unit, platted residential zoned property, and any unplatted residentially zoned property.
    e. The separation distance from other towers described in the inventory of existing sites set forth in this section.
    f. A landscape plan showing specific landscape materials.
    g. Method of fencing and finish color and, if applicable, method of camouflage and illumination.
    h. A signed and notarized statement by the applicant certifying compliance with all applicable federal, state and local laws.

i. A signed and notarized statement of the applicant as to whether the collocation of the proposed antenna will accommodate collocation of additional antennas for future users.
j. Identification of the entities providing the backhaul network for the tower and antennas.

2. **Type of review**. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the neighborhood and economic operations department shall review such application to determine whether the application so qualifies. All applications shall be reviewed for completeness and conformance with city requirements in determining which of the following four development review types apply:
   a. Eligible facilities request: If the application qualifies, the application shall be reviewed administratively.
   b. Collocation or modification that is a substantial change: Such application is a permitted use and may be reviewed administratively per Section 4.31.H Special use permits.
   c. First location of antenna(s) on an existing structure other than a tower: Such application is a permitted use in a non-residential district and may be reviewed administratively per Section 4.31.H Special use permits.
   d. New facility: In all zoning districts, such application is a special use and shall be reviewed in conjunction with Section 6.2 Special land uses.
3. **Timeframe for review**. Within 60 days of the date on which an applicant submits an application seeking approval under this chapter, the building and planning department shall approve the application unless it determines that the application is not covered by the provisions in this ordinance for eligible facilities. If the application is deemed by the building and planning department to be a substantial change or a first location of antenna(s) on an existing tower, but not a new facility, the 60-day review timeframe shall also apply. For new facilities, the review timeline shall not exceed 90 days.
4. **Tolling of the timeframe for review**. The review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City of Clawson and the applicant, or in cases where the building and planning department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
   a. To toll the timeframe for incompleteness, the City of Clawson Building and Planning Department must provide written notice to the applicant within 14 days of receipt of the application, specifically delineating all missing documents or information required in the application.
   b. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City of Clawson's notice of incompleteness.
   c. Following a supplemental submission, the City of Clawson Building and Planning Department will notify the applicant within five days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Section 4.31.D Exceptions. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

## 4.32 Child care centers

A. Child care centers are permitted in the BRD-1 district after special land use approval provided the following conditions are met:
   1. Such uses shall be duly licensed by the state.
   2. Required indoor and outdoor play area per child as established in the state Department of Consumer and Industry Services guidelines shall be provided. Indoor play areas shall be exclusive of hallways, bathrooms, stairways, storage areas, closets, reception and office areas and kitchens. Basements may be included only if fully finished with a dual means of egress, areas devoted exclusively for play and sleep and bathroom facilities. Outdoor play area shall be fenced. Fencing shall be ornamental and/or decorative and is subject to planning commission approval.
   3. Landscape screening shall be provided for fenced in play areas from abutting properties and public rights-of-way.

B. In the R-1, R-2, RM-1, B-1, B-2, B-3, and O-1 districts, child care centers are permitted after special land use approval provided the following conditions are met:
   1. Such uses shall be duly licensed by the state.
   2. A minimum of 50 square feet of indoor play area shall be provided per child between two weeks and 2½ years old, and a minimum of 35 square feet of indoor play area shall be provided per child over 2½ years old. Indoor play areas shall be computed exclusively of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
   3. If an on-site drive is proposed from dropoffs/pickups, the drive shall be arranged to allow vehicular maneuvering without affecting traffic flow on public roads.
   4. Ingress and/or egress to the site shall be located on a major thoroughfare, as defined in Section 5.9 Access to sites. The planning commission shall have the discretion to waive this requirement if, in its discretion, it is determined that additional traffic generated by the proposed facility will not adversely impact the adjacent residential neighborhood.
   5. In the R-1 and R-2 districts, child care centers that are accessory to schools or places of worship or proposed for vacant place of worship and school sites may be permitted following special land use approval and provided that:
      a. Such facilities shall have a minimum side yard setback of at least ten feet.
      b. A minimum of 1,500 square feet of fenced outdoor play area shall be provided, plus an additional 100 square feet for each child to be cared for over 12.
      c. The planning commission may require the outdoor play area to be screened from adjacent properties and roads with landscaping.
   6. In the RM-1, B-1, B-3, and O-1 district:
      a. A minimum of 1,500 square feet of fenced outdoor play area shall be provided, plus an additional 100 square feet for each child to be cared for over 12. The outdoor play area shall be fenced. The planning commission may require the outdoor play area to be screened from adjacent properties and roads with landscaping.

## 4.33 Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs

In the R-1 and R-2 districts, these uses are permitted after special land use approval, provided that:

A. The proposed site for any of the uses permitted in this section would attract persons from, or is intended to serve, areas beyond the immediate neighborhood shall provide all ingress and egress directly onto a major thoroughfare as provided in Section 5.9 Access to sites.

B. Front, side and rear yards shall be at least eight feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.

C. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian. Prior to the issuance of a building permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the planning commission.

## 4.34 Offices, administrative and professional

These uses may be permitted in the BRD-2 district after special land use approval, subject to the following standards:

A. Hours of operation:
   1. There shall be no retail activity on the site between 8:00 p.m. and 8:00 a.m.
   2. When located adjacent to a residential use, activities shall be conducted completely within a building between the hours of 10:00 p.m. and 8:00 a.m.

B. There shall be no sound, odor, light, smoke, or other nuisances beyond that which would be expected in a residential district.

C. One parking space for each employee outside of the home owner shall be provided in an off-street parking area.

D. No outdoor storage of materials is permitted.

## 4.35 Blueprinting, photostating, photography, printing, and office research district special assembly uses

In the office research district (O-2), these uses may be permitted following special land use approval, provided that:

A. The planning commission shall determine that the proposed use will not be injurious or have any adverse affects on the adjacent uses, and to this end may make suitable restrictions and safeguards as may be deemed necessary to protect the interest of public health, safety and welfare.

B. There shall be no manufacturing, compounding, fabrication, treatment or processing of any such article or any permanent part.

C. All materials used or goods produced on the premises shall be stored within a totally enclosed building.

## 4.36 Offices and showrooms of a plumber, electrician, building contractor, upholster, caterer, decorator or similar trade

In the local business district (B-1), these uses may be permitted following special land use approval, provided that:

A. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.

B. The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.

C. There shall be no outside storage of materials or goods of any kind.

## 4.37 Offices of manufactures agents, sales representatives and others requiring display area and limited warehousing

These uses may be permitted in the BRD-2 district after special land use approval, subject to the following standards:

A. Display areas shall not be for selling to the general public. Display areas shall be for restricted use of wholesaler buyers and specialized merchandise which will not be available to the public. Examples of permitted display are: medical equipment for sale to the medical profession, processing equipment sold to manufactures and testing laboratories. The display areas shall be supportive of sales to a restricted group of buyers and not to the public. All display areas shall be totally within an enclosed structure.

B. Warehousing shall be accessory to the office, sales or display area. It shall be limited to quantities to support the display area and sales staff. Shipment by tractor trailer or semi-truck type vehicles is prohibited.

## 4.38 Artisan manufacturing/galleries

A. Artisan manufacturing/galleries may be permitted in the CR-district after special land use approval, subject to the following requirements:
   1. Hours of operation:
      a. There shall be no retail activity on the site between 8:00 p.m. and 8:00 a.m.
      b. When located adjacent to a residential use, activities shall be conducted completely within a building between the hours of 10:00 p.m. and 8:00 a.m.
   2. There shall be no sound, odor, light, smoke, or other nuisances beyond that which would be expected in a residential district.
   3. One parking space for each employee outside of the home owner shall be provided in an off-street parking area.
   4. No outdoor storage of materials is permitted.

B. In the West Gate district (WG), artisan uses are permitted only if the business includes a retail sales component or is open to the public for classes, lessons and similar instructional activities.

## 4.39 Indoor recreation uses

Indoor recreation uses such as bowling alleys, gymnasium or court sport facilities, tennis clubs, roller or ice skating rinks, personal fitness centers and similar recreation uses may be permitted in the local business district (B-1) and neighborhood business district (B-2) following special land use approval provided that:

A. Public access to the site shall be located at least 75 feet from any intersection, as measured from the nearest right-of-way line to the edge of such access.

B. The main and accessory buildings shall be located a minimum of 100 feet from any residential use.

C. In the neighborhood business district (B-2), the following also apply:
   1. The main accessory buildings and structures shall be located a minimum of 100 feet from any residential use, or adequately buffered from adjacent residential uses as determined by the planning commission.
   2. All uses shall be contained within an enclosed building.
   3. The building shall be soundproofed.
   4. A minimum of one-half of the acquired parking spaces shall be provided on-site or in a manner that complies with Section 5.1.B General requirements. It is the intent of this subsection to avoid placing too heavy a burden on municipal parking facilities that are designated to provide parking for the downtown businesses.

## 4.40 Automobile or car wash establishments

In the general business district (B-3), automobile or car wash establishments may be permitted after special land use approval, provided that:

A. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided that such activities are located at least 50 feet from adjacent residentially zoned or used property.

B. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

C. Sufficient space shall be provided for drying of the vehicle undercarriage during subfreezing weather prior to exiting onto the public thoroughfare.

D. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

## 4.41 Automobile filling stations and automobile service stations

In the general business district (B-3), automobile filling stations and automobile service stations, but not automobile repair garages may be permitted following special land use approval, provided that:

A. The minimum lot area shall be 15,000 square feet for automobile filling stations and 12,000 square feet for automobile service stations. Gasoline service stations with repair facilities shall provide access to such repair facilities from the rear yard only. All such facilities shall not be located within 500 feet of places of public assembly.

B. The curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection, measured from the road right-of-way, or from any residentially zoned districts. Drives shall be no less than 20 feet wide, nor wider than 30 feet at the right-of-way line. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage along any street.

C. The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height shall be installed around the perimeter of all surfaced areas.

D. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line.

E. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two days.

## 4.42 Automobile repair garages and undercoating shops

In the limited industrial district, automobile repair garages and undercoating shops may be permitted following special land use approval, subject to the following conditions:

A. All repair operations shall take place within a completely enclosed building, and such building shall not be located within 200 feet of any residentially or commercially zoned district.
B. The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. The site shall be graded and drained so as to dispose of surface water.
C. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.

## 4.43 Open front or open air businesses and outdoor sales of new or used automobiles, truck and tractors, boats, mobile homes, recreation vehicles and trailers

In the general business district (B-3), these uses may be permitted following special land use approval, provided that:

A. All loading and parking areas for open air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent public rights-of-way.
B. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
C. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
D. No major repair or major refinishing shall be done on the lot.
E. All lighting shall be shielded from adjacent residential districts and public rights-of-way.

## 4.44 Outside storage of materials and supplies

In the light industrial district, outside storage of materials and supplies may be permitted following special land use approval, subject to the following conditions:

A. Such storage shall be located in the rear yard and shall be screened with an obscuring wall in accordance with Section 5.14 Obscuring walls. No material shall be stored above the height of the screening.
B. All storage areas shall conform to all other setback requirements for buildings in the I-1 district, but in no case shall outside storage be located closer than 50 feet from residentially zoned property.
C. Proper access to all parts of the storage areas shall be provided for fire and emergency services.
D. All gravel, sand, soil, fertilizers, or other loosely packed materials shall be contained and covered at all times to prevent it from blowing away.
E. The area used for outside storage shall not exceed 25 percent of a lot.

## 4.45 Junkyards

In the general industrial district (I-2), junkyards may be permitted following special land use approval, subject to the following conditions:

A. The minimum lot size for junkyards shall be four acres.
B. A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. No junkyard shall be located within 300 feet of any residentially zoned district.
C. All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the city building department so as to confine any wind-borne dust to within the boundaries of the site.

## 4.46 Incineration of garbage or refuse

In the general industrial district (I-2), incineration of garbage or refuge may be permitted following special land use approval, subject to the following conditions:

A. All incineration shall take place within a state-approved and fully enclosed incinerator plant.
B. Such facilities shall not be located within 800 feet from any residentially zoned district and not less than 300 feet from any district which is not zoned industrial.

## 4.47 Cellular telephone towers

In the general industrial district (I-2), cellular phone towers may be permitted following special land use approval, subject to the following conditions:

A. No such tower shall be located within 150 feet of any land zoned or used for residential purposes.
B. The planning commission may specify a height limit for any such structure as a condition of special use approval.
C. The applicant shall demonstrate how the design, position on the site, or size of the site will preclude the possibility of the tower, or ice forming on the tower, falling and harming nearby residents or passersby.
D. The site must be secured with fence or obscuring wall eight feet in height.

## 4.48 Hotels and motels

In the BRD-2 district, hotels and motels may be permitted after special land use approval only if they are located within parcels located outside zones 2 and 3 shown in Section 3.1.N BRD-2 Business renewal district 2.

## 4.49 Live/Work units

Live work units are permitted in the B-1 district subject to the following conditions:

A. No commercial areas accessible to the public shall be located above a floor used for residential dwellings.
B. Display areas shall be located indoors.
C. No more than two people not residing in the unit shall be employed on the premises.

## 4.50 On-premises smoking establishments

A. Any application for the establishment of an on-premises smoking establishment shall include documentary evidence that the proprietor of the establishment has obtained an exemption permitted the on-site consumption of tobacco products.
B. The establishment shall be operated in strict accordance with the requirements of State of Michigan law.

## 4.51 Primary caregiver facilities

A. **Findings, Purpose and Intent.** The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et. seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical cannabis (marihuana) and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law.

MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the City, does not conflict with the MMMA's requirement that cannabis plants be kept in an enclosed, locked facility.

The City finds that the average residence in the City is not aptly suited to the safe and favorable cultivation of 72 cannabis plants that a primary caregiver is permitted to grow under the MMMA. The City further finds that the cultivation of 72 cannabis plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical cannabis, in compliance with the MMMA and this Article and to protect the public health, safety and welfare by mitigating the potential adverse and detrimental effects of such cultivation on neighboring properties.

B. **Ordinance has no effect on patient use.** This ordinance does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA, shall be permitted to cultivate, at the primary residence of the patient, who shall also be a fulltime resident of the dwelling, no more than the 12 permitted cannabis plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition. The possession, smoking or ingestion of medical cannabis by a qualifying patient who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act (being PA 2008, Initiated Law, at MCL 333.26421, et seq.) in any zoning district shall not be considered a use of land regulated under this Chapter.

C. **No defenses against criminal prosecution.** Nothing in this ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or affirmative defenses against criminal or other prosecution under state laws or local ordinances, including without limitation this Ordinance, for growing, sale, consumption, use, distribution, or possession of cannabis not in strict compliance with the MMMA and the Administrative Rules of the Michigan Department of Licensing and Regulatory Affairs (LARA). Also, since federal law is not affected by the MMMA or LARA's Administrative Rules, nothing in this Ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or an affirmative defense against criminal prosecution under federal law. Moreover, nothing in this Ordinance shall be construed or interpreted as endorsing, aiding, or abetting violations of federal or state laws.

   The MMMA and this zoning ordinance do not protect users, caregivers or the owners of properties on which the medical use, growing, possession or handling of cannabis occurs from federal prosecution, or from having property seized by federal or state authorities under the federal Controlled Substances Act or other federal laws. The use, possession and growing of cannabis remains illegal; however, consistent with the MMMA and rulings of the Michigan Supreme Court, this Section of the Ordinance designates the specific districts of the City in which medical cannabis Primary Caregivers may assist one or more medical cannabis patients in the specific and limited circumstances and under the conditions set forth in this Section.

D. **Standards.** The following regulations shall apply to all primary caregiver facilities:

   1. **Applicability.** Where permitted, no building or land shall be used and no buildings shall be erected except for primary caregiver facilities or one or more of the principal permitted uses, special land use approval uses, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section. Site plan approval by the Planning Commission is required prior to commencing any new primary caregiver use, per Section 6.1 Site plan review and approval.
   2. **Compliance with state laws and rules.** The medical use of cannabis and the amount of cannabis and cannabis plants in the possession of the primary caregiver on the premises shall comply at all times and in all circumstances with the MMMA and the Administrative Rules of LARA, as they may be amended from time to time.

3. **Minimum floor area.** There shall be a minimum of 750 sf of floor area per primary caregiver facility and a maximum of three primary caregiver facilities per building, provided that each individual operation is conducted wholly on the same floor. If more than one primary caregiver facility is located within a single building, each enclosed locked facility for cannabis must be identified on a floor plan that is approved by the City as part of a site plan. Each individual enclosed locked facility shall receive a certificate of zoning compliance before the presence of cannabis is permitted.
4. **Secure facilities.** All medical cannabis shall be contained within the main building in an enclosed, locked facility inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:
    a. The vehicle is actively being used temporarily to transport cannabis from one location to another with the intent to permanently retain cannabis at the second location in compliance with the MMMA and this ordinance.
    b. An individual is not inside the vehicle unless he or she is the individual designated as the primary caregiver.
5. **Appearance.**
    a. The structure shall be designed and maintained in a manner consistent with other permitted uses in the zoning district within which it is located.
    b. Grow lights, plants, growing and processing areas and related products and operational areas shall not be visible from any property line. If exterior windows are located in these areas, they shall be frosted, screened or otherwise modified to the satisfaction of the Planning Commission so that the use, as described above, is not visible from any property line.
    c. Bars or similar security features are prohibited, unless the Planning Commission finds that the design of the security feature(s) is in keeping with the spirit and intent of the ordinance.
    d. Outdoor storage is prohibited.
6. **Odor.** All primary caregiver facilities shall include odor control methods that follow industry best practices for removal of odor so that odor from the operation is not discernible outside of the primary caregiver facility. Such methods shall be subject to approval of the Planning Commission, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be included as part the approval process. Ozone generators shall not be permitted as an odor neutralization method, unless such generator is not audible outside the primary caregiver facility.
7. **Distribution on site prohibited.** Distribution of cannabis or use of items in the administration of cannabis shall not occur at or on the parcel where medical cannabis is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where medical cannabis is cultivated to purchase, smoke, consume, obtain or receive possession of any cannabis.

8. **Use or consumption on site prohibited.** Use or consumption in any manner of cannabis or any illegal controlled substance is not permitted by a qualified patient on the premises of any primary caregiver facility.
9. **Alcohol prohibited on site.** No alcoholic beverage shall be sold, conveyed or consumed on the premises of any primary caregiver facility, nor shall any person be present on the premises of a primary caregiver facility while intoxicated and/or under the influence of alcohol or any controlled substance.
10. **Signage.** No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical cannabis is taking place on the premises, shall be permitted. No vehicle having such a sign shall be parked anywhere on the premises.
11. **Permits required.** All required building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of cannabis are located, and for any improvements to the structure relating to the use. Discharge of toxic, flammable or hazardous materials into city sewer or storm drains is prohibited.
12. **Inspection.** The entire parcel and all enclosed, locked facilities shall be available for inspection annually as well as upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.
13. **Nuisances.** No caregiver facility shall be operated in a manner that creates noise, dust, vibration, glare, fumes, pests, mold, mildew or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated. Interior construction, design and use of a caregiver facility will not impede the current and future use of a building for other uses as permitted in the assigned zone district.
14. **Nonconforming registered primary caregivers.** Registered primary caregivers whose operations were lawfully established prior to [effective date of amended section] may continue to operate in accordance with the MMMA as nonconforming uses.
15. **Zoning review application requirements.** Zoning applications for primary caregiver facilities shall be submitted as required in Section 6.1. In addition, the following information is also required:
    a. As provided in Section 6.1, site plan review shall be required. A site plan shall show the proposed building(s) to be used, remodeled or reconstructed, along with the parking, landscaping and lighting plans. Existing and proposed building elevations shall be provided, including building materials, window glazing calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
    b. A plan for general waste disposal, chemical disposal and plant waste disposal.
    c. A notarized statement by the property owner that acknowledges use of the property for a cannabis facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis facility. Written consent shall also include approval of the owner and operator for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.

d. A copy of the current primary caregiver license as issued by the state of Michigan.
e. Operations and Management Plan. An operations and management plan shall be submitted. The plan should describe security measures in the facility; this may include the movement of the product, methods of storage, cash handling, etc.
f. All permitted facilities shall be bonded to guarantee that all accounting and taxes are paid in full according to the law and that the operation or facility performs in accordance with all government standards.

## 4.52 Gas stations

A. Parking at pumps. Refueling spaces may be counted toward the overall parking requirement for the site.
B. Gas pumps. Customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and other data required by law may be displayed on any pump, and may occupy an area no greater than 3 square feet. Video screens or outdoor TVs are not permitted. The appearance of the pumps and location of such messages shall be shown on the site plan.
C. Outdoor display of goods. Outdoor display of goods in the vicinity of the pump islands is not permitted.

