

Table of Contents

ARTICLE 1: TITLE AND PURPOSE 11

1.1 TITLE 11

1.2 PURPOSE 11

1.3 AREA OF JURISDICTION 11

1.4 RELATIONSHIP TO THE MASTER PLAN 11

ARTICLE 2: ZONING DISTRICTS AND MAP 2

2.1 ZONING DISTRICTS ESTABLISHED 2

2.2 INTENT OF ESTABLISHED ZONING DISTRICTS 2

2.2.1 Neighborhood Residential District (NR) 2

2.2.3 Multiple Family Residential District (MFR) 33

2.2.4 Neighborhood Mixed Use District (NMU) 34

2.2.5 Downtown Mixed Use District (DMU) 44

2.2.6 Commercial District (C) 45

2.2.7 Light Industrial District (LI) 55

2.2.8 General Industrial District (GI) 56

2.2.9 Recreation / Conservation District (RC) 66

2.3 ZONING MAP 66

2.3.1 Zoning District Boundaries 67

2.3.2 Properties with Multiple Zoning Designations 77

2.3.3 Official Zoning Map 78

ARTICLE 3: REGULATED USES AND DIMENSIONS 99

3.1 ZONING DISTRICTS AND REGULATED LAND USES 99

3.1.1 Interpreting the Table 99

3.1.2 Similar Use Determinations 99

3.2 REGULATED USES TABLE 99

3.3 SCHEDULE OF DIMENSIONAL REQUIREMENTS 1212

3.3.1 Intent and Purpose 1212

3.3.2 Table of Dimensional Standards 1212

ARTICLE 4: OVERLAY DISTRICTS 1515

4.1 INTENT AND PURPOSE 1515

4.2 RESERVED 1515

Table of Contents

ARTICLE 5: GENERAL PROVISIONS	1746
5.1 APPLICABILITY	1746
5.2 CONFLICTING REGULATIONS	1746
5.3 RESTORATION OF UNSAFE BUILDINGS AND BARRIER FREE MODIFICATION	1746
5.4 TEMPORARY BUILDINGS FOR CONSTRUCTION PURPOSES	1746
5.5 RELOCATION OF BUILDINGS	1817
5.6 DEMOLITION OF BUILDINGS	1817
5.7 FLOODPLAINS	1817
5.8 ACCESSORY BUILDINGS	1918
5.8.1 Standards Applicable to All Districts	1918
5.8.2 Neighborhood Residential (NR) District	1918
5.8.3 Multiple Family Residential (MFR) Districts	2019
5.8.4 Neighborhood Mixed Use (NMU) and Downtown Mixed Use (DMU) Districts	2019
5.8.5 Commercial (C), Light Industrial (LI), General Industrial (GI) and Recreation/Conservation (RC) Districts	2019
5.9 OUTDOOR STORAGE	2019
5.10 DONATION BINS	2019
5.11 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING	2120
5.12 REQUIRED WATER SUPPLY AND SANITATION FACILITIES	2120
5.13 VOTING PLACE	2120
5.14 HEIGHT EXCEPTIONS	2120
5.15 LOTS ADJOINING ALLEYS	2221
5.16 ACCESS THROUGH YARDS	2221
5.17 YARD PROJECTIONS	2221
5.18 FENCES	2221
5.19 RESIDENTIAL DEVELOPMENT ENTRANCES	2322
5.20 RECREATIONAL VEHICLES	2322
5.21 PERFORMANCE STANDARDS	2322
5.21.1 Noise	2322
5.21.2 Vibration	2423
5.21.3 Pollution	2423
5.22 NONCONFORMITIES	2423
5.22.1 Intent	2423
5.22.2 General Standards	2423
5.22.3 Nonconforming Uses	2524

Table of Contents

5.22.4	Nonconforming Sites	2625
5.22.5	Nonconforming Structures.....	2726
5.22.6	Nonconforming Lots	2726
ARTICLE 6:	SITE DEVELOPMENT STANDARDS	2928
6.1	INTENT AND PURPOSE.....	2928
6.2	LANDSCAPING	2928
6.2.1	Intent and Purpose	2928
6.2.2	Applicability.....	2928
6.2.3	Standards and Criteria	3029
6.2.4	Landscape Buffers and Screening.....	3231
6.2.5	Right-of-Way Landscaping	3332
6.2.6	Lot Landscaping.....	3332
6.2.7	Existing Vegetation	3433
6.3	PARKING STANDARDS.....	3433
6.3.1	General Requirements.....	3433
6.3.2	Maximum Parking Spaces	3736
6.3.3	Off-Site Parking.....	4039
6.3.4	Access.....	4039
6.3.5	Loading Zones.....	4140
6.4	EXTERIOR LIGHTING	4241
6.4.1	Intent	4241
6.4.2	Exemptions.....	4241
6.4.3	Shielding and Filtration	4343
6.4.4	Illumination	4443
6.4.5	Exterior Lighting Site Standards	4444
6.5	SIGNS	4544
6.5.1	Intent and Purpose	4544
6.5.2	General Requirements.....	4545
6.5.3	Sign Measurements	4646
6.5.4	Illumination	4747
6.5.5	Freestanding Signs.....	4747
6.5.6	Wall Signs	4848
6.5.7	Awning Signs	4949

Table of Contents

6.5.8	Canopy / Marquee Signs	5050
6.5.9	Projecting Signs	5150
6.5.10	Window Signs	5151
6.5.11	Electronic Message Signs	5252
6.5.12	Small Temporary Signs	5353
6.5.13	Large Temporary Signs	5454
6.5.14	Flags	5454
6.5.15	Prohibited Signs	5555
6.5.16	Nonconforming Signs	5656
6.5.17	Permit Application and Approval Process	5656
6.5.18	Removal of Unsafe, Unlawful or Abandoned Signs	5757
6.6	SIDEWALKS	5858
6.7	DOWNTOWN MIXED USE (DMU) DISTRICT DEVELOPMENT STANDARDS	5858
6.7.1	Intent and Purpose	5858
6.7.2	Applicability	5859
6.7.3	Dimensional Standards	5959
6.7.4	Architectural Standards	5960
6.7.5	Façade Preservation	6364
6.7.6	Alternative Designs or Materials	6364
6.8	NEIGHBORHOOD MIXED USE (NMU) DISTRICT DEVELOPMENT STANDARDS	6465
6.8.1	Applicability	6465
6.8.2	Façade and Building Materials	6465
6.8.3	Façade Preservation	Error! Bookmark not defined. 65
ARTICLE 7:	SUPPLEMENTAL USE STANDARDS	6566
7.1	INTENT AND PURPOSE	6566
7.2	ACCESSORY DWELLING UNITS	6566
7.3	AUTOMOBILE AND VEHICLE MAJOR REPAIR	6667
7.4	AUTOMOBILE AND VEHICLE MINOR REPAIR	6667
7.5	AUTOMOBILE SERVICE STATIONS	6768
7.6	AUTOMOBILE SALES AND RENTAL	6768
7.7	BUNGALOW / COTTAGE COURTS	6869
7.8	CHILD CARE CENTERS	6870
7.9	CONTRACTOR STORAGE YARDS	6970
7.10	CONVALESCENT & NURSING HOMES	6970

Table of Contents

7.11	DRIVE-IN OR DRIVE-THRU SERVICES	6970
7.12	EDUCATIONAL INSTITUTIONS	6970
7.12.1	Elementary, Junior High, and Senior High Schools	Error! Bookmark not defined. 70
7.12.2	Colleges and Universities	6971
7.13	HOME OCCUPATIONS	7071
7.14	HOSPITALS	7072
7.15	HOTELS AND MOTELS	7172
7.16	KENNELS	7172
7.17	MARIHUANA FACILITIES	7273
7.17.1	Intent and Purpose	7273
7.17.2	General Standards	7273
7.17.3	Designated Marihuana Consumption Facility	Error! Bookmark not defined. 74
7.17.4	Marihuana Grower	Error! Bookmark not defined. 74
7.17.5	Marihuana Microbusiness.....	Error! Bookmark not defined. 75
7.17.6	Marihuana Processor	Error! Bookmark not defined. 75
7.17.7	Marihuana Retailer	Error! Bookmark not defined. 75
7.17.8	Marihuana Safety Compliance Facility.....	Error! Bookmark not defined. 75
7.17.9	Marihuana Secure Transporter	Error! Bookmark not defined. 75
7.17.10	Medical Marihuana Provisioning Center	Error! Bookmark not defined. 75
7.18	MARINAS OR BOAT LAUNCHES	7476
7.19	MULTIFAMILY DWELLINGS	7476
7.20	OUTDOOR DINING	7577
7.21	OUTDOOR SALES AND DISPLAY	7577
7.22	OUTDOOR STORAGE OF MATERIALS AND EQUIPMENT	7577
7.23	PRIVATE RECREATION FACILITIES, INDOORS OR OUTDOORS	7678
7.24	PUBLIC OR PRIVATE PARKING FACILITIES	7678
7.25	RELIGIOUS INSTITUTIONS	Error! Bookmark not defined. 79
7.26	RENEWABLE ENERGY SYSTEMS	7779
7.26.1	Intent and Purpose	7779
7.26.2	Personal Solar Energy Conversion Systems (SECS).....	7779
7.26.3	Commercial Solar Energy Conversion Systems (SECS).....	7880
7.26.4	Solar Energy Conversion System Approval Standards	7981
7.26.5	Personal Wind Energy Conversion Systems (WECS).....	Error! Bookmark not defined. 82
7.26.6	Commercial Wind Energy Conversion Systems (WECS).....	8083