(Amended by Ord. No. 770)

# Chapter 34, Article X | Article 5
## Site Standards

# Article 5 - Site Standards


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# 5.1 Off-street parking and loading

A. Off-street parking required.

1. In all zoning districts, off-street facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this ordinance shall be provided as prescribed in this article.
2. Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this article for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

B. General requirements.

1. In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as prescribed in this section:
   a. **Off-street parking spaces for one-family and two-family dwellings**. Off-street parking facilities required for one-family and two-family dwellings shall consist of a parking strip, driveway, garage, or combination, and shall be located on the premises they are intended to serve, subject to the provisions of Section 5.12 Accessory buildings, structures and uses, accessory uses. No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
   b. **Off-street parking for multiple-family and nonresidential uses**. Off-street parking facilities required for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within reasonable proximity to such building or use as determined by the city planner, taking into consideration such factors as vehicular and pedestrian traffic, actual distance and relationship to adjacent uses. Ownership or a use easement, duly recorded with the Oakland County Register of Deeds, shall be shown for all land areas intended for use as parking by the applicant.
   c. **Off-street parking for uses within the CMD zoning district**.
      I. No parking shall be provided within the front or side yards.
      II. Access to parking lots, structures, garages or carports shall be from a rear alley when abutting a CMD zoned parcel. When abutting a residential zoning district, access may be provided via a driveway running perpendicular to the adjacent road.
   d. **Designated parking facilities**. Any area once designated as required off-street parking shall never be changed to any other use unless or until comparable facilities are provided elsewhere. Off-street parking facilities in existence at the effective date of this ordinance shall not be altered from the requirements for the use or building served as set forth in this article.
   e. **Collective off-street parking**.

I. Two or more buildings or uses may collectively provide off-street parking; in which case, the required number of spaces as set forth in Section 5.1.D Table of off-street parking requirements shall not be less than the sum of the requirements for the individual uses computed separately, except as set forth in Section 5.1.B.1.f Modification of off-street parking requirements, below.

II. The planning commission may consider as a condition of site plan approval, collective parking when the following circumstances appear to justify such a condition:
   i. The applicant has provided for parking on the site, but the requirements for the nonconforming structure, lot or use under chapter 34 of the land development code [this ordinance] cannot be met;
   ii. The nature of the use may impose the need for greater flexibility in the application of parking requirements depending upon the hours of operation;
   iii. The applicant has demonstrated that there is or will be in place a plan for off site parking for employees, staff or independent contractors working in the structure;
   iv. If a road separates the structure or use from the collective parking area, there is a marked or identified pedestrian crossing area in close proximity to the site;
   v. A written agreement, which can include incentives to the servient property owner, approved by the city has been entered into and is agreed to be a condition to the site plan approval; the agreement shall assure continued availability of the collective parking facilities for the uses it is intended to serve.
   vi. A number different than required in Section 5.1.B.1.e.I above may be allowed upon a sufficient showing such a number is justified as determined by ITE (Institute of Traffic Engineers) or APA (American Planning Association) or some other recognized industry standard.

III. In the WG, BRD-1 and BRD-2 districts, use of shared parking between two or more buildings and/or uses shall be allowed by the planning commission upon demonstration by the applicant that the individual uses do not have overlapping hours of operation, or the sharing of parking will not result in the creation of a parking nuisance on the site or abutting roadways and properties.

f. **Modification of off-street parking requirements.** Parking requirements as established in Section 5.1.D Table of off-street parking requirements may be modified by the planning commission within the CC and CMD districts:
   I. Collective parking arrangements are in effect between the applicant and the owner of another property for customer parking during nonoverlapping hours;
   II. Parking may exist during the same business hours, and there is no immediate impact on the surrounding properties;
   III. The particular site plan under consideration involves a first-floor use in a multiple-story building in which other uses exist which do not conflict nor impose a burden on the parking demands or requirements under consideration;
   IV. The particular use subject to site plan review is in a nonconforming structure and there is no increase in net floor area created by the use under consideration;
   V. The particular use is a change from a nonconforming use in a conforming structure to a conforming use the parking for which creates no substantial impact on surrounding properties;
   VI. A contract agreement has been entered into by the applicant with the city and is to be a condition to site plan approval;
   VII. There exists a development agreement that takes into consideration on a temporary basis, parking for the affected site.
   VIII. The planning commission may modify the parking requirements in the City Center district per Section 3.11.C.

g. **Restriction of parking on private property.** It shall be unlawful to park or store any motor vehicle on private property within a residential district without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such private property. In all other districts parking on private property during nonbusiness hours is permitted except where a collective parking agreement or an agreement with the city is in effect, or where it can be demonstrated that such a use would cause adverse economic consequences (i.e., hardship).

h. **Storage and repair.** A parking lot may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description; however, recreational vehicles (RVs), travel trailers and similar vehicles may be allowed to park in a public parking lot for a time not to exceed one hour or the time it takes to complete the individual's shopping or errand, whichever comes first. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted on areas designated as off-street parking.

i. **Duration.** Except when land is used as permitted storage space in direct connection with a business, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles on any parking area in any district.

j. **Use of loading space.** Required loading spaces shall not be counted or used for required parking.

k. **Gross and usable floor area.** For the purpose of computing the number of parking spaces required, the definitions for gross and usable floor area in Section 2.2 Definitions shall apply.

l. **Fractional requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

m. **Uses not specified.** For those uses not specifically mentioned under Section 5.1.D Table of off-street parking requirements, the requirements for off-street parking facilities shall be in accordance with a use which the city planner considers to be a similar type, subject to approval by the planning commission.

n. **Maximum parking allowable.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking requirements by greater than 20 percent shall not be allowed, except as approved by the planning commission. In granting such additional space, the PC shall determine that such parking will be required based on documented evidence, to accommodate the use on a typical day.

o. **Snow removal.** 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 this article, except for temporary periods of no more than five days in the event of heavy snowfall or rainfall.

p. **Location of parking.** Parking shall be located as follows:

   I. Parking location in the CC and CMD districts is regulated in Section 3.11 Supplemental regulations for the City Center (CC) and CMD districts.

   II. In the WG district, to the extent feasible, parking shall be located within the rear and side yards and concealed from the view of the public right-of-way. The planning commission may allow off-street parking to be located in the front yard, provided a minimum ten-foot-wide landscape greenbelt is provided along the site's frontage and no more than one-half of the required parking spaces for the site are located in the front yard. The plantings in the greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.

   III. In the BRD-1 district, off-street parking shall be located in the front, rear or side yards, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.

IV. In the BRD-2 district, to the extent feasible, all off-street parking shall be located in the rear or side yards. If the layout of the site prohibits the accommodation of all spaces in the rear and side yards, some parking (in no case to exceed 30 percent of the total required), shall be allowed in the front yard, and shall be screened from any public rights-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived. The plantings in any reduced width greenbelt shall exceed the minimum standards established in the ordinance and shall include a combination of landscape and hardscape elements.

V. In all other districts, parking may be located in any yard. Parking shall be screened from the right-of-way by a ten-foot greenbelt. Upon recommendation from city planner and/or building official, the planning commission shall have the discretion to modify the width and design of the greenbelt upon making a determination that the reduced greenbelt width is necessary to accommodate required parking and provide optimal circulation. In no instance shall the greenbelt requirement be completely waived.

C. **Fee in lieu of off-street parking.** At the time of the amendment to this section the adoption of the Clawson Downtown Framework Design Plan, the city council (council) and the downtown development authority (DDA) determined and recognized that there existed insufficient private and public parking. In addition, both council and the DDA recognized that it was incumbent to the extent practicable, for each legal entity to commit to one another a common goal to establish alternatives for additional parking in the downtown area consisting of incentives, public and private partnership and the establishment of a specially designated fund for the fulfillment of the goal to increase and improve parking accessibility. To that end, this section is jointly adopted as an ongoing plan of operation between the two legal entities with the joint commitment that the funds to be accumulated and to be used as delineated in this section will be for the incurrence of direct expenses and not ancillary costs having indirect benefit in the downtown area.

1. Where the applicant has demonstrated the particular development of property precludes a provision of required off-street parking and that no other circumstance applies as a substitute for such requirement, following a hearing before the planning commission, the parking requirements may be waived by a determination that the payment of a sum equivalent to the estimated, normal, current cost to the city of providing required parking spaces to serve the contemplated use may apply.
2. An off-street parking requirement satisfied in the manner set forth in this section shall run with the land, but any subsequent change in use which requires additional parking shall require subsequent action by the planning commission to satisfy the additional parking requirement.
3. The payment in lieu of providing off-street parking shall be a condition of site plan and/or special land use approval and shall be made to the city prior to the issuance of any building permit and/or certificate of occupancy, except as provided in subsections 6, 7, and 8, below. No refund of such payment shall be made when there is a change to a use requiring less parking.

4. The amount of payment of each required parking space shall be fixed by resolution adopted from time to time by the council with input from the DDA. Considerations in fixing such fee shall, as an illustration and not limitation, consist of the following: average cost of construction of any parking space; estimated costs of engineering and architectural design; operation and maintenance costs to be incurred; present worth analysis; expense involved in administering collection of any fee and repayment time frame.
5. Funds derived from payments in lieu of providing off-street parking shall be deposited by the city in a special parking fund which shall only be used and expended for any of the following: planning, designing, acquiring, and/or developing off-street parking spaces, acquiring property and associated costs therewith which are located within the CMD area.
6. The fee charged hereunder may, at the option of the owner of the property, be paid in one annual amount or on a monthly basis and shall be determined on a per-vehicle basis. The prorated amount if paid on a monthly basis shall be determined by the city treasurer.
7. Alternatively, the council by resolution can adjust any payment provision set forth in subsection 6 above to a yearly payment not to exceed five years and with security sufficient to assure that such payments shall be made either by the owner requesting such a payment plan or any successor owner of the affected property. Interest shall be charged on the outstanding amount at current prime rate as determined by the city. Expenses incurred by the city in granting such request shall be reimbursed by the applicant.
8. The failure to pay the fee as agreed to or as determined as a condition for the development of the property or for site plan approval, will result in the imposition of a lien against the property for the outstanding amount and interest and legal and administrative fees incurred by the city in addition to other legal remedies available to the city that may be used for the collection of such outstanding amounts.
9. The fee in lieu required under this subsection shall be waived under those circumstances in which a party who is subject to a shared parking agreement has shown that additional parking requirements for any expansion under that agreement cannot be met and who has further shown that the availability of existing parking to meet the expansion needs can be accomplished or has been accomplished with the execution of a shared parking agreement with another property owner.
10. The fee in lieu required hereunder shall be waived under those circumstances in which a net gain or maximized parking arises from a shared parking agreement.

D. **Table of off-street parking requirements.** The number of required off-street parking spaces by type of use shall be determined in accordance with the schedule noted in the following table. Any modification from the standards noted below will require approval from the zoning board of appeals, with the exception of uses within the CC and CMD districts, where the planning commission has discretionary authority as outlined in Section 5.1.B.1.f Modification of off-street parking requirements, above.

| Table 5.1.D Required Parking by Use Type | |
|---|---|
| **Use** | **Spaces per Unit of Measure** |
| 1. Residential Uses | |
| a. One-family detached and two-family dwelling. | Two for each dwelling unit. |
| b. Manufactured homes, family day care homes, adult foster care family homes, adult foster care small group homes (six or fewer adults) and child foster family homes. | Two for each dwelling unit/home site and one for each employee at the facility, plus |
| | 0.25 parking spaces per unit for visitor parking which shall be located convenient to the area served. |
| c. Multiple-family and single-family attached. | One for each efficiency unit |
| | 1½ for each one bedroom unit |
| | Two for each two bedroom unit |
| | Three for three plus bedroom unit. |
| d. Housing for the elderly—Independent | One for each dwelling unit plus one for each employee. If units revert to general occupancy, then subsection 1.b above applies. |
| e. Housing for the elderly—Dependent | |
| I. Congregate care | One space per two units plus one for each employee and doctor in the largest shift. |
| II. Assisted living | One space per two units plus one for each employee and doctor in the largest shift. |
| III. Nursing/convalescent | One space per four units plus one for each employee and doctor in the largest shift. |
| f. Live/work unit. | One space, plus the required number of spaces for the non-residential use, based on the gross square footage of the building accessible to the public. |

| | |
|---|---|
| 2. Places of Assembly/Institutional Uses | |
| a. Adult or child day care centers. | One for each ten persons cared for at any one time, plus one per each employee in the largest working shift and stacking spaces for five vehicles with each space measuring ten ft. by 20 ft. |
| b. Places of worship. | One for each four seats, based on maximum seating or occupancy capacity in the main place of assembly therein. |
| c. Elementary and middle schools. | One for each teacher, employee or administrator, in addition to one space for each four auditorium seats, if provided. |
| d. Group homes (adult group day care homes, adult foster care small group homes (seven to 12), child group day care homes, and child foster family group homes). | One for each two residents, plus<br>One for each employee. |
| e. High schools, trade schools, colleges and universities. | One for each teacher, employee or administrator and one for each ten students, in addition to one space for each four auditorium seats, if provided. See the requirements stadium parking provided below. |
| f. Hospitals. | One for each two beds and one for each staff doctor and employee in the largest working shift. |
| g. Libraries, museums, cultural centers or similar facilities. | One for each 500 sq. ft. of usable floor area or occupancy allowed, whichever is less. |
| h. Municipal and public utility offices. | One for each 300 sq. ft. of usable floor area. |
| i. Private service clubs, fraternal organizations or lodge halls. | One for each five individual members allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater. |
| j. Stadium, sports arena, or similar place of outdoor assembly. | One for each four seats or eight feet of benches, based on the maximum seating capacity. |
| k. Bowling establishments. | Three for each lane, plus<br>Amount required for accessory uses such as a restaurant or bar. |
| l. Community recreation centers. | One for each four persons in designated capacity. |
| m. Football and soccer fields. | 20 for each playing field. |
| n. Golf course, miniature. | One for each golf hole, plus<br>One for each employee on the largest employment shift. |
| o. Softball and baseball fields. | 20 for each playing field. |
| p. Private tennis, swim or golf clubs or other similar uses. | One for each two members, plus<br>Amount required for accessory uses such as restaurants, bars or pro shops. |

| | | |
|---|---|---|
| 3. | Business and Commercial Uses | |
| a. | Artisan studios and sales. | Four for each 1,000 sq. ft. of usable floor area. |
| b. | Beauty parlors or barber shops. | Three spaces for each chair. |
| c. | Carryout establishments primarily serving customers over a counter or through a window, other than a drive-through facility, i.e., food carryout, dry cleaner pickup, meat markets, bakeries, etc. | One space for each 30 sq. ft. of floor area devoted to customer assembly and/or waiting area. Parking needs for areas devoted to the consumption of food on the premises shall be computed separately for such seating areas. |
| d. | Convenience stores. | One for each 200 sq. ft. of usable floor area. |
| e. | Contractor's showroom and offices with no exterior storage yards (i.e.,plumber, decorator, electrician or similar trade). | One for each 800 sq. ft. of usable floor area plus one for each two persons employed therein, plus one per company/ commercial vehicle. |
| f. | Dance, gymnastics, music, voice, art and other similar schools and studios. | One for each two students based on maximum capacity. |
| g. | Dancehalls, banquet halls, meeting rooms, pool or billiard halls, arcades, parlors and skating rinks. | One for each two persons who may be legally admitted at one time based on the occupancy load established by local codes, plus one for each employee on the largest employment shift. |
| h. | Fast food restaurant. | One per each 75 sq. ft. of usable floor area plus eight off-street stacking spaces shall be provided for each drive-through transaction window. |
| i. | Funeral homes and mortuary establishments. | One for each five persons based on maximum capacity, plus |
| | | One for each employee on the largest employment shift, plus |
| | | One for each facility vehicle. |
| j. | Furniture, appliance, hardware and household equipment sales and repair shops. | One for each 600 sq. ft. of usable floor area. |
| k. | Garden stores, greenhouses/plant nurseries and building material sales. | One for each 800 sq. ft. of usable floor area. |
| l. | Health and physical fitness centers. | One space for each four persons based on maximum capacity, plus |
| | | One space per employee on the largest employment shift. |
| m. | Ice cream parlors. | One for each 75 sq. ft. of usable floor area, with a minimum of eight spaces. |
| n. | Kennels. | One for each 400 sq. ft. of usable floor area. |
| o. | Laundromats and coin-operated dry cleaners. | One for each 250 sq. ft. of usable floor area. |
| p. | Motel, hotel or other commercial lodging establishments. | One for each guest bedroom, plus |
| | | The spaces required for accessory uses such as dining rooms, bars, ballrooms, or meeting rooms. |

| | |
|---|---|
| q. Movie theaters. | One for each three seats based on the maximum seating capacity. |
| r. Open-front or open air business, including outdoor retail display areas, and not otherwise provided for herein. | One for each 800 sq. ft. of lot area used for said business. |
| s. Outdoor cafes or eating areas. | One for each 150 sq. ft. of outdoor seating area. |
| t. Printing and photocopying facilities. | One for each 300 sq. ft. of usable floor area. |
| u. Retail stores, except as otherwise specified in this section. | One for each 200 sq. ft. of usable floor area. |
| v. Shopping center or clustered commercial. | One for each 200 sq. ft. of usable floor area. |
| w. Sit-down restaurant. | One for each three seats based on maximum seating capacity. |
| x. Drug stores and other self-serve retail establishments. | One for each 250 sq. ft. of usable floor area plus eight stacking spaces per drive-through window. Each stacking space shall measure ten feet wide by 20 feet long. |
| y. Taverns/bars/cocktail lounges. | One for each three persons allowed within the maximum occupancy load as established by fire and/or building codes. |
| z. Veterinary hospitals and clinics. | One for each 300 sq. ft. of usable floor area. |
| aa. Automotive Uses | |
| ab. Automobile/motor vehicle sales and service establishments, trailer sales and rental and boat showrooms. | One for each 200 sq. ft. of showroom floor area, plus<br>One for each service stall. |
| ac. Automobile/motor vehicle repair, collision or bump shops, and other similar uses. | Two for each service stall, plus<br>One for each service vehicle. |
| ad. Automobile service stations without convenience store. | One for each pump unit, plus<br>Two for each service stall. |
| ae. Automobile service station with convenience store. | One for each pump unit, plus two for each service stall, plus<br>One for each 200 sq. ft. of usable floor area devoted to customer retail sales, customer service and other related uses. |
| af. Automobile/motor vehicle wash (self-serve). | Five for each wash stall, plus<br>One for each vacuum station. Spaces for the wash stall shall be counted as one post wash station, one wash station and three stacking spaces per stall. |

| | |
|---|---|
| ag. Automobile motor vehicle wash (automatic). | One for each 200 sq. ft. of usable floor area of customer waiting and service area, plus |
| | One for each vacuum station plus |
| | Stacking spaces equal in number to five times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. The term "maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of each wash line by 20 ft. A drying lane 50 ft. long shall also be provided at the exit of the washing stalls in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard. |
| ah. Primary caregiver facilities | One (1) per 375 sq. ft. of gross leasable area. |
| 4. Office and Service Uses | |
| a. Banks and savings and loan offices, with or without a drive-through. | One for each 250 sq. ft. of usable floor area plus |
| | Four stacking spaces for each drive-through window, plus |
| | Two stacking spaces for each 24-hour ATM. |
| b. Business offices or professional offices, except as indicated elsewhere in this section. | One for each 300 sq. ft. of usable floor area. |
| c. Medical or dental clinics, professional offices of doctors, dentists, or similar professions. | One for each 200 sq. ft. of usable floor area. |
| d. Personal service establishments (excluding service based uses listed under subsection 4.). | One for each 200 sq. ft. of usable floor area. |
| 5. Industrial Uses | |
| a. Central dry cleaning plants or laundries. | One for each employee on the largest employment shift, plus |
| | One for each delivery vehicle. |
| b. Contractor's offices with exterior storage yards (i.e.,plumber, decorator, electrician or similar trade). | One for each 300 sq. ft. of usable floor area. |
| c. Industrial, manufacturing or research establishments. | One for each 500 sq. ft. of usable floor area. |
| d. Warehouse and storage facilities (including self-storage). | One for each 1,500 sq. ft. of usable floor area. |
| e. Wholesale establishments. | One for each 1,000 sq. ft. of usable floor area. |

| 6. Stacking Space Requirements for Drive-Through and Drive-In Uses Not Listed Above | |
|---|---|
| a. Where a drive-through or drive-in use is proposed and no stacking standards are listed in this table, the planning commission shall require a reasonable number of stacking spaces for the use, based on information provided by the applicant. The applicant's number shall be based on ITE standards or the standards of a similarly recognized organization. | |

E. **Off-street barrier free parking requirements.** Off-street parking facilities as required under this article shall include, in accordance with the following table and identified by signs, parking spaces which are reserved for physically handicapped persons. Signs shall be located approximately six feet above grade. Each reserved parking space shall have not more than a nominal three percent grade and shall be not less than 13 feet wide (five feet of which is for wheelchair access). However, per Michigan State Law, the first of eight required barrier-free spaces shall be van accessible (16 feet wide with eight feet for wheelchair access) and the subsequent required space (ninth) shall also be van accessible. Parking spaces for the physically handicapped shall be located as close as possible to walkways and building entrances. Signs shall be provided, when necessary indicating the direction to a barrier-free entranceway into a building.