Table of Contents

7.26.7	Wind Energy Conversion System Approval Standards	8184
7.26.8	Abandonment.....	8386
7.27	SALVAGE YARD.....	8487
7.28	SELF-STORAGE FACILITIES.....	8487
7.29	SENIOR ASSISTED LIVING FACILITIES	8488
7.30	SEXUALLY ORIENTED BUSINESSES.....	8588
7.31	VETERINARY SERVICES.....	8689
7.32	WIRELESS COMMUNICATION TOWERS AND ANTENNAS.....	8790
7.32.1	Intent and Purpose	8790
7.32.2	Applicability.....	8790
7.32.3	Collocated Antenna	8790
7.32.4	Freestanding/Tower	8891
7.32.5	Building Permits, State and Federal Requirements.....	9194
7.32.6	Removal of Facilities	9295
7.33	SMALL CELL WIRELESS FACILITIES	9295
7.33.1	Intent and Purpose	9295
7.33.2	General Provisions.....	9396
7.33.3	Exempt Small Cell Wireless Facilities.....	9396
7.33.4	Non-Exempt Small Cell Wireless Facilities; Site Plan Review Process	9497
7.33.5	Wireless Communication Equipment	9498
7.33.6	Design	9599
7.33.7	Maintenance	96100
7.33.8	Permit Application Process	97100
7.33.9	Alternative Siting and Decommission.....	99102
7.33.10	Basis for Denial for a Permit.....	99102
7.33.11	Insurance and Bonding	100103
7.33.12	Labeling.....	100104
7.33.13	Appeals.....	100104
ARTICLE 8:	SITE PLAN REVIEW	101105
8.1	INTENT AND PURPOSE.....	101105
8.2	GENERAL REQUIREMENTS	101105
8.2.1	Site Plan Required.....	101105
8.2.2	Site Plan Not Required.....	101105
8.3	SITE PLAN REVIEW STANDARDS.....	102106

Table of Contents

8.4	SITE PLAN APPLICATION REQUIREMENTS	104108
8.5	SITE PLAN APPLICATION REVIEW PROCEDURES	106110
8.5.1	Pre-Application Conference	106110
8.5.2	Conceptual Review	106110
8.5.3	Completeness Review	106110
8.5.4	Technical Review	106110
8.5.5	Administrative Review	106111
8.5.6	Planning Commission Review	107111
8.6	SITE PLAN APPLICATION DETERMINATIONS	107111
8.6.1	Approval	107111
8.6.2	Conditional Approval	107111
8.6.3	Denial	107112
8.7	RECORD OF ACTIONS	108112
8.7.1	Minutes	108112
8.7.2	Finding of Fact	108112
8.7.3	Final Site Plans	108112
8.7.4	Development Agreement	108112
8.8	EXPIRATION, REVOCATION AND REAPPLICATION	108113
8.8.1	Expiration	108113
8.8.2	Revocation	109113
8.8.3	Reapplication	109113
8.9	AMENDMENTS AND MODIFICATIONS	109113
8.9.1	Insignificant Deviations	109113
8.9.2	Minor Amendments	109113
8.9.3	Major Amendments	109114
8.10	FEES AND PERFORMANCE GUARENTEES	110114
ARTICLE 9:	SPECIAL LAND USES	111115
9.1	INTENT AND PURPOSE	111115
9.2	GENERAL REQUIREMENTS	111115
9.3	SPECIAL LAND USE APPLICATION REQUIREMENTS	111115
9.4	SPECIAL LAND USE APPLICATION REVIEW PROCEDURES	112116
9.4.1	Planning Commission Review	112116
9.4.2	City Council Review	112116
9.5	RECORD OF ACTIONS	112116

Table of Contents

9.6	EXPIRATION, REVOCATION AND REAPPLICATION	112116
9.7	AMENDMENTS AND MODIFICATIONS.....	113117
9.8	FEES AND PERFORMANCE GUARANTEES	113117
ARTICLE 10:	LAND DEVELOPMENT OPTIONS.....	114118
10.1	PLANNED UNIT DEVELOPMENT	114118
10.1.1	Intent and Purpose	114118
10.1.2	Uses Permitted	114118
10.1.3	Height, Bulk, Density and Area Standards	115119
10.1.4	Qualifying Standards.....	115119
10.1.5	PUD Application Requirements.....	116120
10.1.6	PUD Application Review Procedures	116120
10.1.7	Pre-Application Submission and Review.....	117121
10.1.8	PUD Application Determinations.....	117121
10.1.9	City Council Review and Approval	118122
10.1.10	Submission of Final Site Plans	119123
10.1.11	Termination and Expiration.....	119123
10.1.12	Fees and Performance Guarantees	120124
10.1.13	Interpretation of Approval.....	120124
10.1.14	Amendments to Planned Development Plan	120124
10.2	CONDOMINIUM DEVELOPMENT.....	120124
10.3	MANUFACTURED HOME DEVELOPMENTS	121124
10.4	CONDITIONAL REZONING	121124
ARTICLE 11:	ZONING BOARD OF APPEALS.....	122125
11.1	AUTHORITY	122125
11.2	MEMBERSHIP	122125
11.2.1	ALTERNATES	123126
11.3	ORGANIZATION	123126
11.4	APPLICATIONS.....	124127
11.5	APPEALS OF ADMINISTRATIVE DECISIONS	124127
11.6	INTERPRETATION OF ZONING DISTRICT BOUNDARIES	124128
11.7	INTERPRETATION OF ZONING ORDINANCE PROVISIONS	125128
11.7.1	Interpretations	125128
11.7.2	Determinations of Similar Uses.....	125128
11.8	VARIANCES.....	125129

Table of Contents

11.8.1	Dimensional Variances.....	126129
11.8.2	Use Variances.....	126129
11.9	EXCEPTIONS.....	127130
11.10	HEARINGS AND DECISIONS.....	127130
11.11	FEES.....	127130
11.12	LIMITATIONS OF AUTHORITY.....	127130
ARTICLE 12:	ADMINISTRATION, ENFORCEMENT, AND VIOLATIONS.....	128131
12.1	ZONING ADMINISTRATOR.....	128131
12.1.1	Duties.....	128131
12.2	FEES.....	128131
12.3	PERFORMANCE GUARANTEES.....	128131
12.4	TAXES AND OTHER MONIES OWED.....	129132
12.5	PUBLIC HEARINGS.....	129132
12.5.1	Public Notice.....	129132
12.6	ZONING PERMITS.....	130133
12.6.1	General.....	130133
12.6.2	Application.....	130133
12.6.3	Voiding Permit.....	131134
12.6.4	Inspection.....	131134
12.7	VIOLATIONS AND PENALTIES.....	131135
12.7.1	Nuisance Per Se.....	132135
12.7.2	Municipal Civil Infraction.....	Error! Bookmark not defined.135
12.7.3	Zoning Administrator.....	132135
12.7.4	Nuisance Abatement.....	132135
ARTICLE 13:	AMENDMENTS AND SEVERABILITY.....	133136
13.1	AMENDMENTS.....	133136
13.1.1	Initiation of Amendment.....	133136
13.1.2	Application.....	133136
13.1.3	Amendment Review Procedure.....	133136
13.1.4	Effective Date.....	135138
13.1.5	Re-Application.....	135138
13.2	CONDITIONAL ZONING MAP AMENDMENT (REZONING).....	135138
13.2.1	Intent.....	135138
13.2.2	Application and Offer of Conditions.....	136139

Table of Contents

13.2.3	Planning Commission Review.....	136139
13.2.4	City Council Review.....	137140
13.2.5	Approval.....	137140
13.2.6	Compliance with Conditions	138141
13.2.7	Time Period for Establishing Development or Use.....	138141
13.2.8	Reversion of Zoning	138141
13.2.9	Subsequent Rezoning of Land	138141
13.2.10	Amendment of Conditions	139142
13.2.11	City Right to Rezone.....	139142
13.2.12	Failure to Offer Conditions.....	139142
13.3	SEVERABILITY	139142
ARTICLE 14:	DEFINITIONS	140143
14.1	RULES OF CONSTRUCTION.....	140143
14.2	DEFINITIONS.....	141144
14.2.1	“A” Terms.....	141144
14.2.2	“B” Terms.....	143147
14.2.3	“C” Terms.....	145148
14.2.4	“D” Terms.....	148152
14.2.5	“E” Terms.....	150153
14.2.6	“F” Terms.....	151154
14.2.7	“G” Terms.....	153156
14.2.8	“H” Terms.....	154157
14.2.9	“I” Terms.....	154158
14.2.10	“J” Terms.....	155158
14.2.11	“K” Terms.....	155159
14.2.12	“L” Terms.....	155159
14.2.13	“M” Terms.....	158161
14.2.14	“N” Terms.....	161165
14.2.15	“O” Terms.....	162165
14.2.16	“P” Terms.....	163166
14.2.17	“Q” Terms.....	165168
14.2.18	“R” Terms.....	165169
14.2.19	“S” Terms.....	167170

Table of Contents

14.2.20	"T" Terms	<u>173</u> <u>176</u>
14.2.21	"U" Terms.....	<u>174</u> <u>177</u>
14.2.22	"V" Terms.....	<u>174</u> <u>178</u>
14.2.23	"W" Terms.....	<u>174</u> <u>178</u>
14.2.24	"Y" Terms.....	<u>176</u> <u>180</u>
14.2.25	"Z" Terms	<u>176</u> <u>180</u>

Table of Contents

ZONING ORDINANCE AMENDMENTS		
No.	Adoption Date	Description

ARTICLE 1: TITLE AND PURPOSE	
1.1 Title	
1.2 Purpose	
1.3 Area of Jurisdiction	
1.4 Relationship to the Master Plan	

1.1 TITLE

This Ordinance shall be known and may be cited as the City of River Rouge Zoning Ordinance, as amended, and is referred to throughout as the "Ordinance."