Table 5.1.E Off-street barrier free parking requirements

| Total Parking in Lot | Number of Handicapped Spaces |
|---|---|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2 percent of total |
| Over 1,000 | 20 plus one for each 100 over 1,000 |

Designated barrier-free parking spaces may be counted toward meeting off-street parking space requirements specified under Section 5.1.D Table of off-street parking requirements.

F. **Provisions for valet parking.** Many businesses, including restaurants, bars, and hotels, offer valet parking facilities as a service to their customers. A valet parking program is defined as a parking plan which has personnel retained to assist parking at a drop-off area and exclusively controls the parking of vehicles into specific parking spaces until they are returned to a pickup area.

1. Such a service shall be permitted within all commercial zoning districts, except the CC and CMD districts, subject to the following standards:
   a. The location of parking spaces, pickup areas, drop-off areas, and egress/ingress must be clearly shown;
   b. The involvement of personnel must be stated; and
   c. Information must be provided on general operating procedures.
   d. Required parking spaces may be used for valet parking, but must be clearly shown on the site plan.
2. Within the CC and CMD districts, no valet parking operation which involves the pickup, delivery, stacking, storing, parking or unparking of motor vehicles by a valet or parking attendant from, to or on any public right-of-way shall be permitted. Valet parking operations within the CC, CMD, and CMD-2 districts shall be subject to the following standards:
   a. The motor vehicles so served are parked, stored and unparked exclusively in an off-street parking facility;
   b. The location of the parking spaces, drive aisles, pickup, drop-off areas and egress/ingress must be clearly shown;
   c. The involvement of personnel and general operating procedures must be stated; and
   d. A special use permit authorizing and governing such valet parking operation shall be applied for and granted pursuant to the provisions of Section 6.2 Special land uses.

G. In the O-1, O-2, B-1, B-3, I-1, and I-2 districts, off-street parking may be permitted in any required or nonrequired yard areas, provided that a minimum five-foot wide greenbelt is maintained between any parking lot and street right-of-way. All greenbelts shall be irrigated and maintained. All loading spaces as required by Section 5.2 Off-street parking lot layout, construction, and maintenance shall be located in the nonrequired rear yard in an O-1, O-2, B-1, B-2, or B-3 district. In an I-1 or I-2 district, loading spaces shall be provided in a rear yard or interior side yard. In no instance shall loading areas be permitted in a front yard. No overhead door or any entranceways designed for vehicular admittance into a building shall be permitted to open onto a front yard, except under the following circumstances and with the following conditions:

1. The physical arrangement of the lot, or of the lot and structure in combination, are such that no other location is suitable for vehicular admittance.
2. When the lot is a corner lot with two front yards and no overhead doors open onto a major thoroughfare.
3. No overhead door shall be closer than 15 feet to the front lot line.
4. In all of the cases in this subsection, the planning commission may permit overhead doors to open onto a front yard only if the commission finds that the:
   a. Design and location of the overhead doors will not adversely affect the public health and safety or the welfare of adjacent properties.
   b. Overall dimensions, construction materials, and number of overhead doors are compatible with the character of the surrounding office, commercial, and industrial districts.

## 5.2 Off-street parking lot layout, construction, and maintenance

All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

A. **Review and approval requirements.** If new off-street parking is proposed as part of a development requiring site plan review, such proposed parking shall be shown on the site plan submitted to the planning commission for review in accordance with Section 6.1 Site plan review and approval If proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a parking plan to the city planning commission for review and approval. Plans shall be prepared at a scale of not less than 50 feet equal to one inch. Plans shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing. Existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout shall also be shown. Upon completion of construction, the parking lot must be inspected and approved by the building official before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

B. **Layout requirements.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements: ✍

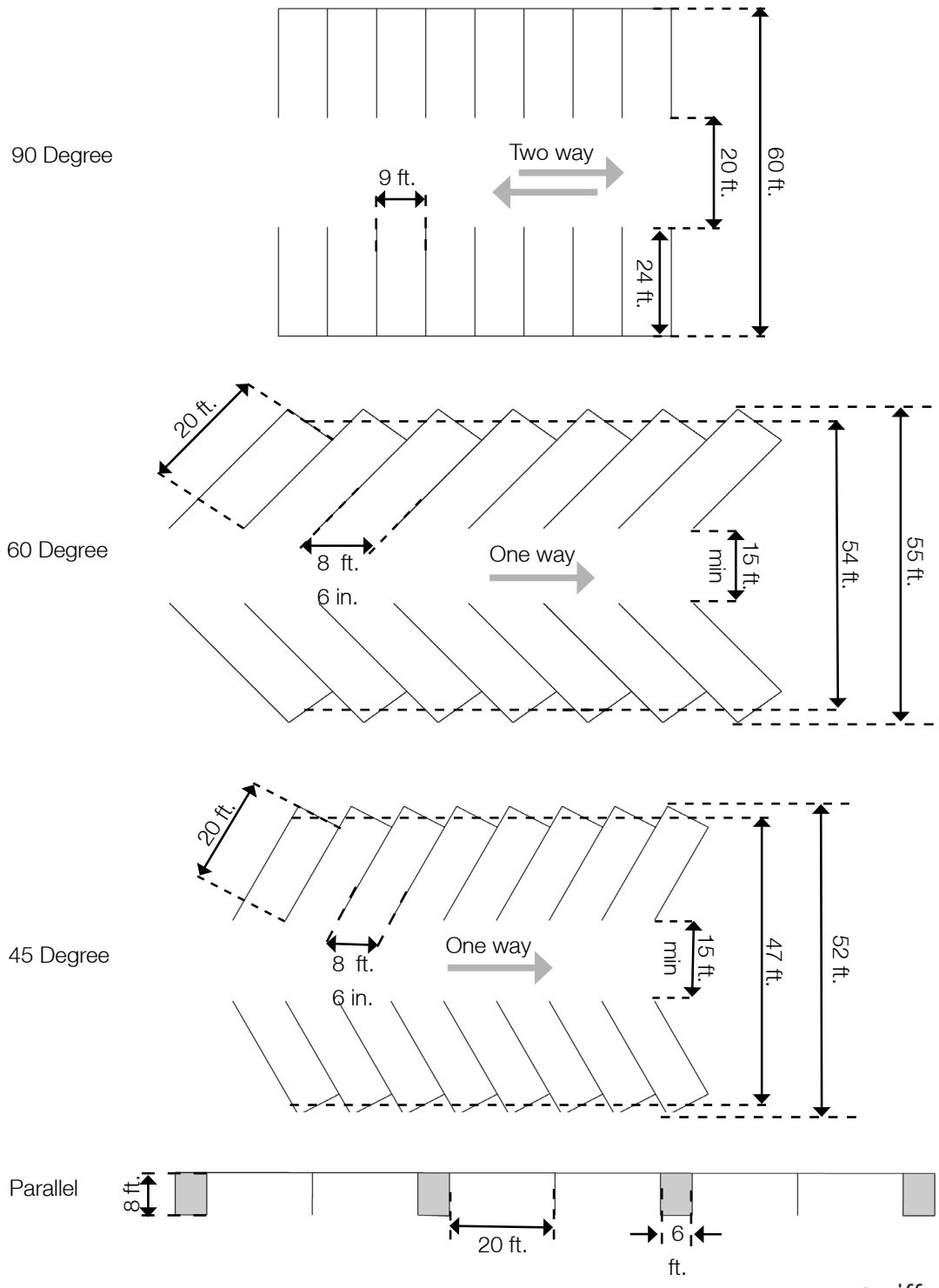
Table 5.2.B Off-street parking lot layout

| Parking Patterns | Maneuvering Lane Width | | Parking Space Width | Parking Space Length |
|---|---|---|---|---|
| 0° (parallel) | 12 ft. | One-way | 9 ft. | 24 ft. |
| | 20 ft. | Two-way | | |
| 30° to 53° | 16 ft. | One-way | 9 ft. | 20 ft.* |
| | 22 ft. | Two-way | | |
| 54° to 74° | 16 ft. | One-way | 9 ft. | 20 ft.* |
| | 22 ft. | Two-way | | |
| 75° to 90° | 20 ft. | One-way | 9 ft. | 20 ft.* |
| | 24 ft. | Two-way | | |

* When adjacent to a public sidewalk with a minimum width of seven feet, the parking space length may be decreased by two feet to 18 feet. Also, parking space depth may be reduced to 18 feet along perimeter parking areas, abutting greenbelts that exceed the required width by two feet.

C. **Access.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

## PARKING LAYOUTS



D. **Ingress and egress.** Adequate ingress and egress to the parking lot shall be provided by means of clearly defined and limited drives. Ingress and egress to a parking lot in a nonresidential district shall not cross land zoned for single-family residential use. No entrance or exit from any parking lot in a nonresidential district or from a nonresidential use shall be nearer than 20 feet to any residentially zoned district.

E. **Surfacing**. The entire parking area, including parking spaces and maneuvering lanes, shall have an asphalt or concrete surface in accordance with specifications approved by the city engineer. A certificate of occupancy shall not be issued until the paving of the parking lot is complete, unless a performance bond is posted in accordance with Section 7.14 Performance guarantees to ensure that the parking lot shall be surfaced within one year of issuance of the certificate of occupancy.

F. **Drainage**. The entire parking lot shall be graded and drained so as to dispose of surface water which might accumulate on such area. No surface water from such parking area shall be permitted to drain onto adjoining private property or across a public sidewalk except into a public drain.

G. **Obscuring walls**. The off-street parking area shall be provided with a continuous and obscuring wall in accordance with the requirements of Section 5.14 Obscuring walls. This wall shall be provided on all sides where the adjacent lot is zoned as a residential district or used as such. When a front yard setback is required, all land between such wall and the front property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen material and ornamental trees in accordance with Section 5.15 Landscaping, greenbelts and planting materials. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

H. **Bumper stops**. Bumper stops or concrete curbing shall be provided along all perimeter parking spaces, and around all interior landscape islands, to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence or encroaching upon landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six inches high, shall be placed so that a motor vehicle cannot be driven or parked on any part of the sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets or sidewalks, curbs as described in this subsection, shall be installed.

I. **Striping**. All spaces shall be outlined with three-inch stripes of paint, the color of which contrasts with the parking lot surface.

J. **Parking setbacks**. All parking setbacks as required elsewhere by this article shall be maintained.

K. **Landscaping**. Where yard setbacks are required, all land between the required walls and the property lines, and other unpaved areas which are designed to break up the expanse of paving, shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen plant material, and ornamental trees, in accordance with Section 5.15 Landscaping, greenbelts and planting materials. All such landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. For all parking lots in excess of 20 spaces, parking lot trees shall be required at a rate of one tree per ten spaces in excess of 20. Where feasible, parking lot trees shall be placed in islands not less than 180 square feet. Otherwise, parking lot trees shall be arranged around the perimeter of the parking lot.

L. **Lighting.** All lighting used to illuminate any off-street area shall meet the requirements Section 5.18 Exterior lighting or, where applicable, of the district in which the parking lot is located.

M. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with Chapter 36 of this Code of Ordinances.

N. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant shelter, which shall not be more than 50 square feet in area and not more than 14 feet in height.

O. **Additional requirements.** In addition to the other requirements of this section, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the planning commission for the protection of abutting properties in a residential district.

P. **Stacking space requirements for drive-through uses.** Any lane, aisle, drive or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods or services without the driver leaving the vehicle (referred to as a drive-through lane) shall comply with the following requirements:

1. Drive-through lanes shall be separate from the circulation roads and lanes necessary for ingress to and egress from the property.
2. Drive-through lanes shall not use any space that is necessary for adequate access to parking spaces.
3. Drive-through lanes where vehicle stacking and waiting occur shall not be permitted in the front yard.
4. Drive-through lanes and associated bypass lanes shall be set back at least ten feet from the side and rear lot lines.
5. Drive-through lanes located adjacent to a street shall be buffered by a minimum ten-foot wide landscaped planting buffer adjacent to the right-of-way. Drive-through lanes shall provide one by-pass lane to allow unobstructed travel for vehicles to pass those waiting to be served.
6. All designated pedestrian areas which pass through a stacking space/by-pass lane area shall be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.
7. Drive-through lanes shall have a minimum width of ten feet.
8. Drive-through lanes shall have a minimum length of 20 feet per vehicle.
9. Drive-through lanes shall have a minimum centerline turning radius of 25 feet.
10. Drive-through lanes shall be striped, marked or otherwise distinctly delineated.
11. Drive-through lanes shall have a minimum stacking space in accordance with the standards of Section 5.1.D Table of off-street parking requirements.

## 5.3 Off-street loading requirements

A. On the same premises with every building, structure, or its part, involving the receipt or distribution of vehicles or materials or merchandise, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, and dry cleaning establishments, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

B. Such loading and unloading space shall have sufficient area and height clearance to accommodate vehicles using the loading space, based upon evidence supplied by the applicant and shall be provided according to the following schedule:

Table 5.3.B Required loading and unloading space in terms of gross floor area

| Gross Floor Area (Sq. Ft.) | Loading and Unloading Spaces Required in Terms of Gross Floor Area |
|---|---|
| 0—2,000 | None |
| 2,001—20,000 | One space |
| 20,001—100,000 | One space plus one space for each 20,000 sq. ft in excess of 20,000 sq. ft |
| 100,001—500,000 | Five spaces plus one space for each 40,000 sq. ft in excess of 100,000 sq. ft. |
| Over 500,000 | Fifteen spaces plus one space for each 80,000 sq. ft in excess of 500,000 sq. ft. The size of a typical loading space shall be ten ft. x 50 ft. in area. |

C. **Requirements specific to the CMD zoning district.** In order to accommodate loading, unloading, and garbage collection, all buildings abutting and/or within the CMD-1 or CMD-2 zoning districts shall be served by a rear alley, or other demonstrated means of rear access, which shall be adequate to accommodate a fire lane along with an area for off-street loading. All deliveries shall be received within the rear of the building. A rear accessed loading zone is not required for parcels abutting a residential zoning district.

D. **Requirements specific to the WG, BRD-1, and BRD-2 zoning districts.** Loading/unloading activity shall take place in the rear yard only. Where rear yard loading is not feasible, the planning commission has the flexibility to allow for loading/unloading activity to be established in a side yard. In no case shall such activity be permitted within the front yard area. Also, no overhead doors shall be located facing the front yard.

## 5.4 Michigan Uniform Traffic Code (UTC)

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201, et seq.) and made effective October 30, 2002, is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the City of Clawson.

## 5.5 Paving of alleys

All sites with frontage on an unimproved public alley shall be required to pave their frontage at the time of application for reoccupancy of a building, a change of use or other onsite improvements which require the submission of a site plan

## 5.6 Easements

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure or large tree on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

## 5.7 Sidewalks

For all developments requiring site plan approval, either a new public sidewalk or the reconstruction of existing sidewalks shall be required to be constructed to city standards along the perimeter of the lot which abuts any street. New or reconstructed sidewalks shall be aligned with existing or proposed sidewalks.

## 5.8 Frontage on a public street

No lot shall be used for any purpose permitted by this article unless such lot abuts a public street, unless otherwise provided for in this article.

## 5.9 Access to sites

A. **Required access to major thoroughfare.** All uses requiring ingress and egress directly to a major thoroughfare, as defined in Section 2.2 Definitions and making reference to this section, may provide access driveways to other than a major thoroughfare, only where such access is provided to a street where the property directly across the street from such driveway, and all property abutting such street between the driveway and the major thoroughfare is zoned for multiple-family use or any nonresidential uses or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future.

B. **Access to paved, public streets.** All buildings and uses located in any district shall be provided access from a paved public street.

C. **Pedestrian access.** All frontages onto a public street shall be provided with a five-foot-wide concrete sidewalk built in accordance with the city's standards. Parking lot areas shall be provided with safe pedestrian means of access in the form of crosswalk area designed with colored stamped concrete, decorative pavers or other similar materials. Sidewalk connections from sidewalks along the public street right-of-way to sidewalks on-site shall be required where feasible.

D. **Driveways.** Driveways shall be consolidated to minimize congestion and potential conflicts on the adjacent public roads. Access management is a very important tool for a better designed community; therefore, individual driveways for a specific building or use shall not be allowed unless no other means of access is available or feasible. Property owners shall be encouraged to allow for shared and cross-access agreements to reduce curb cuts onto adjacent roadways.

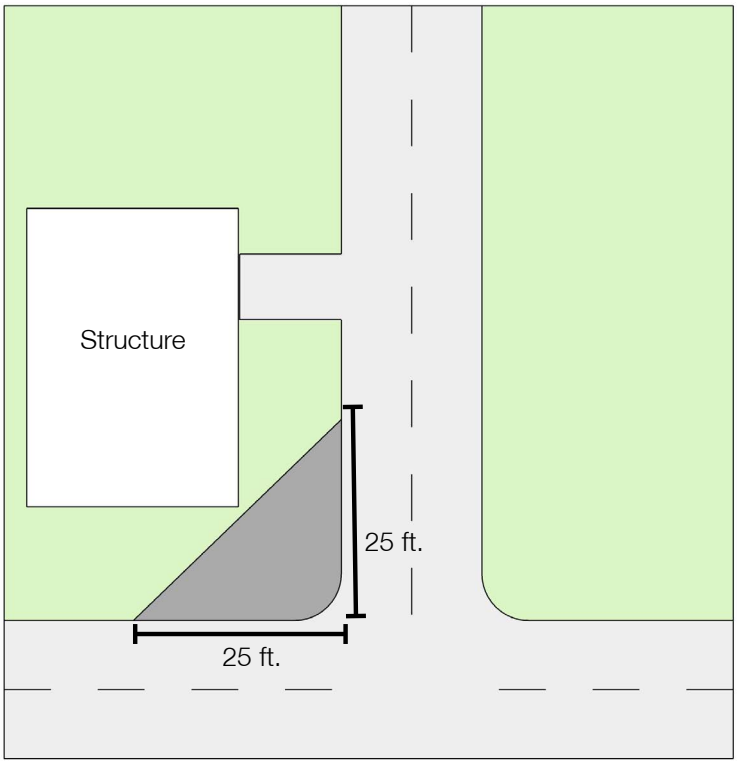
## 5.10 Residential entranceway structures

In all residential districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 5.11 Corner clearance. Such entranceway structures shall comply to all codes of the city and shall be approved by the building department, which shall issue a permit for such structure.

## 5.11 Corner clearance

No structure, wall, fence, shrubbery, or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; except that shrubbery and low retaining walls not exceeding 2½ feet in height above the curb level and trees where all branches are not less than eight feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

**CORNER CLEARANCE**




©giffels webster

## 5.12 Accessory buildings, structures and uses

Accessory buildings, structures and uses, except as otherwise regulated in this article, shall be subject to the following restrictions and controls:

A. When an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this article applicable to the main building.

B. No accessory buildings, structures, or uses shall be erected in any minimum side yard setback, nor in any front yard.

C. An accessory building shall not occupy more than 25 percent of a required rear yard, provided that in any residential district the accessory building shall not exceed the ground floor area of the principal building.

D. No detached accessory building or structure shall be located closer than ten feet to any building, except that an accessory building may be located no closer than five feet where the interior of the lot has alternative means of emergency vehicle access directly onto a dedicated right-of-way easement. A minimum width of ten feet shall be required for alternative means of emergency access. In no case shall any accessory building be located close than two feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure shall not be closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.

E. No detached accessory building or structure in R-1 and R-2, RM-1, RM-2, O-1, B-1 and P-1 districts shall exceed 14 feet in height. Accessory structures in all other districts may be constructed equal to the permitted maximum height of structures in such districts, subject to planning commission review and approval.

F. On corner lots where a rear yard abuts a side yard, accessory buildings and structures on the corner lot shall not project beyond the front yard setback required on the lot to the rear of such corner lot, and shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.

G. On any one single-family residential lot, not more than one private garage, and one storage shed shall be erected.

H. The use of any accessory building for the overnight housing of persons is prohibited, unless expressly permitted by this article.

I. Private home swimming pools shall be subject to the following regulations:

1. **Location**. The pool shall be located in the rear yard only and shall be located not less than 25 feet from any front lot line.
2. **Distance from adjoining property**. There shall be a minimum distance of not less than five feet from any other adjoining property line and the outside of the pool wall.
3. **Fencing**. The pool shall be fenced and controlled, as provided by ordinance.
4. **Inspection**. The city building department shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining that all provisions of this section and all ordinances are complied with. Before any swimming pool shall be used, a final inspection and approval must be received from the building department.