Commented [EG1]: "Zoning Administrator" is highlighted throughout the document – city to go through and determine who does what (Zoning Administrator, Building Official, Planner, Community Development Director, etc.)

1.2 PURPOSE

In accordance with the authority and intent of the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006 as amended, the purpose of this Ordinance is to promote the public health, safety, and general welfare of the residents of the City of River Rouge. This Ordinance shall serve the general good of the community in accordance with the adopted City of River Rouge Master Plan and any additions and amendments as may be approved by the City of River Rouge.

1.3 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the City of River Rouge, Wayne County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to throughout this Ordinance as the "City."

1.4 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the City of River Rouge Master Plan, along with other planning documents, which serve as a guide to the long-term physical development of the City.

ARTICLE 2: ZONING DISTRICTS AND MAP 2.1 Zoning Districts Established 2.2 Intent of Established Zoning Districts 2.3 Zoning Map

2.1 ZONING DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of River Rouge is divided into the following zoning districts:

- NR: Neighborhood Residential District
- MFR: Multiple Family Residential District
- NMU: Neighborhood Mixed Use District
- DMU: Downtown Mixed Use District
- C: Commercial District
- LI: Light Industrial District
- GI: General Industrial District
- RC: Recreation / Conservation District

2.2 INTENT OF ESTABLISHED ZONING DISTRICTS

The intent and purpose of each established zoning district is described in the subsections below.

2.2.1 Neighborhood Residential District (NR)

The Neighborhood Residential District is designed for low-density residential home development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single-family dwellings and accessory dwelling units, plus such other uses as schools, parks, religious institutions, and certain public facilities that serve residents of the district. The district is intended to be walkable with amenities such as sidewalks, street trees, pedestrian-scaled lighting, and connections to neighborhood parks and residential services.



2.2.2 Multiple Family Residential District (MFR)

The Multiple Family Residential District is designed to provide sites for multiple-family dwelling structures that include apartment complexes, bungalow and/or cottage courts, stacked flats, and row houses, plus associated accessory uses. The district will generally serve as a transition zone between the higher intensity non-residential districts and the less intense, lower density Neighborhood Residential District. The district has specified design standards, ensuring compatibility with single-family uses, and it is designated where necessary utility services, community facilities, and access are available.



2.2.3 Neighborhood Mixed Use District (NMU)

The Neighborhood Mixed Use District is intended to permit flexibility in land use and development by allowing the combination of commercial, office, and residential uses at a neighborhood scale. This will create convenient access to commonly required goods and services to the residents in proximity to Jefferson Avenue, Coolidge Highway, and Visger Street, while also creating additional housing options. Buildings are 2 – 3 stories in height, and residential uses for lots fronting these three corridors are above the first floor, while residential uses are on any floor elsewhere in the district. The district is pedestrian-focused in scale and design, with elements such as open store fronts, pedestrian lighting and seating, and quasi-public spaces. Because of the variety of business types permitted in the Neighborhood Mixed Use District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, developments should be compatible in design with adjacent development, buffered and screened from or located away from existing single-family residential areas, and situated near a major thoroughfare.



2.2.4 Downtown Mixed Use District (DMU)

The Downtown Mixed Use District is designed to serve as the community’s downtown by creating a central anchor for the City. The district’s intent, uses, and design are similar to the Neighborhood Mixed Use District, but at a greater intensity and density with 2 – 4-story buildings. Future development in the district will adhere to traditional downtown development patterns in accordance with historic main street design principles that place the buildings near the front property lines, incorporate traditional building materials, and allow residential uses on upper floors. The pattern of development will not be centered on auto-oriented uses, but rather will focus on a corridor that is safe and accessible to pedestrian and bicycle circulation, facilitates public transit, allows for off-street parking, prohibits parking in the front of buildings, and incorporates streetscape elements such as trees, benches, pedestrian-scaled lighting, and outdoor dining.



2.2.5 Commercial District (C)

The intent of the Commercial District is to provide for more intensive, regional-scale commercial development offering a broad range of goods and services, marketed to the general City population, residents in surrounding communities or region, and people in transit. The development pattern is more auto-centric, including larger parking areas, than other commercial districts and therefore requires additional attention towards its impact on adjacent uses, especially residential. Accordingly, developments should be compatible in design with adjacent development, buffered or located away from residential areas, focused on site layout, building design and circulation patterns, and accessed off a major thoroughfare or through a cross access easement from a development served by a major thoroughfare.



2.2.6 Light Industrial District (LI)

The Light Industrial District is designed to primarily accommodate wholesale activities, warehousing, technology, research, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect the surrounding districts in a detrimental way. The Light Industrial District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. Office uses related to established industrial uses are acceptable in this district, as well as maker's spaces, live/work units, and limited retail operations for items produced on-site.



2.2.7 General Industrial District (GI)

The General Industrial District is established primarily for manufacturing, assembling, and fabrication activities including large-scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The General Industrial district permits industrial uses of greater intensity, including the manufacturing, processing, and compounding of semi-finished or finished products from raw materials, handling and storing hazardous materials, power generation, and Light Industrial uses (excluding residential and retail uses). Office uses related to established industrial uses are acceptable in this district.



2.2.8 Recreation / Conservation District (RC)

The intent of the Recreation / Conservation District is to accommodate public and institutional areas available to the residents and businesses of the City. These areas are designated to provide the community recreation areas, schools, libraries, non-profit facilities, governmental facilities, religious institutions, aesthetics, and environmental protection. The protection and enhancement of these areas will be part of shaping the community's identity through its public and institutional spaces.



2.3 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated as the "Official Zoning Map." The Official Zoning Map, including all notations, references, data and other information shown within, is adopted and made a part of this Ordinance.

- A. Location: The Official Zoning Map is filed in the office of the City Clerk.
- B. Updates: The City Council may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the City Planning Commission.

2.3.1 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- A. The district boundaries are public rights-of-way including streets, roads, places, or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place, or alley lines, the same shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may be divided into blocks and lots in the future, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
- C. Whenever any street, road, alley, place, or other public way is officially vacated by the City or Wayne County, the district adjoining each side of the vacated right of way shall be

automatically extended to the center of such vacation, and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

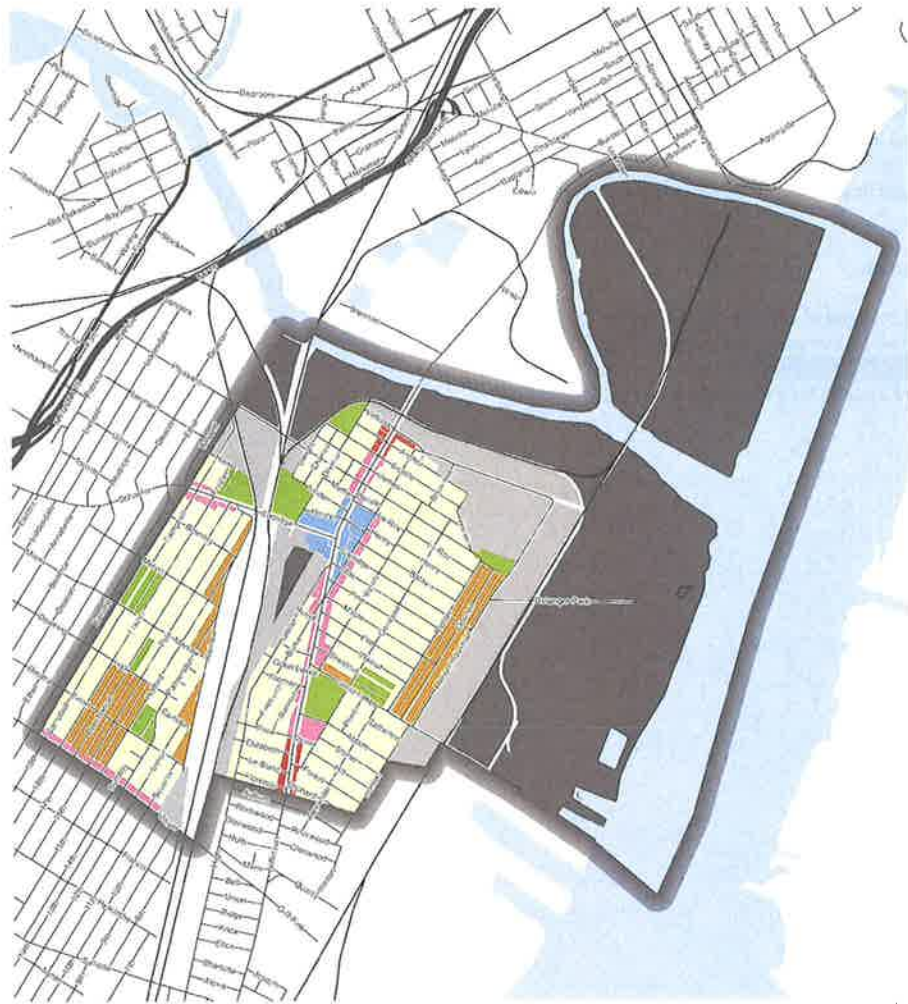
- D. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "A." through "C." above, the Zoning Administrator shall interpret the boundaries.
- E. The Zoning Board of Appeals shall hear any dispute over zoning district boundary determinations.