5. **Nuisance.** Any such outdoor swimming pool installed, operated or maintained in violation of provisions of this section shall constitute a nuisance, and the city may, in addition to the penalties set forth in Article 7 - Administration & Enforcement and Section 6.2 Special land uses, maintain any proper action for the abatement of such nuisance.

J. Off-street parking which is accessory to a permitted use or a use permitted after special land use approval shall be permitted in each district, subject to the provisions of Section 5.1 Off-street parking and loading. Nonaccessory off-street parking shall be permitted only in districts where it is listed as a permitted use or use permitted after special land use approval.

K. No accessory structure or use shall be constructed or erected on a lot unless there is a principal building, structure, or use being legally constructed or already erected on the same zoning lot.

L. When a garage is attached to a principal structure, the minimum required combined setback of the side yards shall be ten feet.

M. The exterior finish materials and colors of any accessory building other than a shed, as defined in this ordinance, shall match or complement the principal building. Where a determination of compatibility cannot be reached by the Building Department, the application may be referred to the Planning Commission for a final determination.

(Amended by Ord. No. 772)

## 5.13 Fence, wall and privacy fence regulations in the R-1 and R-2 districts

Fences, walls and privacy screens are permitted in the R-1 and R-2 districts, subject to the following:

A. **Permits.** The erection, construction or alteration of any fence, wall or privacy screen shall be meet the requirements of all municipal codes and shall require a building permit. In order to obtain a permit, the applicant shall file with the building department a complete signed and dated fence application containing a plan with all the following information:
   1. Proposed location of fence
   2. Type of fence
   3. Fence materials and colors
   4. An elevation showing the design, including fence height and depth of footings

B. **Placement and height.** The following placement standards shall apply to all residential fences and walls:
   1. Fences and walls shall not be placed in a front yard, except as otherwise permitted by this ordinance.
   2. A privacy fence up to six feet high may be erected in the rear yard of any residential property.
   3. On an interior lot, fences and walls shall not extend further toward the front lot line than the front building line. Privacy fences in interior side yards may have a height of up to six feet.
   4. Chain link fences may not exceed a height of four feet and shall not extend toward the front of the lot farther than the front building line.
   5. On corner lots where the rear yard abuts another rear yard, privacy fences in the exterior side yard may have a maximum height of six feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk.

6. Where the exterior side yard of a corner lot shares a common street line with a front yard in the same block, a privacy fence in the exterior side yard may have a maximum height of six feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk. The exterior side yard fence shall not extend toward the front of the lot farther than the front setback line.
7. Fences which are a part of a deck structure shall not exceed four feet in height above the surface of the deck.
8. Open fences less than 30 inches in height that serve an architectural or decorative landscaping function and that neither enclose nor obscure property may be placed in any yard. Chain link shall not be permitted.

C. **Materials**. All fences shall be constructed of durable materials, such as painted or stained wood, vinyl, or chain link. Chain link fences shall not include woven or otherwise appended screening materials.

D. **Construction and maintenance**.
1. All fences in residential districts must be of sound construction with adequate supports and footings (typical spacing is from eight to ten feet and posts are generally set in concrete). The fence shall be installed plumb and maintained as not to become unsightly. Wooden and vinyl fences shall be freestanding and not attached to other fences or the former support posts of other fences, such as chain link fences.
2. Damaged or deteriorated fences, including fences with peeling paint, shall be repaired or removed within 30 days of damage or notice of nuisance from the building department.
3. A fence may be installed by the owner any residential lot in the city at the sole expense of the owner desiring to construct the fence. Such partition fences shall at all times be maintained in a neat, substantial and safe condition at the sole expense of the owner constructing such fence, or upon such other basis as may be mutually agreed upon with the adjoining property owner.

E. **Institutional fences in the R-1 and R-2 districts**. Fences which enclose public or institutional playgrounds shall not exceed six feet in height above grade, and shall not obstruct vision to an extent greater than 25 percent of their total areas.

F. **Appearance**. All fences shall be constructed such that the finished side of the fence faces outward from the property on which the fence is erected.

G. **Security materials**. Fences shall not contain barbed wire, razor wire, electric current or charge of electricity.

H. **Clear vision area**. A clear vision area shall be established where any driveway meets a public sidewalk. The clear vision area shall be a triangle formed by measuring a distance of 15 feet along the outermost edges of both the sidewalk and driveway from their point of intersection. Within the clear vision area, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from grade at its base shall be permitted.

I. **Gates**. Any fence or wall which is equipped with a gate shall maintain the gate in an operable condition, and shall keep the gate securely closed at all times when not in actual use.

## 5.14 Obscuring walls

A. For those zoning districts and uses listed in this section, there shall be provided and maintained an obscuring wall as required by the conditions, heights and locations noted in this subsection, except as provided in subsections C, D, and E of this section.

5.14.A Obscuring walls

| Districts Requiring Obscuring Walls | Conditions | Height of Wall | Location of Wall |
|---|---|---|---|
| O-1, B-1, B-2, B-3 and P-1 | When abutting any R or RM district, CR district | 6'0" | Along common district boundary |
| O-2, I-1 and I-2 | When abutting any R or RM district, CR district | 8'0" | Along common district boundary |
| BRD-1 and BRD-2 | Any R or RM district, CR district | 6'0" | Along common district boundary |
| WG | Any R or RM district, CR district | 6'0" | Along common district boundary |
| Off-street parking areas in RM-1, RM-2 districts, or PUD | When abutting any R district, CR district | 4'6" | Along property line between R district and parking areas |
| Junkyards | Under any circumstances | 8'0" | All sides of use |
| Outside storage facilities or areas in an I-1, I-2 or O-2 district | When abutting any R, RM, CR, B, C-1, O-2 or P-1 district | 6'0" | Along property line between outside storage areas and abutting R, RM, B, C-1, O-2 or P-1 district or thoroughfare (setback) |
| Off-street parking areas in R-1, R-2, CC, CMD, or CR (except single-family and two-family) | When abutting any single-family use | 4'6" | Along property line between single-family zoning district and off-street parking area |

B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this article requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such request.

C. Where the parking lot is contiguous to a residentially zoned district which has a common frontage on the same block with the parking lot and wherein residential structures have been erected, there shall be established a setback line 20 feet from the street lot line and the screening shall be provided at the setback line and shall not be less than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall.

D. Where the parking lot lies across a street from and opposite a residentially zoned district wherein the lots front upon such street, the screening shall be provided at a setback line 20 feet from the street property line and shall be not less than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall.

E. Where the parking lot fronts a major thoroughfare, an obscuring wall shall be placed along the street property line and shall be not lower than 30 inches and not more than three feet in height above the grade measured on the outside face of the wall. The wall shall be covered by brick masonry, on both sides, and have a stone cap or a suitable substitute cap approved by the planning commission.

F. Where a wall is required to be set back in conformance with front yard setbacks in adjacent residential districts, such setback shall be landscaped and maintained in a healthy and growing manner.

G. Obscuring walls, as required in this section, except as specified in subsection F of this section, shall be constructed with an exterior of face brick, or reinforced imitation poured brick wall where such wall faces any residential area or street. The width of the wall shall be a minimum of six inches and a maximum of 16 inches, and the height shall be as specified in subsection A of this section.

H. The planning commission may approve an alternate location for the wall or may waive or modify the requirements in subsections A-H of this section upon making a determination that proposed or existing screening will adequately safeguard the abutting residential district. Examples of instances where no good purpose would be served include:

1. An existing fence, of solid construction, in good repair and sufficient to serve as screening, is located where the obscuring wall would be placed.
2. A large open space borders the lot line where the wall would be required, and this open space is unlikely to be developed due to existing site characteristics such as a prevalence of wetlands, environmental degradation, or other characteristics prohibiting development.
3. All obscuring walls must be of sound construction with adequate support footings. The wall shall be installed plumb and maintained so as not to become unsightly. Damaged or deteriorated walls shall be repaired or removed within 30 days of damage or notice of nuisance from the building department.

I. Wall design shall be complementary to the building architecture.

J. Where a site has existing obscuring walls bordering a residential district, the planning commission shall have the discretion to modify the wall height and material type requirement established in this section, based on an evaluation of the condition of the existing wall. If the existing wall is in a state of severe disrepair, the planning commission may require erection of a new wall. If the existing wall is well-maintained or requires minor repairs and upkeep, the planning commission may permit the wall to remain with required maintenance and repairs.

## 5.15 Landscaping, greenbelts and planting materials

A. Intent. The overall intent of the Zoning Ordinance is to preserve the health, safety, and welfare of the people who live and work in the City of Clawson. Landscaping is a critical element of meeting this intent, contributing to the aesthetics, development quality, stability of property values, and the overall character of the city. The intent of this section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. The standards of this section are intended to:

1. Minimize negative impacts of stormwater runoff
2. Further the sustainability and resiliency goals of the city
3. Ensure that species selection is appropriate for the location of all plantings with regard to salt tolerances, obscuring effect, durability, and other important considerations
4. Prevent the spread of invasive species
5. Provide incentives to preserve quality mature trees
6. Screen headlights from rights-of-way and residences to reduce glare and driver distraction
7. Unify the elements of a site
8. Ensure compatibility between land uses,
9. Break up large expanses of pavement, provide a substantial tree canopy and mitigate the urban heat island effect
10. Improve the overall aesthetic quality of the community
11. Encourage an increase in landscaping during redevelopment of sites

B. Scope. The standards of this section are considered the minimum necessary to achieve the intent above. Applicants are encouraged to provide additional landscaping to improve the function, appearance, value, and sustainability of their property. The standards of this section shall apply to all sites, uses, and projects requiring site plan approval in the R-1, R-2, RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, I-1, I-2, P-1, WG, BRD-1, and BRD-2 districts after the effective date of this section. For landscaping in the CC and CMD districts, see Section 3.11 Supplemental regulations for the City Center (CC) and CMD districts of this ordinance.

C. Existing Sites. Special provision shall be made for applying these standards to developed sites that existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement, a change in use or expansion, the objective of these standards shall be to gradually bring the site into compliance with the minimum standards of this subchapter in proportion to the extent of the expansion or improvement.

D. Required Planting. Whenever in this article landscaping is required, it shall be planted prior to the issuance of a certificate of occupancy or within six months from the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit or corporate surety bond in an amount equal to the estimated cost of the landscape plan or its portion shall be deposited in accordance with Section 7.14 Performance guarantees.

E. Landscape Plan Required. A landscape plan prepared by a landscape architect, certified arborist, or other certified professional shall be submitted for any use requiring site plan approval, per the requirements of Section 6.1.C Application submittal. Planting details shall at a minimum comply with the standards of the City of Clawson Landscaping Guidelines.

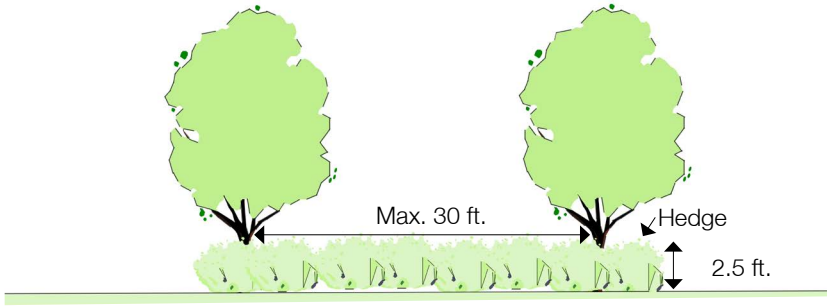
F. Species Selection. Plant materials shall be selected to ensure that the root system will not interfere with public utilities. All planting materials used shall be of good quality and meet American Association of Nurserymen (ANNS) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of southeast Michigan. The use of species native to southeast Michigan is encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred. Species diversity is encouraged. See the City of Clawson Landscaping Guidelines for more information on species diversity and location-appropriate species selection.

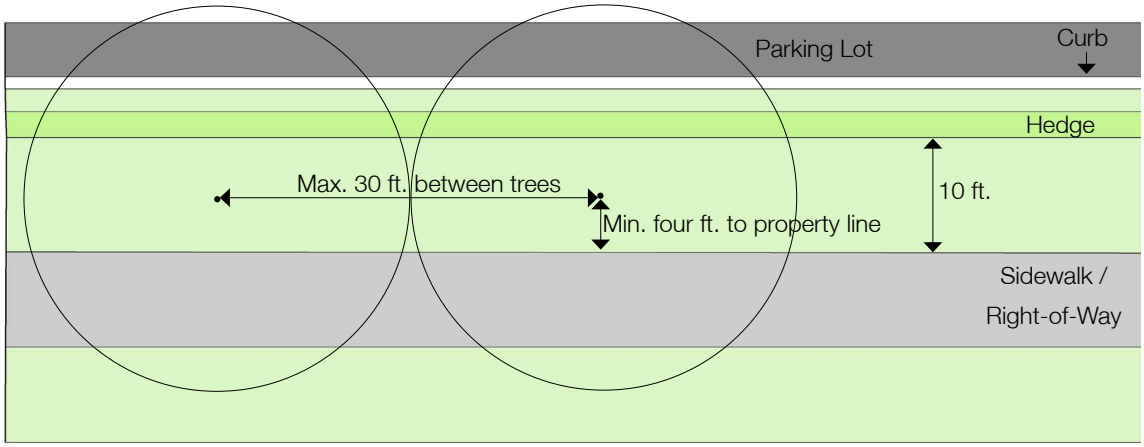
G. General landscaping standards. All landscaping in the city shall meet the following standards:
   1. Innovation and design of landscaping, berm placement and use of flowering trees is encouraged.
   2. Trees and shrubs shall be placed a minimum of four feet from any fence line or property line.
   3. Deciduous trees shall be a minimum of 2.5 inches diameter at breast height (dbh) at the time of planting.
   4. Any growth from a tree or shrub that is under eight feet must be pruned to no less than six inches from the ROW.

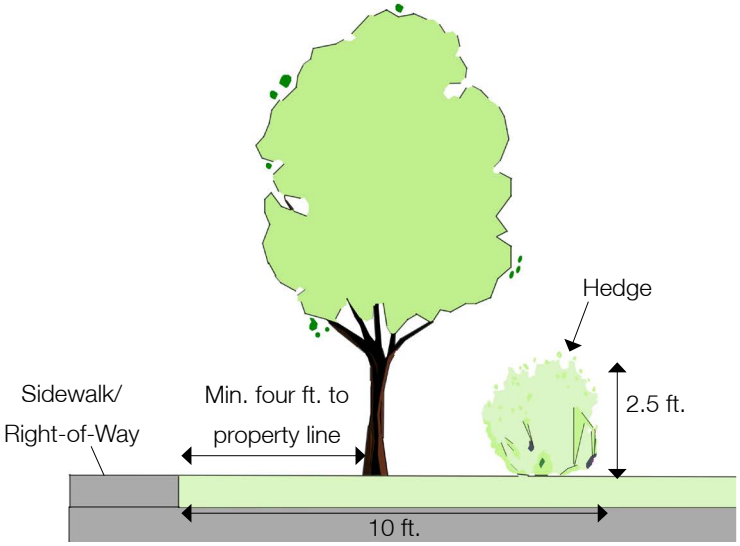
H. Fractions in the Calculation of Number of Trees and Shrubs. In the calculation of trees and shrubs for street frontage, greenbelts or parking landscaping, all fractions shall be rounded to the nearest whole number.

I. Street Frontage Landscaping. Street frontage landscaping shall be provided on all sites other than single-family residential sites. Street frontage landscaping shall meet the following requirements, intended to promote attractive, high-quality development and to provide an appealing image of the City of Clawson.
   1. The minimum width of street frontage landscaping shall be 10 feet, except where a greater width is required. The planning commission may approve a reduction of this minimum width or an alternative to street frontage landscaping wherever it makes a finding that the characteristics of the site make a full ten-foot landscape area impractical due to parking requirements or other factors, and that reducing the width of the landscape area will not adversely impact landscape health and longevity.
   2. The street frontage landscaping area shall contain at least one tree for each 30 linear feet of street frontage.
   3. Evergreen trees are discouraged in street frontage landscaping areas. Where they are planted, they shall be a minimum of five feet in height at the time of planting. Evergreens shall not be planted within 25 feet of any non-residential driveway.

## STREET FRONTAGE LANDSCAPING




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4. A continuous evergreen hedge with a minimum height of 2.5 feet shall be required adjacent to any parking spaces in order to screen parking and prevent the intrusion of glare from headlights into the public right-of-way. A low wall or berm may be substituted for this hedge with planning commission approval. Any hedge or wall shall be placed so as to permit at least one foot of overhang for parked vehicles.
5. The remaining ground surface area in the landscape area shall be seeded, sodded or planted with ground cover.
6. Where street frontage landscaping requirements cannot be met, the planning commission may accept foundation plantings as a method of obtaining partial compliance.

J. Greenbelts. Wherever greenbelts are required by this ordinance, they shall meet the following standards:
1. A detailed plan for the greenbelt shall be approved during site plan review. The plan shall include information as required in Section 6.1.C Application submittal.
2. Required greenbelts shall meet the following minimum standards:
   a. The minimum width of a greenbelt shall be 10 feet. The planning commission may approve a reduction of this minimum width wherever it makes a finding that the characteristics of the site make a full ten-foot greenbelt impractical due to parking requirements or other factors, and that reducing the width of the greenbelt will not adversely affect the screening effect.
   b. The greenbelt shall contain at least one tree for each 30 linear feet of greenbelt.
   c. Evergreen trees shall be a minimum of five feet in height at the time of planting.
   d. A greenbelt shall contain understory plantings, with a minimum of two shrubs or similar plantings per tree. Where the planning commission agrees that canopy trees are impractical, it may approve the substitution of shrubs or ornamental trees.
   e. The remaining ground surface area of the greenbelt shall be seeded, sodded or planted with ground cover, shrubs, flower beds, or other vegetation.
   f. The goal of a landscape plan for a greenbelt should be that branch and leaf canopy overlap by half the maximum predicted width of the adjacent tree at maturity. Shrubs shall be planted in such a manner that spacing between both shrub and trees will be filled at maturity.
3. Greenbelts shall be designed to avoid creating obstacles to proper sight distance between vehicles and pedestrians. (Also see Section 5.11 Corner clearance).
4. Where a berm is proposed, the following requirements shall be met:
   a. Berms shall be constructed as landscaped earth mounds with a crest area of at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, which may be shorter than the exterior slope, or retained by means of a wall, terrace, or other means acceptable to the planning commission. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot vertical rise to three feet of horizontal distance.
   b. Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with living shrubs, trees or lawn, and shall be maintained in a healthy, growing condition.

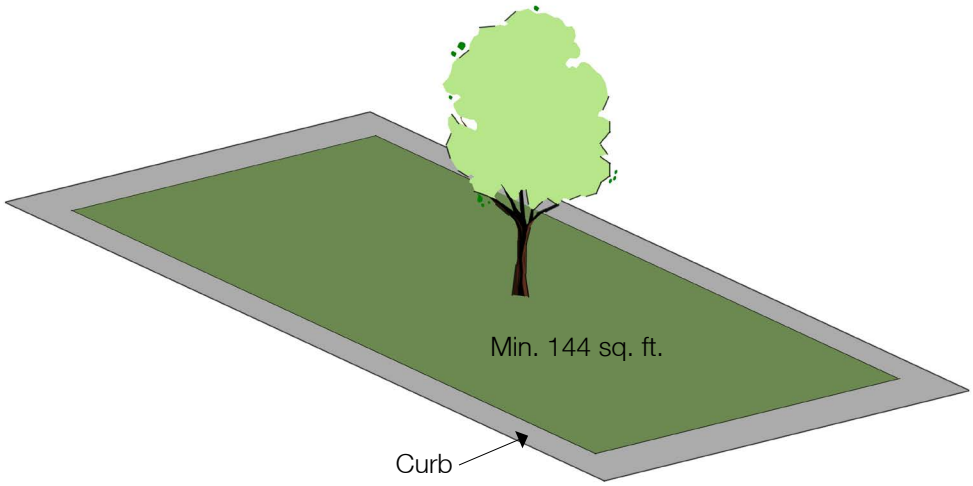
c. A planting plan and grading plan shall be prepared for the berm. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts; and plant material contained in this section.

d. The mix and spacing of deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout all seasons. Staggering of plant materials may be employed to obtain the obscuring effect.