2.3.2 Properties with Multiple Zoning Designations

When an individual recorded lot, which exists at the time of adoption of this Ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the lot area shall be applied to the entire lot. Any dispute in the Zoning Administrator's opinion of the zoning district boundaries shall be heard by the Zoning Board of Appeals for a final determination.

2.3.3 Official Zoning Map

Commented [EG2]: Add marihuana overlay district



**CITY OF RIVER ROUGE
Zoning Map**

Data Sources: State of Michigan Geographic Data Library, ESRI BaseMap, Wayne County GIS, City of River Rouge

- | | | |
|------------------|-----------------------------|----------------------------------|
| City Boundary | C: Commercial | NR: Neighborhood Residential |
| State Roads | DMU: Downtown Mixed Use | MFR: Multiple Family Residential |
| All Roads | NMU: Neighborhood Mixed Use | RC: Recreation/Conservation |
| Railroads | LI: Light Industrial | |
| Rivers / Streams | GI: General Industrial | |
| Lakes / Ponds | | |

Disclaimer: This map was created following the districts of the 1996 Zoning Map. Parcel boundaries have, however, changed during the following 30 years, and therefore this map is meant to be used as a guide and any specific zoning information must be confirmed with the City of River Rouge.

ARTICLE 3: REGULATED USES AND DIMENSIONS
 3.1 Zoning Districts and Regulated Land Uses
 3.2 Regulated Uses Table
 3.3 Schedule of Dimensional Requirements

3.1 ZONING DISTRICTS AND REGULATED LAND USES

The Regulated Uses Table in this Article lists where a particular land use is allowed in a respective zoning ordinance by land use category (e.g. residential, commercial, etc.).

3.1.1 Interpreting the Table

- A. Permitted Uses: The symbol [P] is noted if a land use is permitted by right in a zoning district.
- B. Uses Requiring Special Land Use Permit: The symbol [S] is noted if a land use is permitted after review and approval as a special land use permit in accordance with Article 9.
- C. Uses with Supplemental Standards: The symbol [*] is noted if a land use has supplemental use regulations, as provided in Article 7.
- D. Uses Not Allowed: If a land use type is not allowed in a zoning district, it is blank without a [P] or [S].

3.1.2 Similar Use Determinations

If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated or the Zoning Administrator may request that the Zoning Board of Appeals make this determination. A determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not to be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

3.2 REGULATED USES TABLE

Regulated Uses		ZONING DISTRICTS							
		NR	MFR	NMU	DMU	C	LI	GI	RC
RESIDENTIAL USES									
One-Family Detached Dwellings		P							
Multifamily Dwellings: Duplexes, Triplexes, Quadplexes, Rowhouses, Stacked Flats	Two-Family Units		p*	p*					
	Three-Family Units		p*	p*					
	Four-Family Units		p*	p*					
	Five or More Family Units		p*	p*					

Regulated Uses		ZONING DISTRICTS							
		NR	MFR	NMU	DMU	C	LI	GI	RC
Bungalow / Cottage Courts		P*	P*						
Residential Above 1 st Floor Commercial				P	P	P			
Boarding & Rooming Houses			S	S					
Manufactured Home Developments (See Article 10)			S						
Accessory Dwelling Units		P*							
Live/Work Units				P	P	P	P		
Home Occupations		P*	P*	P*	P*	P*			
State Licensed Residential Facilities	Adult Day Care Home	P	P						
	Adult Foster Care Family Home	P	P						
	Adult Foster Care Small Group Home	P	P						
	Adult Foster Care Large Group Home		P						
	Adult Foster Care Congregate Facility		P						
	Family Child Care Home	P	P						
	Group Child Care Home	P	P						
	Foster Family Home	P	P						
	Foster Family Group Home	P	P						
	Convalescent & Nursing Home		S*	S*		S*			
	Senior Living Facility		S*	S*		S*			
PUBLIC & SEMI-PRIVATE USES									
Cemeteries									P
Cultural Centers				P	P	P			P
Educational Institutions	Elementary	S*			S*	P*			P*
	Junior High	S*			S*	P*			P*
	Senior High	S*			S*	P*			P*
	College/University	S*			S*	P*			P*
Marinas & Boat Launches									S*
Private Clubs, Lodges & Fraternal Organizations				P	P	P	P		
Public Use (Critical, Essential, Supporting)		P	P	P	P	P	P	P	P
Religious Institutions		P*		P*	P*	P*			P*
TRANSPORTATION & UTILITY USES									
Marihuana Secure Transporter						P*	P*		
Marine Shipping Facilities								S	
Energy Generation Facilities								S	
Public or Private Parking Facilities				P*	P*	P*			P*
Public Transit Stops		P	P	P	P	P	P	P	P
Public Transit Transfer Stations				S	S	S			S
Railroad Freight Terminals								S	
Renewable Energy Systems	Personal Solar Energy Conversion System	P*	P*	P*	P*	P*	P*	P*	P*
	Commercial Solar Energy Conversion System					S*	S*	S*	S*
	Commercial Wind Energy Conversion System						S*	S*	S*
	Collocated Antenna	P*	P*	P*	P*	P*	P*	P*	P*

Regulated Uses		ZONING DISTRICTS							
		NR	MFR	NMU	DMU	C	LJ	GI	RC
Wireless Communications	Freestanding/Tower						S*	S*	
	Small Cell Wireless	p*	p*	p*	p*	p*	p*	p*	p*
COMMERCIAL USES									
Adult Day Care Facilities		S	S	P	P	P			
Amusement Parks						P			
Assembly Facilities	Principal Use			S	P	P			
	Accessory Use	P	P	P	P	P	P	P	P
Automobile and Vehicle Major Repair							S*	S*	
Automobile and Vehicle Minor Repair							S*	P*	P*
Automobile Sales and Rental							S*	S*	
Automobile Service Stations							S*	S*	
Business Services				P	P	P	P		
Child Care Centers		S*	S*		P*	P*	P*	P*	
Commercial Entertainment, Indoors				S	S	S			
Commercial Entertainment, Outdoors						S			
Drinking Establishments				P	P	P	P		
Drive-In or Drive-Thru Services						S*			
Financial Services				P	P	P			
For-Profit Schools				P	P	P	P		
Health Care Services				P	P	P			
Hospitals						S*			
Hotels or Motels					S*	P*			
Kennels						S*	S*		
Marihuana Facilities	Designated Marihuana Consumption Facility			p*	p*	p*	p*		
	Marihuana Retailer			p*	p*	p*	p*		
	Medical Marihuana Provisioning Center			p*	p*	p*	p*		
Microbreweries				P	P	P	P		
Outdoor Dining				p*	p*	p*	p*		
Outdoor Sales & Display				p*	p*	p*	p*		
Personal Services				P	P	P			
Professional Services				P	P	P	P		
Private Recreation Facilities, Indoors				p*	p*	p*	p*		
Private Recreation Facilities, Outdoors				S*	S*	S*	S*		
Retail Establishments	Department					P			
	Food & Beverage			P	P	P			
	General			P	P	P			
	Products Produced On-Site			P	P	P	P		
Restaurants & Eatery Establishments				P	P	P			
Sexually Oriented Businesses							S*	S*	
Small Distilleries				P	P	P	P		
Small Wineries				P	P	P	P		
Tasting Rooms				P	P	P	P		
Veterinary Services				p*	p*	p*	p*		
INDUSTRIAL USES									
Breweries							P	P	
Central Cleaning Facilities							P	P	
Contractor Establishments						P	P	P	
Contractor Storage Yards							p*	p*	
Data Processing Facilities							P	P	
Distilleries							P	P	
Distribution Centers							P	P	

Regulated Uses	ZONING DISTRICTS							
	NR	MFR	NMU	DMU	C	LI	GI	RC
Equipment Rental Establishments						P	P	
Greenhouses & Nurseries						P	P	
Manufacturing, Food						P	P	
Manufacturing, Heavy							S	
Manufacturing, Light						P	P	
Marihuana Facilities	Marihuana Grower					p*	p*	
	Marihuana Microbusiness					p*	p*	
	Marihuana Processor					p*	p*	
	Marihuana Safety Compliance Facility					p*	p*	
Outdoor Storage, Materials & Equipment						S*	S*	
Recycling Facilities						P	P	
Research & Development Facilities						P	P	
Salvage Yard							S*	
Self-Storage Facilities						p*	p*	
Support Laboratories					P	P	P	
Warehousing & Distribution						P	P	
Wholesale Activities						P	P	
Wineries						P	P	

3.3 SCHEDULE OF DIMENSIONAL REQUIREMENTS

3.3.1 Intent and Purpose

The purpose of this Section is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located.