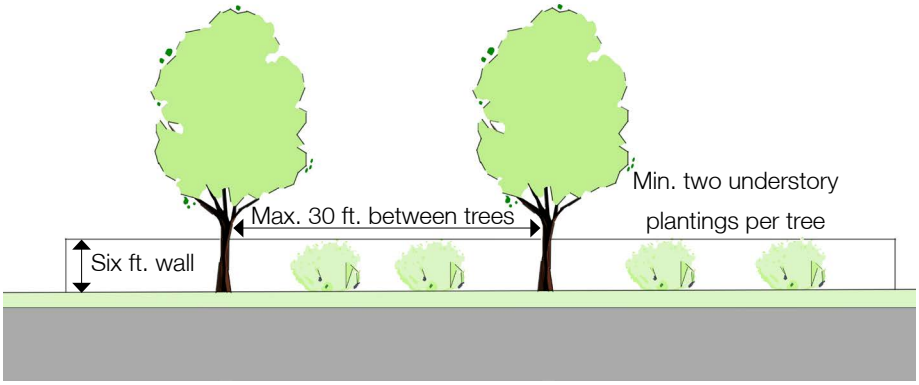
K. Parking lot landscaping. The city finds that large continuous expanses of parking diminish the aesthetic quality of sites and increase the heat island effect. In order to mitigate these effects, parking lot landscaping is required for all parking lots exceeding 30 spaces. Parking lot trees shall be provided as follows:

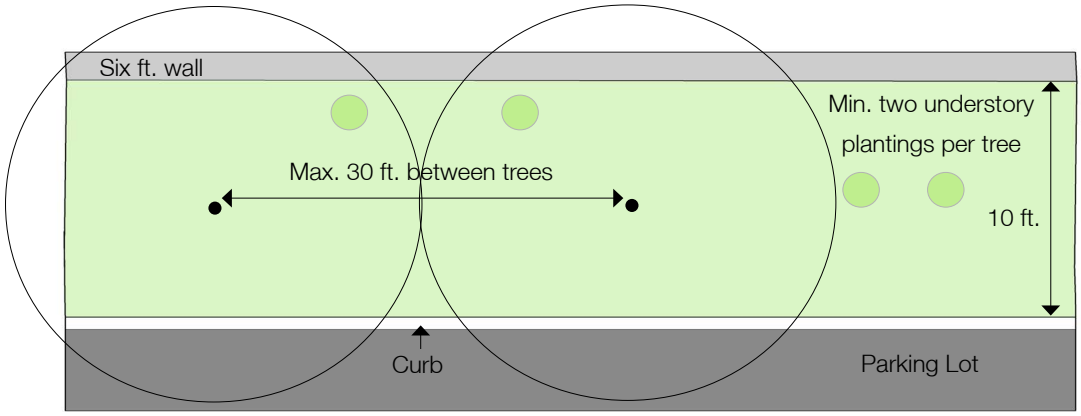
1. One tree shall be provided for each ten parking required parking spaces.
2. To the extent possible, parking lot trees shall be planted within the parking lot, in end islands or curb extensions.
3. The minimum area of an end island or curb extension with a parking lot tree shall be 144 square feet per tree.

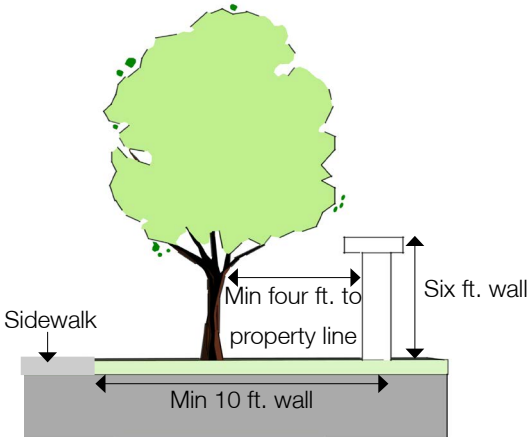
**PARKING LOT LANDSCAPING**



## LANDSCAPING WITH WALLS




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L. Landscape maintenance agreements and requirements.

1. **Statement of intent.** It is important to the city that all residential and commercial properties accentuate to the extent practicable, green space, lawn cover, tree protection, water conservation and irrigation and on-site water runoff management. Thus the planning and design of green space requirements is critical to any type of development within the city. The goal is also to assure proper buffer area landscaping, appropriate planting types, sizes, visual screens and noise inhibitors. Equally important is once the green space is developed in accordance with an approved green space and maintenance plan, adherence to that plan will occur after the site is constructed and a certificate of occupancy is issued. Therefore to assure the implementation and continuation of this purpose, the provisions hereunder are enacted.
2. **Landscape maintenance agreement.** Trees and vegetation, irrigation systems, fences, walls and other landscaping elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease; pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition in order to maintain the required landscaping of the site.

   The Community Development Director, or designee, shall provide the property owner and/or the tenant or lessee written notice of dead or missing landscape material in violation of landscaping requirements, and they shall allow at least ninety (90) days to provide for the replacement of such materials.
3. Wherever landscaping has been provided, the maintenance plan shall indicate the means of providing sufficient irrigation.
4. Trees limbs shall be trimmed to a height of no lower than 13' above the street surface, and no lower than 8' above a sidewalk surface or within a required clear vision area.
5. Topping of trees is prohibited.

M. The planting of trees determined to be invasive or to harbor invasive insects or diseases shall be prohibited. The following trees shall not be permitted:

| 5.15.M Trees not permitted | | |
|---|---|---|
| | Genus/Species | Common Name |
| 1. | Abies species | Fir |
| 2. | Acer ginnala | Amur Maple |
| 3. | Acer negundo | Box Elder |
| 4. | Acer cultivars until such time that the Acer genus inventory is no greater than 40 percent of all tree genus in the city | Silver Maples |
| 5. | Aesculus glabra | Ohio Buckeye |
| 6. | Aesculus hippocastanum | Common Horsechestnut (nut bearing) |
| 7. | Aesculus pavia | Red Buckeye |
| 8. | Ailanthus altissima | Tree of Heaven |
| 9. | Alnus glutinosa | Black Alder |
| 10. | Asimina triloba | Pawpaw |
| 11. | Carya species | Hickory and Pecan |
| 12. | Catalpa species | Northern Catalpa |
| 13. | Crataegus crus-galli | Cockspur Hawthorn |
| 14. | Elaegnus angustifolia | Russian Olive |
| 15. | Frangula alnus | Glossy Buckthorn |
| 16. | Juglans nigra | Black Walnut |
| 17. | Maclura pomifera | Osage-orange |
| 18. | Morus species | Mulberry |
| 19. | Oxydendrum arboretum | Sourwood |
| 20. | Paulownia tomentosa | Empress Tree |
| 21. | Populus alba | White Poplar |
| 22. | Populus deltoides | Eastern Cottonwood |
| 23. | Populus fremontii | Western Cottonwood |
| 24. | Populus grandidentata | Bigtooth Aspen |
| 25. | Populus nigra | Black Poplar |
| 26. | Populus tremula | European Aspen |
| 27. | Pyrus calleryana | Callery Pear |
| 28. | Pyrus fauriei | Korean Pear |
| 29. | Pyrus salicifolia Willowleaf | Pear |
| 30. | Rhus typhina Staghorn | Sumac |
| 31. | Robinia pseudoacacia | Black Locust |
| 32. | Salix cultivars that exceed 25 ft. height at maturity | Willows |
| 33. | Sorbus cultivars | Mountain Ash |
| 34. | Tamarix species | Tamarisk |

| | | |
|---|---|---|
| 35. | Tsuga cultivars | Hemlock |
| 36. | Ulmus cultivars susceptible to Dutch Elm Disease | Elms |
| 37. | Ulmus pumila | Siberian Elm |

N. Tree and plant species shall be selected and planted in accordance with the City of Clawson Landscaping Guidelines.

## 5.16 Enclosure of roof appliances or accessories

A. In all zoning districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, other than flagpoles, chimneys for carrying products of combustion, and radio antenna towers, shall be enclosed with opaque screens not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance.

B. In instances where roof vents, roof-mounted mechanical equipment, pipes, etc., can be viewed from above or below, they shall be grouped together, painted to match roof color to reduce their appearance, screened from view and integrated into the building architecture to the extent feasible.

C. Where a parapet wall is present and accomplishes the same screening effect required above, the parapet wall may be accepted by the planning commission as a substitute for the rooftop screening device.

D. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

## 5.17 Dumpsters or outdoor trash receptacles

Any new or altered use which requires site plan review under Section 6.1 Site plan review and approval and has an outdoor trash storage area shall comply with the following requirements:

A. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.

B. A decorative masonry wall of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the planning commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.

C. In no instance shall any such refuse be visible above the required enclosure.

D. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.

E. Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

F. All non-single-family buildings and uses shall be required to provide a means of trash removal. Use of shared dumpsters between adjacent or contiguous buildings or uses is encouraged. All dumpsters shall be contained within the building and/or a fully enclosed structure attached to the building. The enclosure shall be constructed of a material complementary to the primary building material and provided with steel reinforced wooden gates as required by the city. A dumpster location not attached to a building may be approved if adequately screened from public rights-of-way or required by city ordinance to serve multiple buildings/uses.

## 5.18 Exterior lighting

A. **Intent**. The purpose of this section is to provide regulations for outdoor lighting that will:
   1. Permit the use of outdoor lighting that meets the minimum levels specified in this ordinance for night-time safety, utility, security, productivity, enjoyment, and commerce.
   2. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
   3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
   4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
   5. Conserve energy and resources to the greatest extent possible.
   6. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots.
   7. Permit the lighting of property in a manner that fosters public safety while protecting nearby sites and rights-of-way from the potential adverse effects of nighttime site lighting, including distractions to vehicular traffic, and glare onto residential properties.

B. A photometric plan meeting the standards of Section 6.1.C Application submittal plan shall be submitted for any use requiring site plan approval.

C. All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from the property line in order to reduce glare and interference with public rights-of-way and adjacent properties.

D. All lighting in nonresidential districts used for the external illumination of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

E. Pole-mounted lights and related structures shall be limited to a height of 20 feet. Pole-mounted lighting located within 15 feet of a residential property line shall be limited to a height of 12 feet.

F. All fixtures mounted within 15 feet of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a “house side shielding” reflector on the side facing the residential property line or public right-of-way.

G. Except as otherwise allowed for herein, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineering Society of North America (IES) criteria for full cut-off fixtures (100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture).

H. Roof-mounted lighting, laser light sources, searchlights and similar high-intensity lighting are prohibited.

I. Pedestrian walk lighting shall clearly identify the pedestrian walkway and illuminate any posted direction of travel.

J. Architectural building lighting may be used for security purposes, to articulate the building design, or lighting for pedestrian areas. In all cases, the source of such lighting shall be fully shielded.

K. Lighting shall not flash, move or be otherwise intermittent.

## 5.19 Open storage or dumping on land

The use of land for the open storage or collection or accumulation of lumber, excluding firewood less than two feet long, or human-made materials, or for the dumping or disposal of scrap metal, junk, junk cars, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or byproducts, shall not be permitted in any zoning district.

## 5.20 Storage of obnoxious matter in open containers

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be visible from any street.

## 5.21 Commercial vehicles in residential areas

The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single-family residential development. The parking of large commercial vehicles are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such commercial vehicles tend to impair the health, safety and general welfare of the people of the city. Commercial vehicles in residential areas shall be subject to the following:

A. No commercial vehicle of any kind, shall be parked in a residentially zoned or used area; provided, however, that this subsection shall not apply to commercial vehicles temporarily parked less than eight hours in a residential area in conjunction with maintenance or service to a residential property.

B. In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on such motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.

## 5.22 Unlicensed vehicles

No unlicensed vehicle shall be kept on any property for a period of more than 15 days except in an I-1 or I-2 district or if contained entirely within a building.

## 5.23 Soil excavation or filling

A. The deposit or burying of garbage anywhere in the city is expressly prohibited.

B. The use of land for quarry excavation and the removal or filling of topsoil, sand, gravel or other material from or on the land is not permitted in any zoning district unless a plan for such excavation or filling has first been filed with and a building permit is obtained from the city. Before issuing a permit, the city shall determine that such removal will not cause stagnant water to collect or, at the expiration date of such permit, leave the surface of the land, in an unsuitable condition or unfit other land uses permitted in the district in which the removal or filling occurs; and that such fill or removal will not cause water or other materials to encroach on any public street, sidewalk, or adjacent property not owned by the applicant. When appropriate, the city may require that such fill or excavation areas are protected with fencing, rail guards, and warning signs.

C. This section shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the planning commission, and a building permit has been issued for such building development.

## 5.24 Grades, elevation differentials, and retaining walls

A. The grading of all building lots shall be such as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property.

B. Retaining walls in excess of one foot in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in structurally sound, good and safe repair and shall not impair drainage or create negative impacts on any other lot.

## 5.25 Performance standards

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

A. Noise.

1. **Noise level limits**. No operation or activity shall be carried on which causes or creates measurable noise levels which have an annoying or disruptive effect on surrounding properties, or which exceed the maximum noise level limits prescribed in table A as follows, as measured at the boundary line of the lot on which the operation or activity is located. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

5.25.A.1 Maximum permitted noise levels

| Zoning District | Time | Sound Level (A-Weighted Decibels) db(A) |
|---|---|---|
| Commercial | 10:00 p.m. to 7:00 a.m. | 45 |
| | 7:00 a.m. to 7:00 p.m. | 60 |
| | 7:00 p.m. to 7:00 a.m. | 55 |
| Industrial, where all adjacent properties are zoned industrial | Anytime | 70 |
| Industrial, where any adjacent properties are zoned residential | Anytime | 55 |

2. **Intermittent sounds**. Intermittent sounds or sounds characterized by pure tones may be a source of complaints, even though the measured sound level may not exceed the permitted level in table 5.25.A.1. In such cases, the building official shall investigate the complaints to determine the nature of and justification for the complaint and possible corrective action. If the complaints are determined to be justified and are not resolved within 60 days, the building official may proceed to enforce the terms of this article in accordance with the remedies provided in this section.
3. **Permitted exemptions**. Noise resulting from the following activities shall be exempt from the maximum permitted sound levels:
   a. Temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m.
   b. Performance of emergency work.
   c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.
   d. Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m.

B. Vibration.

1. **Permitted vibration**. Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that:
   a. No operation shall generate any ground-borne or structure-borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located; and
   b. No operation shall generate any ground-transmitted vibrations which exceed the limits specified in Section 5.25.B Vibration, as measured at the boundary line of the lot on which the operation or activity is located.
2. **Method and units of measurement**. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. Vibrations shall be measured in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

   PV = 6.28 (F × D)
   Where:
   PV = particle velocity, expressed in inches per second
   F = vibration frequency, expressed in cycles per second
   D = single amplitude displacement of the vibration, expressed in inches
   The maximum velocity shall be the vector sum of the three components recorded.

   Ground-transmitted vibration shall not exceed a particle velocity of 0.20 inches per second, as measured at the boundary line of the lot, unless the adjacent property is used for residential purposes, in which case the particle velocity shall not exceed 0.02 inches per second. These maximum permitted values may be doubled for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.
3. **Permitted exemptions**. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the maximum permitted vibration levels in subsection C of this section, provided that such activity occurs in a legally accepted manner.

C. **Dust, smoke, soot, dirt, fly ash and products of wind erosion**. The drifting of airborne matter beyond the lot line, including wind-blown dust, particles or debris from open stock plies, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established by conjunction with the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994) or other applicable state or federal regulations. No person shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

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

E. **Glare and heat**. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half of one footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. **Fire and safety hazards**. The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including Public Act No. 207 of 1941 (MCL 29.1 et seq.). Further, all storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. Belowground bulk storage tanks which contain flammable material shall be located no closer to the property line than 75 feet.

G. **Sewage wastes and water pollution**. Sewage disposal and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the state department of health, the state department of natural resources, the county health department, and the U.S. Environmental Protection Agency.

H. **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 shall be subject to regulations established in conjunction with the federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal, state, county or local regulatory agency which has jurisdiction:

| 5.25.H Maximum emissions level and sampling period for various gases | | |
|---|---|---|
| Gas | Maximum Emissions Level | Sampling Period |
| Sulfur dioxide | 0.14 ppm | 24 hours |
| Hydrocarbons | 0.24 ppm | 3 hours |
| Photochemical oxidants | 0.12 ppm | 1 hour |
| Nitrogen dioxide | 0.05 ppm | Annual |
| Carbon monoxide | 9.0 ppm | 8 hours |
| | 35.0 ppm | 1 hour |
| Lead | 1.5 ug/cubic meter | 3 months |
| Mercury | 0.01 mg/cubic meter | 10 hours |
| Beryllium | 2.0 ug/cubic meter | 8 hours |
| Asbestos | 0.5 fibers/cc | 8 hours |

I. **Electronic equipment.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. **Electromagnetic radiation and radioactive materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an X-ray machine, shall not exceed levels established by federal agencies which have jurisdiction.

## 5.26 Green building strategies

In the interest of encouraging environmentally friendly site design and architecture, the city encourages properties to incorporate "greening" strategies into their designs in the form of stormwater drainage ideas like rain gardens, porous pavers, innovative landscaping, energy efficient building materials etc. Upon recommendation from the city planner, the planning commission has the discretion to modify some site requirements in favor of incorporation of green elements.

## 5.27 Building materials for non-residential buildings outside the CC and CMD districts

A. Intent. The purpose of these regulations is to improve the health, safety and welfare of residents and visitors, and ensure the durability of non-residential construction. These standards are further intended to foster the aesthetic appearance of the city by reducing long-term building maintenance needs.

B. Standards. All non-residential buildings located outside of the CC and CMD districts shall meet the following standards for exterior materials and maintenance:

1. All building exteriors shall be maintained in good order at all times.
2. Building exteriors shall be comprised of durable materials. The city shall maintain, and from time to time amend, the city shall maintain, and from time to time amend, Building Material Guidelines including a list of recommended materials.
3. Exterior Insulation Finishing Systems (EIFS) and aluminum siding shall not be used as a building material within ten feet of finished grade at the base of a building, as these materials have been found in the experience of the city to be easily damaged by contact. The city shall maintain, and from time to time amend, Building Material Guidelines including a list of materials not to be used at ground floor level.
4. Buildings in the CC and CMD districts shall meet the requirements of Section 3.11 Supplemental regulations for the City Center (CC) and CMD districts

# Chapter 34, Article X | Article 6
## Development Procedures

# Article 6 - Development Procedures

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## 6.1 Site plan review and approval

A. Statement of intent.

1. The purpose of site plan review is to ensure that each proposed development and its components, appearance, and function is in compliance with this article, other city ordinances, and state and federal regulations. It shall be the further purpose of this article to provide for consultation and cooperation between the land developer and the city in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of adjacent properties. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contraction or alteration of existing sites; and to the alteration or replacement of existing uses.
2. Further purposes of site plan approval shall include: privacy; efficiency for the public and local government servicing; preservation of the landscape; emergency access; effective drainage; vehicular and pedestrian safety and convenience; prevention of air, water and noise pollution; and limitation of obnoxious odors, glare, and exposure to toxic substances and wastes.
3. The site plan review procedures and standards in this article are intended to provide a consistent and uniform method of review of proposed development plans. Through the application of the following provisions, the attainment of the city master plan will be ensured, and the city will develop in an orderly fashion.
4. The provisions of this subsection shall apply in those instances where property within or abutting a CC or CMD district may be affected by an adjoining or bordering development of land.

Recognizing the importance of a vibrant downtown with well-planned quality development, the downtown development authority has adopted a urban framework design plan (UFDP) for the city's downtown area. The creation of the CC and CMD districts is based upon careful evaluation, study and an implementation plan for the UFDP. The goal of these districts is to transfer into reality the visions set forth by the UFDP which aim to preserve and enhance the "main street" character of the City of Clawson with limited height structures, enhanced pedestrian traffic, reduced roadway access and mixed commercial and residential development and existing residential properties.

The creation of these districts proposes specific design elements for the downtown area to act as a unifying streetscape. Therefore, compliance with specific standards listed under the CMD-1 and CMD district regulations shall be required in conjunction with any site development, redevelopment, alteration, expansion or reoccupancy of a building with the said districts. To the extent of impact on adjoining or bordering properties consideration shall also be given to the potential impact of air, light, open space, noise and hours of operation.