3.3.2 Table of Dimensional Standards

Zoning District	Minimum Lot Size		Maximum Building Height ^(B)		Minimum Yard Setback (ft)			Min. Ground Floor Height (ft) ^(D)	Minimum Floor Area (sq. ft)	Maximum Lot Coverage ^(E)
	Area (sq. ft)	Width (ft) ^(A)	Stories	Feet	Front	Side	Rear ^(C)			
NR	3,000	30	2	30	20	3 ^(F)	25 ^(F)	---	500	50%
MFR	^(G) ---	---	4	50	15	3 ^(F)	10	9	---	60%
NMU	---	---	3	40	0	0 ^(H)	10	12	---	---
DMU	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---	^(I) ---
C	---	---	3	40	5	0 ^(H)	20	12	---	---
LI	---	---	2	30	25	30 ^(J)	30 ^(J)	12	---	---
GI	---	---	3 ^(K)	40 ^(K)	50	75 ^(J)	75 ^(J)	---	---	---
RC	---	---	3	40	5	5	20	---	---	---

A. Minimum Lot Width: The minimum lot width for lots with non-parallel side lot lines will be established at the front setback line.

- B. **Maximum Building Height:** Building height shall not exceed either the number of allowable stories or maximum number of feet as indicated in the table. Rules for establishing building height are as follows:
1. For gambrel, gable, hip, A-frame, and studio roofs the building height shall be measured from the average grade along the front façade to a point halfway between the peak and eaves.
 2. For mansard roofs the building height shall be measured from the average gradient along the front façade to the deck line on the roof.
 3. For flat roofs, the building height shall be measured from the average grade along the front façade to the top of the roof, excluding parapet walls or decorative features. Parapet walls shall not exceed five (5) feet above the maximum building height for a district unless approved by the Planning Commission to effectively screen rooftop mechanical equipment.
 4. Seventy-five (75) percent of the height of an A-frame.
 5. Structural appurtenances, such as steeples, clock towers, bell towers, cupolas, chimneys, and other architectural features, may exceed the maximum allowed height but shall not be used for human occupation and shall not exceed twenty five (25) percent of the building area or six hundred (600) square feet, whichever is less.
 6. The number of habitable stories when maximum height is defined by stories, which shall not include basements, unfinished attics, or rooftop patios.
- C. **Rear Setbacks for Accessory Structures:** The rear setback for accessory structures such as sheds and detached garages in the residential Neighborhood Residential (NR) district may be reduced to five (5) feet if no alley is present, or three (3) feet if an alley is present.
- D. **Minimum Ground Floor Height:** Minimum ground floor height is established to ensure flexible use of developments at street level. Minimum ground floor height shall be a measure of clear interior space between the floor and ceiling.
- E. **Maximum Lot Coverage:** Maximum lot coverage shall be a percentage of the lot area allowed to be occupied by buildings and structures, such as accessory buildings and mechanical equipment. Surface parking, sidewalks, pervious decks and patios, and landscaping shall not be included in the calculation of maximum lot coverage.
- F. **Corner Lots:** Corner lots in the Neighborhood Residential (NR) district shall have a side yard setback of five (5) feet along the side street and the minimum rear yard setback shall be reduced to ten (10) feet.
- G. **Multiple Family Dwelling Minimum Lot Size:** The minimum lot size for multiple family dwellings shall be one thousand five hundred (1,500) square feet per dwelling unit.

Commented [EG3]: Per Troy, need more discussion on how the City wants to measure building height.

Commented [SW4]: City to review and cross reference setbacks with current standards

- H. Setbacks in Commercial Zoning Districts: Side yard setbacks in the Neighborhood Mixed Use (NMU) and Downtown Mixed Use (DMU) Districts shall be five (5) feet when abutting a residentially zoned district. Side yard setbacks in the Commercial (C) District shall be ten (10) feet when abutting a residentially zoned district.
- I. Downtown Mixed Use (DMU) District Standards: Dimensional and architectural requirements for the Downtown Mixed Use (DMU) District shall be those provided in Article 6.
- J. Setbacks for Industrial Zoning Districts: Properties zoned Light Industrial (LI) and General Industrial (GI) shall have no side or rear yard setback requirement along the interior side and rear lot lines when said property line is adjacent to like uses in the same district or railroad rights-of-way.
- K. Industrial Height Exceptions: Buildings and accessory structures in the General Industrial (GI) District, such as chimneys, silos, elevator shafts, conveyor systems, mechanical equipment, etc., may exceed the maximum height for the district if approved through a special land use permit process.

ARTICLE 4: OVERLAY DISTRICTS
 4.1 Intent and Purpose
 4.2 Reserved

4.1 INTENT AND PURPOSE

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended, allows for the creation of special land development regulations to address problems and needs in specific areas. The special districts established under this Article have been created in order to implement the goals and objectives of the River Rouge Master Plan or other planning documents, and to further protect the health, safety, and welfare of the community. In addition to the standards of the base zoning districts applicable to a particular site, the standards of the established special district shall also apply. To the extent there is a conflict between the standards with the applicable base zoning district, the standard of the special district shall apply.

4.2 GREEN OVERLAY ZONING DISTRICT

The purpose and intent of the Green Overlay Zoning District is to permit light and fully enclosed industrial uses within select areas of River Rouge. The intent being to make for the highest and best use of available land, especially when operations of the industrial use will not conflict with the underlying and/or adjacent zoning districts.

A. Limits. The Green Overlay District shall be overlaid upon existing zoning districts in areas of particular concern as determined by the City Council. The Green Overlay District is shown on maps in the Department of Community Development and is described as:

1. West Jefferson Avenue from Victoria Street to Cicotte Street: all properties fronting or adjacent to West Jefferson Avenue, bounded on the northeast by Victoria Street, bounded on the southwest by Cicotte Street. The above boundaries shall be based upon property lines existing at the time of the effective date of this amendment.
2. [Sarah to Add]

Commented [MB5]: Update

B. Permitted Uses. All uses in this overlay district shall be conducted wholly within a building with a landscaped front yard and with side or rear yard used for loading and employee parking.

1. Warehousing and wholesale establishments and mini warehouses.
2. Offices, research, and laboratories.
3. Tool, die, gauge and machine shops.
4. Manufacturing, Compounding, assembling, processing, and packaging facilities.
5. Building materials sales.
6. Municipal buildings and uses.
7. Marihuana growing operations, provided that they are licensed by the State of Michigan under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 et. seq., as amended, and the Michigan Regulation and Taxation of Marihuana Act, et. seq., as amended and that the standards of Section 7.17 of this Ordinance and of *Chapter 16 – Medical Marihuana Facilities and Marihuana Establishments* of the River Rouge Code of Ordinances are met.

8. Accessory uses, including necessary office use. No accessory outside storage shall be associated with such use.
- C. In addition to the requirements as stated above, the uses within the Green Overlay District must comply with underlying height and bulk requirements specified in the underlying zoning district, unless specifically provided for as stated above.

ARTICLE 5: GENERAL PROVISIONS	
5.1 Applicability	5.12 Required Water Supply & Sanitation Facilities
5.2 Conflicting Regulations	5.13 Voting Place
5.3 Restoration of Unsafe Buildings and Barrier Free Modification	5.14 Height Exceptions
5.4 Temporary Buildings for Construction	5.15 Lots Adjoining Alleys
5.5 Relocation of Buildings	5.16 Access Through Yards
5.6 Demolition of Buildings	5.17 Yard Projections
5.7 Floodplains	5.18 Fences
5.8 Accessory Buildings	5.19 Residential Development Entrances
5.9 Outdoor Storage	5.20 Recreational Vehicles
5.10 Donation Bins	5.21 Performance Standards
5.11 Public Uses: Critical, Essential, Supporting	5.22 Nonconformities

5.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the City and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied "as a whole."

5.2 CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

5.3 RESTORATION OF UNSAFE BUILDINGS AND BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

5.4 TEMPORARY BUILDINGS FOR CONSTRUCTION PURPOSES

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

5.5 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the City shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

5.6 DEMOLITION OF BUILDINGS

No structure shall be demolished until an inspection has been completed by the City of River Rouge Building Department and a Demolition Permit issued by the Department. The demolition shall be completed within such reasonable time period as shall be prescribed by the City of River Rouge and under conditions that may be specified by the City of River Rouge as necessary to protect the public health, safety and welfare. The demolition of structures within the City of River Rouge shall comply with the following:

- A. An application for a Demolition Permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public by the Building Official, in which case a Demolition Permit may be issued.
- B. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.
- C. The demolition of structures shall not damage public property. If any damage shall occur, the applicant shall be responsible for making all repairs at their expense in a timely manner. Demolition shall comply with the technical specifications in the demolition application.
- D. Following grading all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil, seeded with an appropriate grass seed, and properly maintained in accordance with the City Code of Ordinances. All construction fencing shall be removed upon completing the demolition.
- E. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.
- F. The City may require a performance guarantee consistent with the standards in Article 12 to ensure completion and compliance of this Section.

5.7 FLOODPLAINS

Any structure constructed in a floodplain shall obtain a Part 31 permit from the Michigan Department of Environment, Great Lakes and Energy prior to being issued a zoning permit.