B. Approval.

1. **Site plan review required.** A site plan shall be submitted to the planning commission for review and approval for the following:
   a. Site plan review and approval in accordance with this section is required for all uses in the R-1 and R-2 districts except detached single-family residential uses and home occupation uses as regulated in Section 4.28 Home occupations.

b. Site plan review and approval is required for all uses in the RM-1 and RM-2 districts except detached single-family residential uses in accordance with Section 6.1 Site plan review and approval of this article.
c. Site plan review and approval is required for all development within the P-1 vehicular parking district, subject to the provisions of Section 6.1 Site plan review and approval. As part of the site plan review process, a landscape plan for the parking area shall be submitted to the planning commission for approval as to suitability of planting material, maintenance and arrangement.
d. Site plan review and approval is required for all uses in the O-2, B-1, B-2, B-3, I-1, and I-2 districts, in accordance with Section 6.1 Site plan review and approval of this article
e. The establishment of any new land use within the city, whether permitted or special, except single-family detached and two-family dwellings and their accessory buildings and uses, including home occupations, as defined by Section 2.2 Definitions, including any change in the use of a property by which involves the use changing from one use group to another. A use group is defined as a collection of various uses, all of which share similar characteristics and are identified by the type of business and/or service they provide i.e., retail, education, office etc.;
f. Any new construction, except single-family detached and two-family dwellings and their accessory buildings and uses including home occupations, as defined by Section 2.2 Definitions;
g. For the City Center district (formerly known as CMD-1) or the Central Mixed Use district, (formerly known as CMD-2) any use involving change of ownership of a property, if the existing site does not have record of site plan approval from the planning commission and/or is not in conformance to the standards of the district as currently established in the chapter. For the purposes of this article, change of ownership shall not include transfer of ownership within a family (defined as “a basic unit in society traditionally comprising of one or two parents and their children”) as part of inheritance or for purposes of estate planning;
h. Any development or use for which submission of a site plan is required by any provisions of this article;
i. Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings, except single-family detached dwellings and their accessory buildings and uses. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building;
j. Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended;
k. Any proposal to fill, excavate, or grade land, or temporarily store fill, which involves more than 15 cubic yards of earth being disturbed in any one-year period, except for gardening or for construction for which a permit has been obtained;
l. Any change and/or conversion of any existing use, as permitted and regulated by this article that may result in an increase in the intensity of the use (such as parking requirements, traffic generation rates, etc.).

C. Application submittal.

1. **Application form.** Every site plan submitted to the planning commission shall be accompanied by an application form as approved by the planning commission. Fees are required to be paid at the time of application based on the fee schedule in effect as established by the city council.
2. **Site plan information.** Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land within 100 feet of the site. The scale of the site plan shall be not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. The following information shall be included:
    a. Name of development and general location sketch; name, address and phone number of owner, developer, and designer; north arrow, scale, and date of original drawing and revisions; and a legal description and address of the property in question.
    b. The seal of one of the following professionals registered in the state: registered architect, registered civil engineer, registered landscape architect, registered land surveyor, or registered professional community planner. The architectural plans of the buildings shall be prepared by and bear the seal of a registered architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
    c. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way. The site plan should indicate the dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
    d. Existing topographic elevations at two-foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow. For sites involving existing parking lot areas and structures with no new construction proposed, finished floor elevations shall suffice.
    e. Location and type of significant existing vegetation, including location of all existing trees over two and one-half inches in diameter. Indicate any significant site amenities and unique features.
    f. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
    g. All required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
    h. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property. Also show the location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.

i. For all proposed buildings, provide building height, floor plans and elevations, indicating architecture (front, rear and side façades and barrier-free entranceways. For multiple-family residential developments, provide typical floor plans for each type of unit indicating principal entrances and service entrances, relationship of typical unit within each structure, number and uses of rooms, including a breakdown of the number of one bedroom, two bedroom and three bedroom units. For nonresidential developments, provide a floor plan to scale indicating the interior layout of the building, what each room is to be used for, and the floor area of each room. Buildings built on speculation shall be so indicated when floor plans are finalized.
j. Proposed parking lots, including layout and typical dimensions of parking spaces, aisles, number of spaces provided (including parking calculations per ordinance standards), and type of surfacing.
k. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site, and the proposed location and dimensions of required pedestrian sidewalks. Designate any loading and unloading areas, barrier-free access, fire lanes, and carports. Include the location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes, if any, serving the development.
l. Proposed finish grade of buildings, driveways, walkways, and parking lots.
m. Proposed type of building materials, roof design, projections, canopies, overhangs, roof-located mechanical equipment (air conditioning, heating units, transformers etc.) that will be visible from the exterior, along with details of screening to be provided.
n. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains. Indicate locations of existing and proposed fire hydrants with reasonable access for firefighting, police and other emergency equipment.
o. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
p. Proposed stormwater management plan including location of sewers, outlets, and retention or detention ponds. Sufficient data shall be provided to permit review of the feasibility and permanency of proposed drainage patterns.
q. Location of all other utilities on the site including, but not limited to, natural gas, electric, cable TV and telephone.
r. Soil erosion and sedimentation control measures during construction.

s. Detailed landscaping plan indicating the following:
   I. A landscaping maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials shall be provided.
   II. Methods for irrigating berms, greenbelts, and other landscaped areas.
   III. Plant list detailing all plantings by genus, species, cultivar (variety) according to the International Code of Botanical Nomenclature, assigned USDA Hardiness Zone number, number, size or height at time of planting;
   IV. Location and spacing of plant materials;
   V. Method of planting and details;
   VI. Groundcover or grass (specify whether seed or sod);
   VII. Cross sections of any berms;
   VIII. A maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials;
   IX. The location of protective fencing for any existing plantings that are proposed to remain.

t. All proposed screening, fences and freestanding walls, including typical cross sections and the height above ground on both sides.

u. The dimensions and location of all signs, both wall signs and freestanding signs and of lighting structures and shielding.

v. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

w. Location and specifications for any existing or proposed outdoor or belowground storage facilities.

x. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.

y. Notation of any variances which have been or must be secured; and any performance guarantees to be provided including amounts, types, and terms.

z. Information and statement of how the applicant proposes to comply with state, local and federal laws, as applicable to the site or intended use. Indicate any permits that are required.

aa. Any additional information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or city. Such data requirements may include traffic studies, market analysis, environmental assessments, including inventory and data on any hazardous materials to be used on the site, demands on public facilities and services, and estimates of potential costs to the city due to failures as a basis for performance guarantees.

ab. Other data which the planning commission may reasonably deem necessary for adequate review.

ac. A photometric plan including the following information:
   I. Light levels across the area of the site to be illuminated and at all property lines, both during hours of operation and outside of hours of operation.
   II. Location and mounting heights of all fixtures.
   III. Manufacturer cut sheets showing the design of all proposed fixtures.
   IV. Information on whether and when the lights will be programmed to dim or turn off.

3. **Phased development.** For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for. A general concept plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
4. **Reactivation**. Upon request for reactivation of an expired site plan, as provided for in this article, the applicant shall request an inspection of the subject site and any structures located thereon, for purposes of determining compliance with current standards and conformance to the plan for which reactivation is sought. Fees are required to be paid at the time of application for reactivation of a site plan based on the fee schedule in effect as established by the city council.

D. **Criteria for granting site plan approval.**

1. The following criteria shall be used by the planning commission as a basis upon which site plans will be reviewed and approved. The city shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:
   a. The proposed site plan shall be in conformance with all provisions and requirements of this article.
   b. All elements of the site shall be harmoniously and efficiently designed in relation to the character of the proposed use and adjacent properties. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
   c. The vehicular circulation features within the site and the location of vehicular parking areas shall be designed so as to ensure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets. The design of such features shall also promote satisfactory and harmonious relationships between the development and adjacent land uses.
   d. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
   e. All streets shall be developed in accordance with state subdivision regulations and county road commission specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian walkways in the vicinity of the site.
   f. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
   g. Appropriate measures shall be taken to ensure that site drainage will not adversely affect adjoining properties or the capacity of the public storm drainage system.
   h. Adequate services and utilities, including sanitary sewers and public water, and improvements shall be available or provided, with sufficient capacity to properly serve the development. No structure in a residential district shall be more than 300 feet from a fire hydrant, and no structure in a commercial or industrial area shall be more than 150 feet from a fire hydrant.

i. A showing of compliance with all laws, regulations and ordinances governing fire and explosive hazards, toxic and hazardous materials, erosion control, barrier-free access requirements; and requirements of the state fire marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

j. All development shall be subject to the requirements of the state building codes, liquor control commission (LCC) codes and all other state codes and/or requirements.

2. An objective of site plan review shall be to protect and to promote public health, safety and general welfare. The planning commission may require the screening, buffering and landscaping of sites and parking lots which will serve the following: reduce wind and air turbulence, heat and noise, and the glare of automobile lights; reduce the level of carbon dioxide and return oxygen to the atmosphere; prevent soil erosion; provide shade; conserve and stabilize property values; relieve the stark character of parking lots; conserve energy; provide visual and sound privacy; and otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
3. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the city and with the city master plan. An objective of site plan review is to encourage the design and construction of structures compatible with adjacent structures. It is also an objective to get a site plan approved for each site in the city for which a site plan is required.
4. A major objective shall be to retain, enhance and protect the quality, value and privacy of residential land uses.
5. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development.
6. The proposed site plan must be in accord with the spirit and purpose of this article and not be inconsistent with or contrary to the objectives sought to be accomplished by this article and principles of sound planning.

E. Site plan approval process.

1. Planning commission approval. The city planning commission is authorized to review and approve, with or without conditions, or to review and deny approval, all site plans submitted under this article. Guidelines for consideration of each case shall follow this article and other applicable ordinances. When the planning commission approves a site plan with conditions, the applicant shall be required to submit a revised site plan with a revision date, indicating such conditions on the site plan.
2. Record of action. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission.
3. Final site plan. When site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the planning commission or its designee. Prior to issuance of a building permit, one copy of the final signed plan shall be filed with each of the following: clerk, building official and the applicant.

F. **Issuance of building permit.** Complete construction plans including component phases shall be submitted for review by the building official. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the city, a building permit for such construction shall be issued.

G. **Effective period of site plan approval.**

1. Site plan approval under this article is valid for a period of one year from the date of the approval. If an applicant fails to obtain a building permit, and/or such other construction permits as may be required for the proposed improvements, within one year after site plan approval, the site plan approval shall expire and is of no further force or effect, unless extended by the planning commission upon the request of the owner and/or applicant or their agent prior to its expiration. In such a case, site plan approval, at the discretion of the planning commission, may be extended for a period not to exceed six additional months when the applicant or his agent or representative has made a substantial demonstration that construction could not have commenced within the timeframe of the original site plan approval. Once undertaken, the improvements and/or changes authorized by a site plan approval shall be diligently pursued to completion.
2. When all improvements have been completed in accordance with the terms of an approved site plan, the site plan shall remain in effect for so long as the use of the property remains under the same ownership and is not modified, Section 6.1.H Conformity to approved site plan required, below.
3. The planning commission shall have the authority to reactivate a site plan approval, once granted but no longer in effect, upon application pursuant to Section 6.1.C Application submittal. Reactivation of site plan approval shall allow the reoccupancy of the building for a permitted use. In considering whether or not to reactivate site plan approval, the planning commission shall evaluate each of the following factors:
    a. Whether the site conforms to current ordinance requirements.
    b. Whether the site conforms to the site plan that is sought to be reactivated or can be made to conform to that site plan by completing or restoring improvements called for on that plan.
    c. Whether, due to deterioration, certain site improvements must be reconstructed prior to or as a condition of occupancy.
    d. Whether or not the site is in keeping with the character of the area in which it is located.
4. If the planning commission determines that a site plan will not be reactivated, site plan review, pursuant to Section 6.1.B Approval, shall be required.
5. In considering an application to reactivate a site plan approval, the planning commission may authorize the issuance of a temporary certificate of occupancy, in accordance with Section 7.10 Certificates of occupancy, and subject to the provision of an appropriate performance guarantee for any incomplete improvements, if it determines that the condition of the site is such that the area for which occupancy is requested can be occupied, in the interim, without endangering the health or safety of the occupants, users, or the general public.

H. Conformity to approved site plan required.

1. Following approval of a site plan by the planning commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this article and subject to the sanctions of Section 7.4 Violation.
2. Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the building department one copy of an as-built site plan, certified by an engineer or architect, at least one week prior to the anticipated occupancy of any building or occupancy. A certificate of occupancy shall be withheld by the building official in any case where the site plan and major conditions as approved by the planning commission have not been complied with. Any minor variations may be approved by the building official, and shall be reported within 30 days to the planning commission after the issuance of certificate of occupancy. In the event that an applicant seeks occupancy before full implementation of the site plan, the applicant shall provide a written rationale for the issuance of a temporary certificate of occupancy, and the planning commission may consider allowing its issuance, in accordance with Section 7.10 Certificates of occupancy, and subject to the provision of an appropriate performance guarantee for any incomplete improvements, if it determines that the condition of the site is such that the area for which occupancy is requested can be occupied, in the interim, without endangering the health or safety of the occupants, users, or the general public.

I. Consequences involving unauthorized changes to an approved site plan.

1. It shall be the responsibility of any applicant for site plan approval who subsequently determines that such an approved plan has been changed or needs to be changed from the approved plan to immediately notify the building official of such information. Before any change occurs, there must be an approval of that change by applying for relief under either Section 6.1.E Site plan approval process and Section 6.1.K Administrative review. Under such circumstances unless good cause is shown by the applicant, the additional costs incurred by the city and its consultants in reviewing such change and the need therefore, can in the discretion of the planning commission be assessed against the applicant.
2. In all other circumstances in which a change to an approved site plan has occurred without approval by the building official or the planning commission, the building official shall have authority to refuse to issue a certificate of occupancy or may deny public access to the property until such time as a hearing has been conducted before the planning commission which shall be held within 14 days after the action of the building official. At such a hearing, the applicant shall have the opportunity to show cause why such a change to an approved site plan was not approved by either the building official or the planning commission. After the presentation of information from the applicant and any other persons, the planning commission may do any or all of the following:
    a. Approve the change without any costs or sanctions;
    b. Assess costs for the time spent by the city personnel, city consultants and legal counsel for the city in the preparation, and attendance at the hearing;
    c. Determine that all or a portion of the premises cannot be used because of the extent and nature of the unauthorized change and its impact on traffic, patronage; infrastructure and like considerations;
    d. Deny the relief sought by the applicant;
    e. Take such other action as may be authorized by law or statute.

J. **Amendment of a site plan.** Any nonadministrative amendment to an approved site plan or an extension of time in which to commence building from an approved site plan shall be granted only upon the written agreement of the planning commission and the applicant.

K. **Administrative review.** In the following cases, the director of building and planning shall have the authority to approve a site plan without submission to the planning commission, but subject to all the criteria set forth in sections Section 6.1.C Application submittal and Section 6.1.D Criteria for granting site plan approval hereof.

1. Where applicable:
    a. Accessory uses incidental to a conforming existing use where said use does not require any variance, further site modifications, or special land use approval, and is not located on a nonconforming lot or structure.
    b. The conversion of an existing building from one permitted use to another permitted use that is expressly provided for within that zoning district (not including other similar uses) provided the subject site is in conformance to current ordinance standards (including, but not limited to, any required off-street parking) and also conforms to an approved site plan for the site that was approved by the planning commission within the last ten years.
    c. Provision for additional loading/unloading spaces, parking and landscape improvements as required by this article.
    d. Changes in use in a planned shopping center within the same use group, where off-street parking is not affected and a site plan has been approved within the past five years.
    e. Minor structural alterations to building intended to bring the building into compliance with the Americans with Disabilities Act requirements.
    f. Establishment of a home occupation as defined by and subject to the provisions of Section 2.2 Definitions.
    g. Change of use in a building within the City Center district where an existing building occupies the entire lot, where only minor external building façade changes are required or proposed, and parking is available off-site.
    h. Minor façade changes, which shall include the following:
        I. Cleaning and painting/repairing;
        II. Repair of existing exterior building material with similar materials only;
        III. Replacement or repairs of existing doors and windows;
        IV. Replacement or repairs to existing awnings;
        V. Replacement of light fixtures;
        VI. Restoration of original building architectural features (as supported by historical data);
        VII. Replacement of existing signage;
        VIII. Installation of new signage;
        IX. Removal of nonconforming signage;
        X. Addition of landscape elements such as planter boxes etc.;
        XI. Addition of outdoor patio/café area;
        XII. Installation of streetscape improvements such as benches, art pieces etc.

2. Major façade changes, including but not limited to the following, shall be subject to full site plan review and approval by the planning commission:
   a. Installation of new window and door openings where not previously existing;
   b. Remodeling of upper story façades, if not already approved by planning commission;
   c. Installation of new awnings or other window/doorway details not previously existing;
   d. Change of exterior building materials;
   e. Other changes not noted above, that would alter the appearance of the entire building.
3. In all districts, the following uses shall be permitted subject to administrative review and approval, with final approval by the building official as listed in subsection 1 of this section:
   a. Provision for additional loading/unloading spaces, parking and landscape improvements as required by this ordinance.
   b. Minor structural alterations to building intended to bring the building into compliance with the Americans with Disabilities Act requirements.
   c. Changes in use in a planned shopping center within the same use group, where off-street parking is not affected and a site plan has been approved within the past five years.
4. Information required. The director of building and planning shall require all applicable criteria set forth in Section 6.1.C Application submittal and Section 6.1.D Criteria for granting site plan approval hereof to be met, and shall also have the authority to waive information required in Section 6.1.C Application submittal hereof which is not necessary to determine whether site plan review requirements have been met. The director of building and planning shall also have the authority to refer any site plan eligible for administrative review under Section 6.1.K Administrative review hereof to the planning commission and/or any consultants employed by the city for the purpose of supplementing or initiating a site plan review.
5. Fees for administrative review shall be established by resolution of the city council which may assist in the reimbursement of consultant fees and time expended by the director of building and planning.

L. **Soil boring, bearing capacities, and plot plans.**

1. Accompanying any site plan required hereunder, the applicant shall provide from a licensed engineer soil borings at the proposed construction site to ascertain bearing capacity of foundations soils at the time of footing excavation to certify such soil conditions meet or exceed design capacity of the foundation to support the proposed structure. These requirements shall comply with policies of the city, copies of which can be obtained from the building department.
2. On residential properties soil bearing capacity test shall be done during the foundation excavation before the actual pouring to avoid any structures from sinking.
3. Accompanying the construction of any residential or commercial site, there shall be provided to the building department plot plan depicting water run off considerations for that particular site. Such information shall be compiled as required under the policies of the city, copies of which can be obtained from the building department. No certificate of occupancy shall issue until a grade certificate has been issued by the city or the city engineer has approved the submitted plot plan.

## 6.2 Special land uses

The planning commission shall have the following specific powers and duties concerning special land use approvals:

A. **Statement of intent.** The procedures and standards in this section are intended to provide a consistent and uniform method for review of proposed plans for uses permitted after special land use approval. In hearing and deciding upon special land use approvals, the planning commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the city into districts, or corridors within such areas the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. **Application.** The application for special land use review shall be made on the forms and according to the guidelines provided by the city administration and its consultants. Each application shall be accompanied by the following:
   1. The section of the zoning ordinance under which the special land use is sought.
   2. A detailed site plan which shall include all the information required by Section 6.1 Site plan review and approval.
   3. A description of the proposed use of the property.
   4. Other information which the planning commission may reasonably deem necessary for adequate review or is otherwise set forth in this section.

C. **Applicant.** The application shall be submitted by the landowner seeking special land use approval, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings, or consideration of the proposal may be tabled due to the absence.

D. **Notice of public hearing.** Upon receipt of a complete application, site plan, and attachments, the planning commission shall schedule a public hearing on the request. No less than 15 days prior to the date of the public hearing, a notice of the hearing shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following:
   1. A description of the nature of the request for a use permitted after special land use approval under the specific section of this article.

2. A legal description or address and/or an approximate sketch of the property which is the subject of the request.
3. A statement of when and where the public hearing will be held to consider the request.
4. A statement as to when and where comments will be received concerning the request.

E. **Planning commission determination.** Following the public hearing, the planning commission shall review the application for the special land use proposal, together with the public hearing findings and reports and recommendations of the appropriate departments and consultants. The planning commission shall deny, approve, or approve with conditions requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval. Performance guarantees may be required by the planning commission, in accordance with Section 7.14 Performance guarantees, to ensure compliance with special land use approval conditions.

F. **Standards for granting special use approval.**

1. Approval of a special land use proposal for uses identified in each district classification shall be based on the determination that the proposed use will comply with all requirements of this article, including site plan review criteria set forth in Section 6.1 Site plan review and approval and applicable site development standards for the specific use. In addition, the following standards shall be met:
   a. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
   b. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents and businesses; and landowners immediately adjacent; or the city as a whole.
   c. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
   d. The planning commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
   e. The proposed special land use shall be designed, constructed, operated and maintained to ensure long-term compatibility with surrounding land uses. In doing so, consideration shall be given to the following:
      I. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
      II. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
      III. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
      IV. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

V. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

f. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In doing so, consideration shall be given to the following:
   I. Proximity and access to major thoroughfares.
   II. Estimated traffic generated by the proposed use.
   III. Proximity and relation to intersections.
   IV. Location of and access to off-street parking.
   V. Required vehicular turning movements.
   VI. Provision for pedestrian traffic.

g. The proposed special land use shall be consistent with existing and future requirements for public services and facilities affected by the proposed use.

h. The proposed special land use shall be compatible and in accordance with the general principles and future land use configuration of the city's master plan and shall promote the intent and purpose of the zoning ordinance.

i. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, nor shall the location of the proposed special land use result in a small nonresidential area being substantially surrounded by incompatible uses.

j. The proposed use shall be compatible with the natural environment and developed to conserve natural resources and energy.

2. In some instances, the administration may determine a particular proposed use not specified may not be a use consistent with the overall planning philosophy and considerations set forth in the master plan or zoning ordinance that substantiate or enhance the type of residential and commercial growth contemplated for this community. As to those uses, the following standards may, when appropriate, apply including the site plan criteria set forth in Section 6.1 Site plan review and approval of the zoning ordinance. Notwithstanding the applicability of the following standards, to the initial application, the planning commission as to any particular use may add conditions to preserve the public health, safety and welfare:

   a. The submission of a detailed plan of operation/business plan that is sufficiently detailed to the satisfaction of the city attorney or administration.

   b. The proposed use must not be within 1,500 feet of a religious institution or building, a school, a nursery, or public library, another similar use or a single or multiple residential property unless there is a finding that such condition has no realistic or applicable basis to the particular use under consideration.

c. The proposed use is compatible with the surrounding properties or meets the current zoning regulations of the district or corridor in which it is proposed.
d. The proposed use is located in a structure that is in substantial compliance with current zoning and building regulations. If the proposed use is to be located in a building which is not compliant with the current zoning regulations, the building shall be modified to meet the ordinance standards to the extent feasible and shall be required to comply with all building regulations.
e. The proposed use is not likely to create a nuisance or disturbance to surrounding properties and also will not likely create a greater police presence.
f. Where applicable the applicant has outlined a verification procedure which will be in place and will uniformly apply to all patrons/customers.
g. Where applicable, a security system is in place to monitor customer activity both inside and outside the business premises.
h. No employee, owner investor in the business has been convicted of a felony in the past seven years nor convicted of a misdemeanor involving moral turpitude, fraud, embezzlement, or the providing of false information.
i. Where applicable, the inventory or stock is sufficiently secured from intrusion by outsiders.

Depending upon the specifics or applicability of the request, additional conditions or requirements may be imposed by the planning commission.

G. Recording of planning commission action. Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the planning commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

H. Effective duration of special land use approval. Special land use approvals shall be granted to an individual applying for approval. Change in ownership or tenancy of the use will necessitate a review of the proposal by the administration and consultants and if deemed necessary, forwarded to the planning commission for re-review.

I. Amendments to special land uses. When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special land use approval.

J. Revocation of special land use approval. Approval of a special land use proposal may be revoked by the planning commission if construction is not in conformance with the approved plans; there is a violation of any conditions on the approval; there is a deviation from the detail of the plan of operation/business plan submitted by the applicant or there is a substantial violation of any law, statute or ordinance applicable to the proposed use. In such a case, the director of building and safety shall place the previously approved special land use proposal on the agenda of the planning commission for consideration show cause hearing, and give written notice to the applicant at least ten days prior to the hearing. The applicant shall be given the opportunity to present information to the planning commission. At the conclusion of the hearing, the planning commission shall render its decision with findings and determine what further action shall be taken. Should an adverse finding be made, the planning commission may impose sanctions consisting of reimbursement of expenses incurred by the city related to the hearing. No appeal shall be taken from this hearing except as allowed by law to the circuit court. In the instance of a revocation of the special land use, such action shall thereafter be sufficient to require any additional similar use to be treated in the manner as though it were an original application for a special land use under the zoning ordinance.

## 6.3 Show-cause hearing

Any situation in which there has been a deviation from an approved site plan, a violation of the landscape maintenance agreement (LMA), any policies or construction under which there has been no submittal of a required plot plan or soil boring plan, the building department may issue a citation for correction or a show-cause order requiring the applicant/owner/occupant to appear at a particular time and date before the planning commission to then and there show cause why sanctions should not issue as provided herein. At that hearing the party who has been show caused shall present evidence and witnesses to show there has been no violation of the site plan or the ordinances of the city. The city may present contrary evidence and after such submission, the planning commission shall make its decision of whether a violation has occurred or is excused. Upon any finding a violation has occurred of an approved site plan, any policies or any of the ordinances of the city, the planning commission may issue the appropriate sanction consisting in part but not limited to, the imposition of costs, fees and attorney fees incurred by the city in such a proceeding; requiring correction of the noncomplying act within a defined time period and at the expense of the applicant/owner/occupant; or may issue its order declaring the property to be vacated until such corrections are made and approved by the building department.

## 6.4 Condominium developments

The city council recognizes that state law authorizes a method of land development under the Condominium Act, Public Act No. 59 of 1978 as an alternative to the method of development under the Land Division Act, Public Act No. 288 of 1967. Condominiums shall be permitted in all zoning districts as prescribed in this section:

A. For purposes of this section, terms related to condominiums shall be defined as in Section 2.2 Definitions.

B. Under this section, any development to be approved shall be subject to a development agreement prepared by the city attorney. Such an agreement shall contain but not be limited to the payment of fees and expenses incurred by the city regarding the particular development; construction time table; maintenance plan, association by-laws, insurance coverage on private roadways, tap and utility plans, fire suppression pressures, emergency vehicle access requirements, conflict dispute provisions and other subjects that may be customary or particular to this type of development.

C. Condominium subdivision plans shall comply with the district requirements for use, area, height, bulk and placement and all other requirements set forth in the District Summary Table within chapter 34 of the Clawson Land Development Code for the zoning district in which the condominium development is located.

D. In the case of site condominiums, the requirements set forth in the District Summary Table for the zoning district in which the site condominium is located shall be applied by requiring the site condominium unit and surrounding limited common element to be at least equal in size to the minimum lot area and minimum lot width requirements for that district. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit, which shall be at least equivalent to the minimum yard area requirements. In addition, site condominium developments shall comply with the other applicable standards for development within the city, such as including, but not limited to, engineering standards, street tree and landscaping requirements, sidewalk requirements, road design, and utility plans.

E. In the case of detached condominiums or multiple-building condominium developments, the requirements set forth in the District Summary Table for the zoning district in which the condominium development is located shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and all other applicable requirements for that district. Furthermore, proposed detached condominium development shall not exceed the maximum permitted density for that district as determined on the basis of the minimum lot size standards for that district. In addition, detached condominium developments shall comply with the other applicable standards for development within the city, such as including but not limited to, engineering standards, street tree and landscape requirements, off-street parking, sidewalk requirements, general provisions, road design, and utility plans.

F. The preliminary condominium subdivision plan:
   1. The preliminary plan shall include the plans, survey, sketches, drawings, statements and additional information and documentation required in the Condominium Act, and required in this ordinance for tentative approval of preliminary subdivision plat. The preliminary plan shall assign a number to each condominium lot and shall describe the nature, location, and size of common elements.
   2. The preliminary plan shall conform to and be governed by the preparation, filing, technical review, planning commission initial review, and approval requirements and procedures applicable to tentative approval of a preliminary development under this zoning ordinance.
   3. Preliminary plan approval by the planning commission shall confer upon the developer, for one year, the right to submit a final preliminary plan.

G. The final preliminary condominium subdivision plan:
   1. The final preliminary plan shall include all the information required in the approved preliminary plan and shall also include any additional information required in the subdivision control ordinance for final approval of a preliminary subdivision plat and evidence that all necessary state and county agency approvals have been obtained with respect to any aspect of the proposed development, including without limitation, utilities, water supply, sewage disposal, drainage, wetlands, and roads.
   2. The developer shall also submit for review and approval by the city staff and city attorney, three copies of a proposed master deed, bylaws and restrictive covenants, if any, containing provisions governing the maintenance and control of common areas and conforming with all applicable sections of this ordinance.
   3. The final preliminary plan shall conform to and be governed by the preparation, filing, technical review requirements and procedures applicable to final approval of a preliminary subdivision plat under chapter 34 [this ordinance] of the land development regulations. Following the technical review and recommendation by city staff for either approval or denial of the final preliminary plan, the plan shall be submitted to the planning commission which shall review the final plan and approve it, deny it or approve it with conditions.
   4. Approval of the final preliminary plan by the planning commission shall serve as conditional authorization to commence with the construction of required improvements to the land in accordance with the approved final preliminary condominium subdivision plan and approved construction plans. Final preliminary plan approval does not authorize the construction of buildings or uses on individual building sites. No final preliminary plan approval shall be effective for a period of more than two years, unless construction of the development commences within that two-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval.

H. Within two years from the date of approval of the final preliminary condominium subdivision plan, the applicant shall prepare and submit the necessary copies of the final condominium subdivision plan which shall include two copies of as-built plans of all required private and public improvements, copies of all final agreements and the master deed which shall be recorded, and letters of approval from all applicable agencies and utilities stating that improvements have been properly installed and inspected.

I. The city council shall approve or reject the final condominium subdivision plan based upon the plans and other material submitted.

J. If the final condominium subdivision plan is approved, copies of the recorded final condominium subdivision plan and master deed including all exhibits must be provided to the city. If the subsequently recorded documents are not consistent with those approved by the city, any and all previously awarded approvals by the city related the proposal may be voided and permits, certificates and inspections and the like may be revoked.

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# Chapter 34, Article X | Article 7
## Administration & Enforcement

# Article 7 - Administration & Enforcement


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## 7.1 Public nuisance

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

## 7.2 Compliance with article provisions

A. No building or structure, or its part, shall hereafter be erected, constructed or altered, and no new use shall be made of or change shall be made to any building, structure or land, or its part, except in conformity with the provisions of this ordinance.

B. No portion of a lot used in or necessary for compliance with the provisions of this article shall, through sale or otherwise, be reduced beyond such minimums or again be used to satisfy the zoning requirements of another lot.

## 7.3 Use regulations

Except as otherwise provided in this article, regulations governing land and building use are established in this article covering each district. Uses permitted in each district after special land use approval shall be permitted only in accordance with the special land use approval standards and procedures of this article.

## 7.4 Violation

The use of any property in violation of this ordinance shall constitute a nuisance per se allowing the city the immediate right to proceed in a circuit court for the abatement of such a nuisance and any preliminary relief that may be available under the law. In addition, the city shall be entitled to recover its reasonable legal fees and all costs incurred in connection with such legal action if it prevails to any extent in such action and including any fees incurred in any appeal from a decision of the city council taken under this section.

## 7.5 Amendments and rezoning

A. **Generally.** For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the city, this article shall not be amended except to correct an error in the article or, because of changed or changing conditions in a particular area or in the city municipality generally, to rezone an area, to extend the boundary of an existing district or to change the regulations and restrictions. Such amendment to this article may be initiated by any person by filing an application with the planning commission, by motion of the city council, or by motion of the planning commission.

B. **Procedure.**

1. **Application.** Applications for amendments to this article shall be filed with the planning commission on an appropriate form provided by the city and accompanied by the required fee. All applications for amendments to this article, without limiting the right to file additional material, shall contain the following:
    a. The applicant's name, address and interest in the application as well as the name, address and interest of every person having a legal or equitable interest in the land.
    b. The nature and effect of the proposed amendment.
    c. If the proposed amendment would require a change in the zoning map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.
    d. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the error.
    e. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
    f. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

2. **Public hearing.** Notice of the public hearing for an amendment to this article shall be given by publishing such notice not less than 15 days prior to the date of public hearing in a newspaper of general circulation in the city or as otherwise provided by law.

   If an individual property or ten or fewer adjacent properties are included in the proposal, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

   a. The notice shall do all of the following:
      I. Describe the nature of the request.
      II. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
      III. State when and where the request will be considered.
      IV. Indicate when and where written comments will be received concerning the request.
   b. If 11 or more adjacent properties are included in the proposal, a notice must be published as required above but shall not be required to be distributed to property owners and residents within 300 feet. The notice shall do all of the following:
      I. Describe the nature of the request.
      II. Indicate the property which is the subject of the request.
      III. State when and where the request will be considered.
      IV. Indicate when and where written comments will be received concerning the request.
3. **Planning commission recommendation**. Following the public hearing, the planning commission shall prepare a report and its recommendations regarding the proposed amendment, and transfer such to the city council.

4. **Effective date and publication.** Following city council approval to amend the zoning ordinance, notice of the amendment shall be filed with the city clerk and notice of the amendment shall be published in a newspaper of general circulation or as otherwise granted by law, in the city within 15 days after adoption. The notice of adoption shall include the following information:
   a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
   b. The effective date of the amendment.
   c. The place where and time when a copy of the amendment may be purchased or inspected.
   d. Unless a notice of intent to file a petition is filed, the Ordinance amendment shall take effect seven days after such publication.

C. **Petition.** Within seven days after publication of an ordinance amendment, a registered elector residing in the city may file with the city clerk a notice of intent to file a petition. The petitioner shall have 30 days following publication of the ordinance amendment to file a petition signed by a number of qualified and registered electors residing in the city equal to not less than 20 percent of the total vote cast within the city for all candidates for council at the last preceding general election at which the council was elected. The petition shall be filed with the city clerk requesting the submission of the ordinance amendment to the electors residing in the city for their approval or rejection and determining the result of the election.

Upon filing a notice of intent to petition the amendment, the ordinance amendment shall not take effect until one of the following occurs:

1. The expiration of 30 days after publication of the ordinance amendment, if a petition is not filed within that time.
2. If a petition is filed within 30 days after publication of the ordinance amendment, the city clerk determines that the petition is adequate.
3. If a petition is filed within 30 days after publication of the ordinance amendment, the city clerk determines that the petition is adequate and the ordinance amendment is approved by a majority of the registered electors residing in the city voting on the petition at the next regular election or at any special election called for that purpose. The city council shall provide the manner of submitting the ordinance amendment to the electors for their approval or rejection and determining the result of the election.

Whenever a written protest against such proposed ordinance amendment is presented, duly signed by either or both the owners of at least 20 percent of the area of land included in the proposed change or by the owners of at least 20 percent of the land included within an areas extending 100 feet outward from any point on the boundary of the land included in the proposed change. Public land shall be excluded in calculating the 20 percent land area requirement. Such ordinance amendment shall not be passed expect by the favorable vote of three-fourths of the entire city council.

D. **Comprehensive review of article.** The planning commission shall, from time to time at intervals of not more than three years, examine the provisions of this article and the location of district boundary lines and shall submit a report to city council recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

## 7.6 Establishment of administrative officers

The provisions of this article shall be administered and enforced by the city manager or by such person the city manager may delegate to enforce the provisions of this article.

## 7.7 Duties of the city manager

A. The city manager or such person he may delegate shall act as the building official. The building official shall have the power to:
   1. Grant certificates of occupancy.
   2. Make inspections of buildings and premises necessary to carry out the duties of the enforcement of this article.
   3. Issue building permits.
   4. Issue appearance tickets for violations pursuant to this article.

B. It should be unlawful for the city manager or such person he may delegate as building official to approve any permits or certificates of occupancy for any excavation until he has inspected such plans in detail and found them to conform with this article.

C. The city manager shall record all nonconforming uses existing at the effective date of this ordinance for the purpose of carrying out the provisions of Section 7.2 Compliance with article provisions.

D. Under no circumstances is the city manager permitted to make changes to this article nor to vary the terms of this article in carrying out his duties in administering and enforcing the terms of this article.

E. The city manager shall not refuse to issue a permit when the conditions imposed by this article are complied with by the applicant despite violations of contracts such as covenants or private agreements which may occur upon the granting of such permit.

## 7.8 Plot plan

The building official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan in triplicate, drawn to scale, showing the following:

A. The actual shape, location, and dimensions of the lot.

B. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structure already on the lot.

C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

D. The location, to scale, of all structures and setbacks within 25 feet of all lot lines.

E. Such other information concerning the lot or adjoining lot as may be essential for determining whether the provisions of this article are being observed.

## 7.9 Permits

The following shall apply in the issuance of any permit:

A. **Permits not to be issued.** No building permit shall be issued for the erection, alteration or use of any building or structure or its part, or for the use of any land which is not in accordance with all provisions of this article.

B. **Permits for new use of land.** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a different class or type unless a certificate of occupancy is first obtained for the new or different use.

C. **Permits for new use of buildings.** No building or structure, or its part, shall be changed to or occupied by a use or a different class or type unless a certificate of occupancy is first obtained for the newer different use.

D. **Permits required.** No building or structure, or its part, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the building code, or by this article, except for minor repairs or changes not involving any of such features.

## 7.10 Certificates of occupancy

No land, building, or its part, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

A. **Not to be issued.** No certificates of occupancy shall be issued for any building, structure or its part, or for the use of any land, which is not in accordance with all the provisions of this article.

B. **Required.** No building or structure, or its parts, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

C. **Building code certificate.** Certificates of occupancy as required by the building code for a new building or structure, or its part, or for an alteration to or change of use of an existing building or structure, shall also constitute certificates of occupancy as required by this article.

D. **Existing buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or their parts, or existing uses of land if, after inspection, it is found that such buildings, structures, or their parts, or such use of land are in conformity with the provisions of this article.

E. **Records.** A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

F. **Dwelling accessory buildings.** Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

G. **Application.** Applications for certificates of occupancy shall be made in writing to the building official on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structures, or their parts, or the use of land is in accordance with the provisions of this article. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause, within the five-day period.

H. **Temporary certificates of occupancy.** On request of a holder of a building permit the Clawson Building Department 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. The building department shall provide a summary of each temporary certificate of occupancy to the planning commission at the next meeting after issuance.

The TCO shall be issued for up to eight months at the discretion of the building official and will not be extended beyond the term of issuance. A cash bond will be provided prior to the issuance of the TCO in an amount sufficient to cover the cost of the uncompleted items which amount shall be held by the city treasurer until such time as the items are completed to the satisfaction of the building department and a written request for refund has been submitted by the person posting the cash bond.

## 7.11 Final inspection

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or its part, shall notify the building official immediately upon the completion of the work authorized by such permit, for final inspection.

## 7.12 Fees

Fees for inspection and the issuance of permits or certificates or copies required or issued under the provisions of this article may be collected by the building official in advance of issuance. The amount of such fees shall be established by the city council and shall cover the cost of inspection and supervision resulting from enforcement of this ordinance.

## 7.13 Planning commission

A. **Creation.** The city planning commission is created pursuant to Michigan Public Act 33 of 2008 [MCL 125.3801 et seq.], as amended. The planning commission shall have all the powers and duties for zoning commissions created pursuant to Michigan Public Act 110 of 2006 [MCL 125.3101 et seq.], as amended.

B. **Jurisdiction.** The planning commission shall discharge the following duties pursuant to this section:

1. **Zoning ordinance.** The planning commission is hereby designated as the commission specified in the Michigan Public Act 110 of 2006 [MCL 125.3101 et seq.], as amended, and shall perform the duties of said commission as provided in the statute or land development code. The planning commission shall be responsible for formulation of the zoning ordinance; formulation, review, and recommendation of amendments the zoning ordinance; hold hearings on a proposed zoning ordinance or amendments thereto; and reporting its findings and recommendations concerning the zoning ordinance or amendments to village council.
2. **Site plan review.** The planning commission shall be responsible for reviewing all applications for site plan approval in accordance with Section 6.1 Site plan review and approval and granting approval, approval with conditions or denying the application.
3. **Special land use review.** The planning commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Section 6.2 Special land uses and granting approval, granting approval subject to conditions, or denying the application of special land use approval.
4. **Planned unit development review.** The planning commission shall be responsible for holding hearings and review of all applications for planned unit development approval in accordance Section 3.1.S PUD Planned Unit Development.
5. **Master plan.** The planning commission is hereby designated as the commission specified in Michigan Public Act 33 of 2008 [MCL 125.3801 et seq.], as amended, and shall perform the planning duties of said commission as provided in the statute and the land development code.
6. **Review of matters referred by the city council.** The planning commission shall be responsible for review of plats and other matters relating to land development referred to it by the city council. The planning commission shall recommend appropriate regulations and action on such matters.
7. **Report on operation of the zoning ordinance.** In accordance with Michigan Public Act 110 of 2006 [MCL 125.3801 et seq.], as amended, the planning commission shall at least once per year prepare for the city council a report on the administration and enforcement of the zoning ordinance including recommendations as to the enactment of amendments or supplements to the zoning ordinance.

## 7.14 Performance guarantees

A. **Purpose.** To ensure compliance with the provisions of this article and any conditions imposed under this article, the planning commission may require that a performance guarantee be deposited with the city to ensure the faithful completion of improvements, in accordance with section 505 of Public Act No. 110 of 2006, as amended (MCL 125.3505). Improvements for which the city may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, stormwater retention areas and land reclamation activities, reimbursement of city consulting and administrative expenses involved in a particular site plan.