5.8 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations. Accessory buildings structurally attached to a principal building shall be subject to, and must conform with, all regulations of this Ordinance applicable to the main building and not subject to the regulations for accessory buildings in this section. Further, for the purpose of this section, the following shall be considered accessory buildings: carports, mechanical equipment, converted storage containers.

5.8.1 Standards Applicable to All Districts

All accessory buildings regardless of zoning district shall:

- A. Not be located in any side or front yard.
- B. Not be closer than ten (10) feet to an existing structure when detached.
- C. Not be located in a dedicated easement or right-of-way.
- D. Maintain the side and rear setbacks for the district, unless expressly allowed otherwise.
- E. Require a building permit, regardless of the size of the accessory building.

5.8.2 Neighborhood Residential (NR) District

Accessory buildings for all residential dwellings in the NR zoning district shall:

- A. Be limited to two (2) buildings, with a combined area not to exceed the ground floor area of the principal residential structure.
- B. Be located on the same lot as the principal building.
- C. Not exceed fifty (50%) of the rear yard.
- D. Maintain a side yard setback of two (2) feet, a rear yard setback of five (5) feet, unless abutting an alley in which case the rear yard setback shall be three (3) feet.
- E. Not exceed a height of twenty (20) feet, or the height of the principal residential dwelling, whichever is less.



Commented [EG6]: City to review to make sure the proposed new standards are more consistent with current proposals.

5.8.3 Multiple Family Residential (MFR) Districts

Accessory buildings in the MFR zoning district shall be approved as part of the site plan review process as to their location, mass and use, and shall:

- A. Not exceed a height of fifteen (15) feet, or the height of the principal building, whichever is less.

5.8.4 Neighborhood Mixed Use (NMU) and Downtown Mixed Use (DMU) Districts

Accessory buildings shall be prohibited in the NMU and DMU districts.

5.8.5 Commercial (C), Light Industrial (LI), General Industrial (GI) and Recreation/Conservation (RC) Districts

Accessory buildings in the C, LI, GI, and RC zoning districts shall:

- A. Not exceed the maximum height allowed in the district.
- B. Require site plan review if exceeding two hundred (200) square feet.

5.9 OUTDOOR STORAGE

Storage of materials or goods to be sold at retail or used as services is prohibited except where expressly allowed in this Ordinance. All allowed storage must take place in a rear or side yard and screened from view and be an accessory use to the principal use of the lot.

5.10 DONATION BINS

Bins designed to solicit donations shall be allowed in any non-residential zoning district as an accessory structure without requiring a zoning permit, subject to the following standards:

- a. Donation bins shall be limited to one (1) per lot.
- b. No illumination shall be used to draw attention to any donation bin.
- c. Donation bins shall be located adjacent to the principal structure on the lot but shall not encroach into any required yards or public rights-of-way.
- d. The size of all donation bins shall be limited to a height of five (5) feet and a width and depth not to exceed four (4) feet.
- e. All donation bins shall be securely attached to the ground or principal structure to prevent any tipping hazard.
- f. Donation bins shall be maintained, kept in good repair, and be free of any vandalism or graffiti.

5.11 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING

Critical, essential, and supporting public uses shall be allowed in any zoning district by right. All applicable laws or other ordinances of the City shall apply. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Site plan approval and a zoning permit shall be required.

5.12 REQUIRED WATER SUPPLY AND SANITATION FACILITIES

Buildings erected, altered, or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the City of River Rouge Water and Sewer Department.

Commented [SW7]: Is this correct? I'm wondering if one or both of these fall under Wayne County.

5.13 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

5.14 HEIGHT EXCEPTIONS

a. Structural Appurtenances: When a given use is permitted in any District, the following kinds of structural appurtenances may be permitted to exceed the height limitations for authorized uses:

1. Ornamental in purpose, such as religious institution steeples, belfries, cupolas, domes, ornamental towers, and flag poles, and similar appurtenances provided such structural elements do not exceed twenty percent (20%) of the gross roof area and provided further that each front, side, and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
2. Appurtenances to mechanical or structural functions, such as chimney and smokestacks, water tanks; elevator and stairwell penthouses, ventilators, bulkheads, fire and hose towers, and cooling towers.

b. Commercial and Industrial Districts:

1. In any commercial or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
2. In those commercial or industrial districts not requiring yard setbacks, any portion of a principal building may be erected to a height in excess of that specified for that particular district, provided that such portion is set back from all street, lot, and required yard lines one (1) foot for each one (1) foot of additional height.

c. Municipal Buildings: Height limitations within this Ordinance shall not apply to municipal buildings.

5.15 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins a vacated and unpaved alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

5.16 ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards to provide access to rear yards and/or accessory or attached structures. Access drives in neighborhood residential districts are limited to one per dwelling unit. These drives will not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

5.17 YARD PROJECTIONS

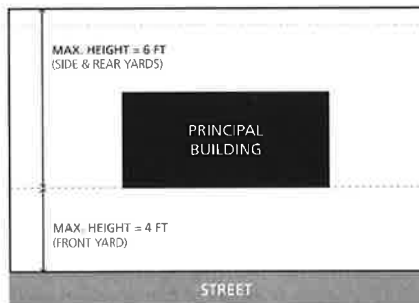
Architectural features may encroach into required yards as follows:

- a. Cornices, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required yard a distance of not more than two (2) inches for every one (1) foot of required side yard.
- b. Uncovered and unenclosed ground story decks, patios or terrace less than thirty (30) inches above grade may project into a required yard a maximum of fifty (50%) percent of the required rear or side yard.
- c. Covered porches that extend from the ground floor level of a single-family or duplex residence may project into a required front yard setback a maximum of eight (8) feet.

5.18 FENCES

All fences shall:

- a. Be no taller than six (6) feet in the side or rear yards in residential districts.
- b. Be no taller than four (4) feet in the front yard in residential districts.
- c. Shall be wholly on the property they are intended to serve.
- d. Be no closer than three (3) feet to an abutting alley right-of-way.
- e. Have the finished side of the fence facing outward away from the property.



Commented [EG8]: Troy to review.

- f. Not be made of or include barbed wire, razor wire, electrified materials, or any other dangerous material in the residential, commercial, or mixed-use districts. Such material may be allowed in the industrial districts upon approval by the City Engineer.
- g. Obtain a building permit.

5.19 RESIDENTIAL DEVELOPMENT ENTRANCES

Entrance structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions or multiple housing developments may be permitted and may be located in a required yard, provided clear vision areas are maintained and that such entrance structure shall comply to all codes and ordinances of the City and be approved by the Zoning Administrator and a permit issued.

5.20 RECREATIONAL VEHICLES

The storage of recreational vehicles shall be subject to the following:

- a. Be limited to one (1) stored outdoors on any NR or FR lot.
- b. Not be located in any front yard.
- c. Be registered to the occupant of the property, unless established as an approved storage use.
- d. Not be parked overnight on any street, alley, highway, or public space.
- e. Not be used as a temporary dwelling for any amount of time.

5.21 PERFORMANCE STANDARDS

All development within the City of River Rouge shall comply with the following performance standards:

5.21.1 Noise

The emission of measurable noise from the premises shall not exceed the limits specified in the table below. The limits shall be measured at the property line where the operation of activity is located. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, warning devices, emergency pressure relief valves, or special community events approved by City Council.

MAXIMUM PERMITTED NOISE LEVELS		
Zoning District	Time	Sound Level (A Weighted) Decibels dB(A)
NR, MFR, RC	7:00 am – 10:00 pm	55
	10:00 pm – 7:00 am	45
NMU, DC, C	Any Time	55
LI, GI	Any Time	70

5.21.2 Vibration

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.

5.21.3 Pollution

All operations shall adhere to the standards in the City of River Rouge Pollution Prevention Ordinance.

5.22 NONCONFORMITIES

5.22.1 Intent

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

5.22.2 General Standards

- A. Continuation: On or after the effective date of this Ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Article.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Special Land Uses and Variances: If a special land use or variance has been approved, the structure or use shall not be considered "nonconforming."
- D. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.
- E. Exception for Repairs Pursuant to Public Order: Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

Commented [EG9]: Dave to review for legal.

Commented [MB10R9]: There were no comments on the draft Dave sent over – does that mean it is good to go as is?

- F. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to the Ordinance or through vacancy, lack of operation or otherwise for six (6) or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this Ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

5.22.3 Nonconforming Uses

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this Ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded except as required by law or to comply with an order of the City Building Official.
- C. Change of Use Regulations:
 - 1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
 - 2. Changes to Other Nonconforming Uses: A nonconforming use may be changed to another nonconforming use by order of the Zoning Board of Appeals, provided that the new use is determined to be more consistent with the spirit of this Ordinance, the neighborhood, and the Master Plan than the nonconforming use which is being replaced. The order may be made by the Zoning Board of Appeals only if it makes findings in support of each of the following:
 - a) The new use will not be contrary to the public interest;
 - b) The new use will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
 - c) The new use will be in harmony with the spirit and purpose of these regulations and the Master Plan goals, objectives, and policies;
 - d) The plight of the applicant for which the new use is sought is due to unique circumstances existing on the property and/or within the surrounding district;
 - e) Approval of the new use will not substantially weaken the general purposes of this Article or the regulations established in this Ordinance for the applicable zoning district;

- f) The new use shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use as if the increment were a separate use;
- g) The new use shall conform to all regulations established in Article 6: Site Development Standards and Article 7: Supplemental Use Standards, of this Ordinance; and
- h) The new use will not adversely affect the public health, safety, and welfare.

5.22.4 Nonconforming Sites

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

- A. **Applicable Standards:** Various site design standards are established in Article 6: Site Development Standards and Article 7: Supplemental Use Standards of this Ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, stormwater requirements, and other design specifications. This subsection requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this Ordinance.
- B. **Authority to Continue:** Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- C. **Extensions:**
 - 1. **In General:** A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this Ordinance.
 - 2. **Single-Family Residential Exception:** A single-family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this Ordinance.
- D. **Relocations:** No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this Ordinance.
- E. **Change in Use:** A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural modifications are to occur. In the event of a new occupant the site shall be brought into compliance with all applicable site and use standards, or the new occupant shall obtain a nonconforming site variance approved by the Zoning Board of Appeals.

Commented [EG11]: The provisions in this section would trigger compliance with applicable site and use standards for a change in ownership/site improvements that would not necessarily be triggered for site plan review. City to determine if this is the path it wants to take.

5.22.5 Nonconforming Structures

Nonconforming structures may be continued, repaired, replaced, enlarged, or expanded in accordance with the following provisions:

- A. **Continuance of Nonconforming Structures:** Subject to all limitations in this subsection, and the provisions of Section 5.22.2(e) Exception for Repairs Pursuant to Public Order of this Section, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with Section 5.22.5(d.) Enlargement or Expansion item in this subsection provided that such maintenance does not exceed an aggregate cost of thirty (30) percent of the assessed value of the structure.
- B. **Repair and Maintenance of Nonconforming Structures:** Nothing in this Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood, or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the **Building Official**. The determination of the **Building Official** shall be appealable to the Zoning Board of Appeals.
- C. **Replacement of Damaged Nonconforming Structures:** Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood, or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint and does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twelve (12) months of the damage or destruction.
- D. **Enlargement or Expansion:** A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable City ordinances.

5.22.6 Nonconforming Lots

- A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
- B. If two (2) or more contiguous lots, or portions of lots, are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those

contiguous lots, or portions of lots, shall be considered an undivided lot for the purposes of this Ordinance, and no portion of such undivided lot shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which creates a nonconforming structure.

ARTICLE 6: SITE DEVELOPMENT STANDARDS 6.1 Intent and Purpose 6.2 Landscaping 6.3 Parking Standards 6.4 Exterior Lighting 6.5 Signs 6.6 Sidewalks 6.7 Downtown Mixed Use (DMU) District Development Standards 6.8 Neighborhood Mixed Use (NMU) District Development Standards

6.1 INTENT AND PURPOSE

The purpose of the regulations contained in this Article is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character, and economic value of civic, commercial, and industrial development. These standards shall apply even when there is a change in occupancy.

Commented [EG12]: City to review

6.2 LANDSCAPING

6.2.1 Intent and Purpose

The intent and purpose of the provisions in this Section are to:

- A. Improve the visual image of the City and properties abutting public rights-of-way, thereby reducing conditions which lead to community blight;
- B. Require buffering between conflicting land uses and zoning districts;
- C. Promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment;
- D. Protect and preserve the appearance, character and value of the surrounding neighborhoods and parks; and
- E. Promote the use of native plant materials while discouraging the use of invasive plant materials, basing plant material selection on the Southeast Michigan Council of Government (SEMCOG) recommended plant list wherever possible.

6.2.2 Applicability

All uses that require site plan review and/or that abut either Neighborhood Residential (NR), Multiple Family Residential (MFR) zoning districts, and/or rights-of-way shall be subject to the requirements of this Section.

A. Landscape Plan Required:

- 1. All new uses requiring a site plan review;

- 2. Additions to existing structures that increase the floor area by more than twenty-five (25) percent;
- 3. Expansions or contractions of nonconforming sites that do not meet the landscape requirements of this Section.

B. Exceptions:

- 1. The reconstruction of an existing structure of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, wind, storm, or act of nature, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas;
- 2. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas; and
- 3. Any use, building, or structure for which only a change of use is requested, and which requires no structural modifications that increase its volume or scale.

C. Application: All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:

- 1. Plan scale equal to that of the site plan and a north arrow;
- 2. Existing and proposed topography;
- 3. Location and type of all existing vegetation and wetlands;
- 4. Location and size of all proposed plant materials;
- 5. Zoning District classification of adjacent properties;
- 6. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition, and quantities;

6.2.3 Standards and Criteria

A. Planting Materials:

- 1. Plant material shall be healthy, free of insects and diseases and physical damage.
- 2. Unless otherwise specified, the minimum size for plant materials installed shall be as follows:

PLANTING STANDARDS	
Plant Material	Min. Size

Deciduous (canopy) Trees		2.5" caliper
Evergreen Trees		6' height
Ornamental Trees	Single-Trunk	2" caliper
	Multi-Trunk	6' height
Deciduous Shrubs		2' height
Upright Evergreen Shrubs		2' height
Spreading Evergreen Shrubs		18" spread

3. Caliper of trunk shall be measured twelve (12) inches above the ground.
 4. Native plants are encouraged. Invasive plant species and those deemed by the City to be susceptible to disease, storm damage or other undesirable characteristics are discouraged.
- B. **Fractional Requirements:** Where any calculation of required plant materials in this Ordinance results in a fractional requirement, such requirement shall be rounded up to the next highest whole number.
- C. **Ground Cover:** All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water features shall be replanted with ground cover at a minimum. Ground cover may include:
1. Maintained lawn area;
 2. Non-invasive wildflowers, vines, grasses, rushes sedges, or ferns;
 3. Wood chips, mulch, or rock provided this type of material does not exceed twenty (20) percent of the total of any individual landscaped area.
- D. **Plant Substitutions:** The **Zoning Administrator** may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced.
- E. **Invasive Species Management:** An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory.
- F. **Site Design:** Landscape areas must be protected from vehicular traffic with concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.
- G. **Utilities:** Where overhead and underground utilities are present, consideration shall be given to the location and mature height of species. Adjustments to the location of required planting areas may be approved by the Planning Commission to avoid conflict with such utilities provided the intent of the planting or screening requirements are maintained.

- H. **Maintenance:** All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance. Irrigation shall be provided to all required landscaping by means of a piped underground system. The Planning Commission may waive the irrigation requirements if no additional planting is required, or if a reliable source of water is not reasonably available, provided the suitable alternative presented will ensure the health of the landscaping.
- I. **Time Period:** Required landscaping shall be installed prior to the issuance of an occupancy permit. If a development is completed during the off-season when plants cannot be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.
- J. **Replacement:** When trees or shrubs planted in accordance with the requirements of this Section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity, and size approved by the **Zoning Administrator**.

6.2.4 Landscape Buffers and Screening

- A. **Screening Materials:** Effective screening shall be provided as required between incompatible land uses. The Planning Commission shall make the final determination on the required screening method based on site conditions and the specific land use. Screening materials may include the following separately, or a combination thereof:
 1. **Vegetated Screens:** Vegetated screens shall consist of evergreen trees planted no more than fifteen (15) feet apart and can be reasonably expected to achieve a complete visual barrier at a minimum height of six (6) feet in three (3) years. Deciduous trees may be incorporated for plant diversity provided the effectiveness of the screen is achieved.
 2. **Berms:** Berms shall be constructed with slopes no greater than one (1) foot of vertical rise for every three (3) feet of horizontal run with at least a two (2) feet flat surface on top and sodded to provide adequate protection against erosion. Berms shall be landscaped with one (1) deciduous or evergreen and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.
 3. **Obscuring Walls or Fences:** Obscuring walls or fences shall be a constructed of durable materials and placed inside and along the property lines. The Planning Commission has the authority to require specific materials based on the site conditions and the nature of the use. Walls and fences shall include one (1) vine or shrub for every ten (10) lineal feet, planted on the exterior face of the structure.
 4. **Green Belts:** Green belts shall occupy a prescribed buffer zone and consist of vegetated ground cover, along with one (1) deciduous or evergreen tree and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.
- B. **Screening Required:** The table below provides the instances when screening is required, along with applicable dimensions and buffer zones.

LANDSCAPE BUFFER AND SCREENING REQUIREMENTS				
Zoning District	Min. Buffer Width	Min. Screen Height	Material	Required Instances and Locations
NR	N/A	N/A	N/A	N/A
FR	N/A	N/A	N/A	N/A
MFR	10 ft	N/A	Green Belt	Side and rear property lines abutting NR and FR districts
NMU	5 ft	6 ft	Wall/Fence	Side and rear property lines abutting NR, FR, or MFR districts
DMU	N/A	6 ft	Wall/Fence	Side and rear property lines abutting NR, FR, or MFR districts
C	10 ft	6 ft	Vegetated, Wall/Fence, Berm, or Combination	Side and rear property lines abutting NR, FR, or MFR districts
LI	20 ft	8 ft	Vegetated, Wall/Fence, Berm, or Combination	All rear and side property lines abutting all non-industrial districts, excluding railroad rights-of-way
GI	20 ft	8 ft	Vegetated, Wall/Fence, Berm, or Combination	All rear and side property lines abutting all non-industrial districts, excluding railroad rights-of-way
RC	10 ft	N/A	Green Belt	Side and rear property lines abutting NR, FR or MFR, districts

6.2.5 Right-of-Way Landscaping

Properties zoned MFR, C, LI, GI, and RC shall provide right-of-way landscaping along the street frontage that meets the following standards:

- A. A landscape buffer shall be established along the right-of-way at a minimum width of five (5) feet.
- B. The landscape buffer shall include one (1) deciduous tree and six (6) shrubs for every thirty (30) feet of frontage. Trees shall be evenly spaced, but shrubs may be clustered.