B. **Scope of requirement.** The performance guarantee can apply only to those specific features and actions which the planning commission or zoning board of appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the planning commission or zoning board of appeals.

C. **General requirements.** A performance guarantee shall be required by the planning commission on the applicable portions of a site plan under any of the following circumstances:

1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the city as a condition of site plan approval.
2. To ensure the completion of the common elements of the site plan affecting two or more parties.
3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The planning commission or zoning board of appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the city or the health, safety, or welfare of residents, project users, or the general public.

D. **General conditions.**

1. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related city permit shall be issued unless the building official is satisfied that the guarantee is in full compliance with this article.
2. The performance guarantee shall be in the form of:
   a. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the state;
   b. An irrevocable letter of credit issued on behalf of the city by a bank authorized to do business in the state; or
   c. A surety bond in a form and manner acceptable to the city attorney. The costs of the review of a surety bond by the city attorney shall be paid by the applicant as part of the issuance of a permit.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or a zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The building official shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the building official may consider signed contracts or subcontracts supplied by the applicant or the building official may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
4. Cash funds or a certified check made payable to the city shall be deposited by the city into an interest-bearing account in a financial institution with which the city regularly conducts business.
5. In the case of a guarantee exceeding $2,000.00, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten percent shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the building official.
6. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the city for at least one year following the installation of such materials to ensure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the building official that all landscape materials are being maintained in good condition.
7. Prior to the acceptance of a public improvement by the city and upon the recommendation of the city engineer, the building official shall require a maintenance bond for the public improvement in an amount not to exceed 35 percent of the total cost of the improvement and to remain in effect for a period not to exceed three years.
8. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate city officials and a positive determination by the building official that the required improvements have been satisfactorily completed and that all other requirements of this article are met.

E. **Unsatisfactory completion of improvements.** When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this article or as agreed upon between the applicant and the planning commission or zoning board of appeals, the building official may order the improvements completed by the city or by an independent contractor, or may order that the site be returned to its original condition. The building official shall order the completion of the improvements and so notify the applicant by certified mail at least 14 calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the city. All costs incurred by the city for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee, including any interest accrued on any funds deposited in escrow.

F. **Subdivision improvements.** This article shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the city by the applicant pursuant to the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

G. **Performance bonds.**

1. In the BRD-1 and WG districts, in cases where the applicant seeks immediate occupancy of the site with an existing building or a site that is still in the process of compliance with the approved site plan and is affected due to practical reasons such as weather, the planning commission and/or building official may require the submission of a performance bond in an amount equal to the cost of completion of all improvements associated with the approved site plan. A temporary certificate of occupancy (TCO) shall be issued for a period not to exceed 90 days, within which the applicant shall be required to complete all of the remaining improvements. Failure to do so may result in revocation of the C of O. The issuance of a TCO creates no vested rights in the applicants, if there is noncompliance with any ordinance of the city.
2. In the BRD-2 district, cases where the applicant seeks immediate occupancy of the site with an existing building or a site that is still in the process of compliance with the approved site plan and is affected due to practical reasons such as weather, the planning commission and/or building official may require the submission of a performance bond in an amount equal to the cost of completion of all improvements associated with the approved site plan. A temporary certificate of occupancy may be issued for a period not to exceed 120 days, within which the applicant shall be required to complete all of the remaining improvements. Failure to do so without a reasonable basis shall result in revocation of the C of O.

## 7.15 Zoning board of appeals

A. **Creation and membership.**

1. There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006 [MCL 125.3101 et seq.] and in such a way that the objectives of this article shall be observed, public safety secured, and substantial justice done.
2. The board shall consist of five members appointed under section 2-2 of this Code of Ordinances. The term of each appointed member of the zoning board of appeals shall be three years or until his or her successor takes office. A successor shall be appointed not more than one month after the term of the preceding member has expired. Any vacancies in the board shall be filled in accordance with section 2-2 of the Code of Ordinances.
3. When members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chair or secretary, and make the date of resignation effective in such a manner as to allow time for appointment of replacements. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the chair shall be construed as resignation from the board by absence. When a member dies or resigns, including resignation by absence, the secretary shall promptly indicate to the city council that a vacancy exists.

4. A member of the zoning board of appeals may be removed by the city council for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the zoning board of appeals and disqualify himself or herself from the vote. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

B. **Powers.** The zoning board of appeals shall have all powers and duties granted by state law and by this article, including the following specific powers:

1. **Administrative review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the building official in enforcing any provision of this article.
2. **Interpretation of zoning map and article text.** To hear and decide in accordance with the provisions of this article requests for interpretation of the zoning map and text, and for decisions on other special questions on which this article specifically authorizes the board to pass. Any interpretation shall be subject to such conditions as the board may require to preserve and promote the character of the zoning district in question and to otherwise promote the purpose of this article.
3. **Nonuse/dimensional variances.** To authorize, upon an appeal, a nonuse/dimensional variance from the strict application of the provisions of this article where existing conditions or factors would result by the strict application of this article in peculiar or exceptional practical difficulties, provided that such relief may be granted without substantial detriment to the surrounding properties or the general public good and without substantially impairing the intent and purpose of this land development code. Nonuse/dimensional variances shall be granted in compliance with Section 7.15.E Limitations on powers. The following are examples of the nonuse/dimensional variance power:
    a. Variance from off-street parking or loading space requirements, upon finding that such variances will not result in a parking or loading space deficiency or otherwise be inconsistent with the intent of such requirements.
    b. Variance from yard and bulk regulations, including height, lot area, yard setback, floor area, and lot width regulations, where there are unique circumstances on the lot such that the lot cannot reasonably be put to a conforming use. In deciding upon such variances, the zoning board of appeals shall first determine that sufficient area exists of an adequate stormwater drainage, water supply, and septic system, if necessary.
    c. Variance from the site plan review requirements where the zoning board of appeals finds that the requirements would cause practical difficulties or unnecessary hardship due to the unique conditions on the site.
    d. Variance made necessary by the advances of technology being put to use in new developments, applications or processes, but not previously anticipated by the provisions of this Land Development Code.

4. **Public service or public utility building variance.** To permit the erection and use of a building or an addition to an existing building for public service or utility purposes in any permitted district to a greater height or larger area than the district requirements established in this article; if the board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service, and if an applicant demonstrates to the satisfaction of the board that no reasonable alternative exists which would be in full compliance with this article.
5. **Temporary buildings and uses.** To permit temporary buildings and temporary uses in connection with the development of land for periods not to exceed one year.
6. **Use variance.** Under no circumstances shall the zoning board of appeals grant a variance to allow a use not permissible under the terms of this chapter in the zoning district in which the variance is to be located.
7. **Conditions.** To impose conditions including performance guarantees in connection with any of its decisions, as the board shall deem to be necessary and/or reasonable to minimize any possible detrimental effects that may arise from its decision and to otherwise promote the purposes of this article. In imposing any such conditions and requirements, the board shall consider the standards set forth Section 6.1 Site plan review and approval.
8. **Exercising powers.** In exercising the powers, enumerated in this section the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building official from whom the appeal is taken.

C. **Procedure for appeals.**

1. **Notice of appeal.** Appeals of any nature in which board action is sought, may be commenced by a person aggrieved, or by an officer, department, or board of the city, by filing a notice of appeal with the building official and the zoning board of appeals, accompanied by the required fee. The notice of appeal shall be signed, and shall specify the specific grounds upon which the appeal is based, the requirements from which a variance is sought, and the nature and extent of such variance.
2. **Stay of action.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless a zoning enforcement officer certifies to the zoning board of appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed, except by a restraining order which may be granted by the board of appeals or by the circuit court, following application, notice to the officer or body from whom the appeals is taken, and due cause shown.

3. **Hearings; public notice.** The board shall fix a reasonable time for a hearing, not to exceed 45 days from the filing of the notice of appeal, unless otherwise agreed by the applicant or unless inadequate information exits to make a determination of the application. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be published in a newspaper of general circulation or as otherwise provided by law and shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. At the hearing, any party may appear in person or by agent or an attorney.
4. **Power to subpoena.** The board shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files and other evidence pertinent to the matters before it.
5. **Preparation of official record.** Following the hearing, the board shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include the following:
    a. The relevant administrative records and the administrative orders issued relating to the appeal.
    b. The notice of appeal.
    c. Such documents, exhibits, photographs, or written reports as may be submitted to the board for its consideration.
6. **Board decisions.** All such decisions of the board shall be made at a public meeting by motion and seconded and by roll call vote. The motion shall be in the form of findings of fact and shall state the reasons for the findings by the board. If the grant of a special exception or variance includes conditions or safeguards, such conditions and safeguards, and the reasons therefor, shall be stated in the motion. The board shall decide on appeal within a reasonable time.
7. **Final record.** The requisite written findings of fact, the conditions attached, and the decisions and orders of the board of appeals in disposing of the appeal shall be entered into the official record for each case. Such record shall show the reasons for the determination, with a summary of the evidence introduced, and reasons for imposition of any conditions imposed.
8. **A variance runs with the land.** A variance shall run with the land, except that if no building permit has been obtained within one year of the effective date of the variance and no erection or alteration is started in compliance with the building permit, the variance shall become null and void. The board shall review any subsequent application for a variance on the applicable conditions and circumstances which exist at the time of the subsequent application.

9. **Decisions final.** The decisions of the zoning board of appeals are final. However, a person aggrieved by the decision may appeal to the circuit court. Such an appeal must be filed within 30 days after issuance of the zoning board of appeals decision in writing or 21 days after approval of the minutes. If the zoning board of appeals issues its decision in writing, it must be signed by the chairperson; if there is no chairperson, it must be signed by the members of the zoning board of appeals.

D. Granting a nonuse/dimensional variance.

1. A nonuse/dimensional variance may be allowed by the zoning board of appeals only in cases involving practical difficulties when the evidence in the official record of an appeal supports all the following findings:
   a. The practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and results from conditions which do not exist generally throughout the city.
   b. The practical difficulties which will result from a failure to grant the variance include substantially more than mere inconvenience or inability to attain a higher financial return.
   c. Allowing the nonuse/dimensional variance will result in substantial justice being done, considering the public benefits intended to be secured by this article, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
   d. The variance did not arise from the actions of the applicant or previous landowner.
   e. The requested variance(s) is not based solely on financial need or circumstances.
2. The board shall impose such conditions and requirements, in connection with any decision to grant a nonuse/dimensional variance, as it shall deem reasonable to minimize any potential detrimental effects of its decision and to promote the purposes of this article or which justifiably arises from the circumstances of the request.

E. Limitations on powers.

1. **Concurring vote.** The concurring vote of four members of the zoning board of appeals shall be necessary to:
   a. Reverse or modify any order, requirement, decision, or determination of any administrative official;
   b. Decide in favor of the applicant on any matter upon which the board is required to pass under this article; or
   c. Effect any variance in the article in accordance with Section 7.9 Permits, except that a concurring vote of four of the members of the board shall be necessary to grant a variance from uses of land permitted in this article.
2. **Finding of fact.** Every decision of the board shall be based upon finding of fact and each such finding shall be supported in the record of the proceedings of the board.
3. **Article changes**. Nothing contained in this section shall be construed to empower the board to change the terms of this article, to effect changes in the zoning map, or to add to the uses permitted in any zoning district, except when specifically empowered to do so. The power to effect changes in this article or zoning map is reserved to the city council in the manner provided in this section.

F. **Fees.** The city council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. At the time the notice for appeal is filed, such fee shall be paid to the secretary of the board of appeals, which the secretary shall forthwith pay over to the city treasurer to the credit of the general revenue fund of the city.

## 7.16 Noncomformities

A. Statement of intent.

1. Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this article or a subsequent amendment, but which were lawfully established prior to the time of adoption of this article or amendment. Such nonconformities are declared by this article to be incompatible with the current or intended use of land in the district in which they are located.
2. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival unless it is determined that their expansion and continuance meets the criteria for expansion as provided in subsection C. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, unless the proposed expansion meets the criteria defined in subsection C, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.
4. To avoid undue hardship, nothing in this article shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

B. Nonconforming lots. A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of this ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations shall apply to any nonconforming lot:

1. Use of nonconforming lot. Any nonconforming lot shall be used only for a use permitted in the district in which it is located.
2. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this article, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, even though such single lot fails to meet the requirements for lot area or width, or both, they are generally applicable in the district, provided that:
   a. The lot width [and] area are not less than 80 percent of the requirements established for the district in which the lot is located.
   b. The lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.
   c. The lot cannot be reasonably developed for the use proposed without such deviations.

d. The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety.

e. Notwithstanding the language of subparagraph (4) herein, lot splits are allowed so long as the resulting lots conform with all lot dimensions of the original plat. Use and development of such lot shall conform with the requirements of this section and the zoning district where the lots are located. Existing structures on such lots shall conform with all set back and lot coverage requirements for the district.

3. **Variation from area or bulk requirements.** If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the zoning board of appeals.

4. **Contiguous lots in same ownership.** When two or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this article, such lots shall be considered to be a single lot for the purposes of this article, and no portion of such lot shall be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this article.

C. **Nonconforming uses of land.** A nonconforming use of a land occurs when a property is used for a purpose or in a manner unlawful by the use regulations applicable to the district in which the property is located. Where, on the effective date of this ordinance, or the effective date of amendment of this article, a lawful land use exists that is made no longer permissible under the terms of this article, as enacted or amended, such use may be continued, so long as it otherwise remains lawful, subject to the following provisions:

1. **Expansion of use.** No such nonconforming use shall be enlarged or increased, nor extended upon to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article, unless it is determined by the planning commission that all of the criteria are met:

a. Continuance of the use would not be contrary to the public health, safety or welfare, or spirit and intent of this article.

b. The use is not likely to significantly depress the value of nearby properties.

c. The use was lawful at the time of inception.

d. No useful purpose would be served by a strict application of the provisions or requirements of this article with which the use does not conform.

e. The proposed expansion/alteration is for the purpose of incorporating green building technology or structures.

f. Such expansion/alteration is necessary to incorporate advanced technology essential for the continuation of the principle use.

g. Any such expansion/alteration shall not increase or create additional negative impacts on adjacent properties.

h. Any such expansion/alteration of a nonconforming use under the provisions of subsections e., f. and g. above, shall require special land use approval from the planning commission in conformance to Section 6.2 Special land uses. In making its determination, the planning commission may impose conditions.

i. The above restrictions on expansion of nonconforming uses shall not be applicable to existing occupied single-family dwelling structures in any zoning district. In the event of a fire or other disaster that totally destroys the residence; the right of the owner to reconstruct another residence is protected provided they continuously demonstrate the ability and substantial attempt to do so. Any decision by the building official such efforts are not ongoing as set forth herein, may be appealed to the zoning board of appeals. Any proposed expansion shall conform to the setback and other requirements established for dwellings in the R-2 district.

2. **Moving.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article.
3. **Discontinuation of use.** If such nonconforming use of land ceases for any reason for a period of time more than six months, any subsequent use of such land shall conform to the regulations specified by this article for the district in which such land is located unless activities are ongoing as set forth in subsection (1)i. of this section. In case of single-family dwellings, the rule shall be applicable to dwellings that meet the city ordinances definition for abandoned and vacant structures.

D. **Nonconforming structures.** A nonconforming structure exists when the height, size, minimum floor area, or lot coverage of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located. Where a lawful structure exists at the effective date of adoption or amendment of this article that could not be built under the terms of this article, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion of structure. 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 nonconformity.
2. Damage to structure. Should such structure be destroyed by any means to an extent of more than 50 percent of its fair market value, as determined by the assessor, it shall be reconstructed only in conformity with the provisions of this article.
3. Moving. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

E. **Nonconforming uses of structure and land.** 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 article, that would not be permitted in the district under the terms of this article, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion of structure. No existing structure devoted to a use not allowed by this article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. An exception to the above rule shall be existing occupied single-family dwelling structures in any zoning district. However, any proposed expansion shall conform to the setback and other requirements established for dwellings in the R-2 district. This language allows for a property owner to demolish and rebuild a structure entirely; however, when over 50 percent of the nonconforming structure is torn down or destroyed, the entire structure including foundation must be brought into conformance with the ordinance standards for the R-2 district where no continuous activity of a substantial nature has been demonstrated during the six months.

2. **Expansion of use.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this section, but no such use shall be extended to occupy any land outside such building.
3. **Change to another nonconforming use.** If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the board of appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. **Change to permitted use.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. **Discontinuation of uses.** If a nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of six months from the official date of closing/discontinuation of the use, the structure, or structure and land in combination, shall not thereafter be used except in conformance with regulations of the district in which it is located.
6. **Moving.** No building in which a nonconforming use exists shall be moved to any other part of the lot or parcel upon which such building was located at the effective date of the adoption or amendment of this section.
7. **Removal of structure.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. **Alterations, repairs and maintenance.**

1. **Repairs and maintenance.** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the market value of the building, as determined by the assessor, provided that the cubic content of the building as it existed at the time of passage or amendment of this article shall not be increased.
2. **Alterations that decrease nonconformity.** Any nonconforming structure or any structure or its portion containing a nonconforming use may be altered if such alterations serve to decrease the nonconforming nature of the structure or use. The zoning board of appeals shall determine if a proposed alteration will decrease the nonconforming nature of the structure or use.
3. **Protecting public safety.** Repairs or maintenance deemed necessary by the building official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

G. **Uses under exception provisions not nonconforming uses.** Any use for which a special exception is permitted as provided in this article shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

H. **City removal of nonconforming uses and structures.** In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the city, pursuant to section 3a of Public Act No. 207 of 1921 (MCL 125.583a), may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity.

I. **Change in tenancy or ownership.** There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided that there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this article.

J. **Unlawful nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

K. **Recording of nonconforming uses and structures.** The city shall maintain records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on July 21, 1992. Failure on the part of a property owner to provide the city with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

## 7.17 Encumbering land required to satisfy article regulations

No portion of a lot necessary for compliance with the provisions of this article in regard to area, height, bulk, and placement regulations in connection with an existing or proposed building, structure, or use shall, through sale or otherwise, again be used as a part of the lot required in connection with any other building or structure or use.

## 7.18 Zoning of vacated areas

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

## 7.19 Temporary and portable buildings, uses, structures and special events

The zoning board of appeals may permit temporary buildings, structures, and uses for a period not to exceed six months provided that all requirements and conditions are met, as are relative to the type of structure and use, the timing and arrangements for termination and removal. The board of appeals may require safeguards related to setbacks, screening, and off-street parking which the board considers necessary to protect the health, safety, welfare and comfort of inhabitants of the city. Further, the zoning board of appeals may require site plan approval by the planning commission and performance guarantees as conditions of approval. Mobile homes, mobile or temporary offices, trucks, truck trailers, vans or other passenger vehicles or trailers shall not be used for storage, warehousing, retail sales, service or offices, except by approval of the zoning board of appeals and subject to conditions imposed by the zoning board of appeals.

## 7.20 Zoning of vacated areas

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

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# Appendix A - Schedule of Amendments

## Ord. No. 763
Adopted May 5, 2022 | Effective May 25, 2022

| Section No. | Description |
|---|---|
| Section 2.2 | Definitions - Structure (amended) and Impervious surface (added) |
| Section 3.1 | A. R-1 district, 4. Development Standards, Maximum impervious surface coverage (added) |
| Section 3.1 | B. R-2 district, 4. Development Standards, Maximum impervious surface coverage (added) |
| Section 4.1 | Subsection M. Standards for detached single-family dwelling units - impervious surface (added) |

## Ord. No. 770
Adopted February 21, 2023 | Effective March 4, 2023

| Section No. | Description |
|---|---|
| Section 4.7 | Drive-through uses (amended; originally "Restaurants, fast-food and others with drive-up/drive-in uses") |
| Section 4.52 | Gas stations (added) |

## Ord. No. 771
Adopted February 21, 2023 | Effective March 4, 2023

| Section No. | Description |
|---|---|
| Section 3.1 | N. BRD-2 district, 2. Permitted Uses, m. Restaurants, sit down with or without alcohol, north of Anderson Court only (added) |
| Section 3.1 | N. BRD-2 district, 2. Permitted Uses, n. Restaurants, carryout, north of Anderson Court only (added) |
| Section 3.1 | N. BRD-2 district, 3. Special Land Uses, g. Drive-through facilities for restaurants, north of Anderson Court only §4.52 (added) |

## Ord. No. 772
Adopted February 21, 2023 | Effective March 4, 2023

| Section No. | Description |
|---|---|
| Section 5.12 | Accessory Buildings, subsection M - accessory building appearance standards (added) |

## Ord. No. 773
Adopted March 21, 2023 | Effective April 14, 2023

| Section No. | Description |
|---|---|
| Section 3.1 | M. BRD-1 district, 2. Permitted Uses, k. Offices, medical (added) |


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