6.2.6 Lot Landscaping

In addition to any required buffer or right-of-way landscaping requirements, the following landscaping requirements shall apply:

- A. All unpaved or undeveloped portions of a lot shall be planted with grass, ground cover, or shrubs.
- B. All properties zoned MFR, C, LI, GI, or RC shall provide one (1) tree per 4,000 square feet of unpaved or undeveloped lot area for the first 24,000 square feet, and one (1) tree per 6,000 square feet of unpaved or undeveloped lot area over 24,000 square feet.
- C. Trees may be grouped or evenly distributed.

6.2.7 Existing Vegetation

- A. **Preservation:** Existing deciduous trees, evergreens, ornamental trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.
- B. **Credit:** Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species.

EXISTING LANDSCAPING CREDIT RATIO		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" or less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Evergreen or Ornamental Tree	6' or less height	1:1
Evergreen or Ornamental Tree	7' – 12' height	1:2
Evergreen or Ornamental Tree	13' – 16' height	1:3
Evergreen or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any size	1:1

C. **Protection of Vegetation:**

1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.
1. Barriers shall not be supported by the trees and shall be removed upon completion or abandonment of the construction project.
2. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.
3. Where the **Zoning Administrator** determines that irreparable damage has occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this Section and having been given credit for.

6.3 PARKING STANDARDS

6.3.1 General Requirements

The following standards shall apply to any required off-street parking areas:

- A. **Use:** Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.
- B. **Location:**

1. Except one-, two-, three- and four-family residential dwellings without improved alley access, no off-street parking areas shall be located in the front yard on any lot.

C. Setbacks:

OFF-STREET PARKING, STACKING, AND LOADING AREA SETBACKS					
Front Setback					
<ul style="list-style-type: none"> - Except for one-, two-, three-, and four-family residential uses without improved alley access, the front setback for off-street parking areas shall be no less than the front setback for the district. - For NMU, DMU, and C districts, the front setback for off-street parking areas shall be at least five (5) feet from the front property line, but not closer than the principal building. If an off-street parking area in these districts has frontage on two (2) streets, a five (5)-foot setback shall be established on the secondary street as well. 					
Side Setback When Adjacent to the Following:					
Subject Use	Residential Use/District	Mixed Use/District	Commercial Use/District	Industrial Use/District	Other Use/District
Residential	5 ft	3 ft	3 ft	5 ft	3 ft
Mixed Use	5 ft	0 ft	0 ft	5 ft	5 ft
Commercial	5 ft	0 ft	0 ft	5 ft	5 ft
Industrial	20 ft	20 ft	20 ft	20 ft	20 ft
Other	5 ft	5 ft	5 ft	5 ft	5 ft
Rear Setback When Adjacent To, Or Across an Alley From, the Following:					
Subject Use	Residential Use/District	Mixed Use/District	Commercial Use/District	Industrial Use/District	Other Use/District
Residential	5 ft	5 ft	5 ft	5 ft	5 ft
Mixed Use	5 ft	0 ft	0 ft	5 ft	0 ft
Commercial	5 ft	0 ft	0 ft	5 ft	0 ft
Industrial	20 ft	20 ft	20 ft	20 ft	20 ft
Other	10 ft	5 ft	5 ft	5 ft	10 ft

D. Screening and Landscaping:

1. Off-street parking areas located in a side yard in the NMU, DMU, and C districts shall be screened from the street with a forty-two (42) inch high brick or masonry wall setback five (5) feet from the public street right-of-way. The outside of the wall shall include one shrub for every five (5) lineal feet of street frontage. This requirement also applies to side streets when parking areas have frontage on two (2) streets.
2. Off-street parking areas for uses other than one-, two-, three- or four-family residential dwellings that are adjacent to, or across the alley from, a residential use or zoning district shall be screened with a six (6) foot high obscuring wall made of durable masonry materials.
3. Off-street parking areas for uses in the LI and GI districts shall be screened where visible from the public right-of-way with a green belt as prescribed in this Article.

- E. Treed Islands: All off-street parking areas with ten (10) or more parking spaces outside of the LI and GI zoning districts shall provide treed islands into the parking lot design satisfying the following standards:

1. Single-loaded aisles shall have one (1) treed island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.
2. Double-loaded aisles shall have one (1) treed island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be twelve (12) feet by thirty-six (36) feet.
3. In addition to the above required treed islands, additional treed islands shall be provided at a ratio of one (1) treed island per ten (10) parking spots and shall be evenly distributed throughout the off-street parking area. The treed islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by eighteen (18) feet.
4. Treed islands shall be surrounded by a concrete curb at a height of six (6) inches. In addition to the required canopy tree(s), the interior of the islands shall be vegetated with ground cover, as defined in the Landscaping provisions of Article 6, and may be used for stormwater management, however, snow storage is prohibited.

- F. **Defined Area:** Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.
- G. **Vehicle Stacking.** A stacking space does not include use of any public space, street, alley, or sidewalk. Vehicle stacking shall be on the same premises with every building or structure, or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided, unless otherwise specified within this Zoning Code. The number of off-street spaces is shown the table "Maximum Number of Parking Spaces."
- H. **Bicycle Parking.** Up to 10% of parking requirements can be met with the installation of bicycle racks in an accessible location on site. A bicycle space shall be a minimum of two (2) feet in width and six (6) feet in depth.
- I. **Dimensions:** Off-street parking areas shall be designed to the following minimum standards:

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	Stall Width	Stall Depth	Min. – Max. Aisle Widths
Parallel	8 ft	22 ft	12 – 16 ft
45 degrees	8.5 ft	19 ft	12 – 16 ft
60 degrees	8.5 ft	20 ft	16 – 20 ft
90 degrees	8.5 ft	18 ft	22 – 26 ft
90 degrees – Compact	8 ft	17 ft	20 – 24 ft
Vehicle Stacking	10 ft	24 ft	--

- J. **Surfacing:** Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, or pavers.
- K. **Drainage:** All off-street parking areas shall comply with Wayne County Storm Water Management Program standards.

- L. **Curbs and Vehicle Stops:** All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
- M. **Barrier-Free Parking:** Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
- N. **Exterior Lighting:** New or redeveloped off-street parking, stacking, and loading areas shall comply with the Exterior Lighting standards in Article 6.
- O. **Maintenance:** All parking areas shall be maintained in good condition and kept free of debris and garbage.
- P. **Completion:** All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of Building Certificate of Occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.

6.3.2 Maximum Parking Spaces

- A. **Maximum Parking:** To minimize excessive areas of pavement which detracts from the aesthetics of the City and contributes to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements except where specifically required in this Ordinance. The Planning Commission may grant an increase of up to twenty-five (25) percent of the maximum number of parking spaces if:
 - 1. The applicant can demonstrate to the Planning Commission's satisfaction the additional parking is necessary based on documented evidence of actual use or anticipated demand.
 - 2. The increase in parking will have no undue burden on neighboring property owners and/or natural features.
 - 3. In granting a request to exceed the maximum number of parking spaces, the additional spaces shall be constructed of pervious pavement, pavers, or similar pervious material acceptable to the Planning Commission for properties in the LI and GI zoning districts. For properties in all other zoning districts, the additional parking spaces are encouraged to be constructed of pervious pavement, pavers, or similar pervious material, subject to the Planning Commission's discretion.
- B. **Calculating Maximum Number of Parking Spaces:** The following rules shall apply when calculating the maximum number parking spaces:
 - 1. Measurements based on square feet shall be calculated by Usable Floor Area as defined in this Ordinance.

2. The number of employees shall be based on the maximum number needed for the largest shift.
 3. Requirements based on the number of seats shall use a measurement of twenty-four (24) inches of bench or pew space or 25 square feet of floor as one seat.
 4. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.
- C. **Use Not Specified:** The maximum number of parking spaces for uses not specified shall be determined by the Planning Commission.

MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
RESIDENTIAL USES	
Accessory Dwelling Units	1 / accessory dwelling unit
Adult Day Care Home	0.25 / guest
Adult Foster Care Congregate Facility	1.5 / employee
Adult Foster Care (Family Home, Small Group Home, Large Group Home)	0.5 / 1 bed
Boarding & Rooming Houses	1.5 / boarding room
Bungalow / Cottage Courts	2.25 / dwelling unit
Child Care Home (Family, Group)	1 / 3 children
Convalescent & Nursing Homes	0.5 / 1 bed
Dwellings, One-Family Detached	N/A
Dwellings, Two-Family	N/A
Dwellings, Three-Family	1.5 / dwelling unit
Dwellings, Four-Family	1.25 / dwelling unit
Dwellings, Five or more units	1 / dwelling unit
Foster Family Home	2 / establishment
Foster Family Group Home	0.5 / 1 bed
Live / Work Units	3 / unit
Manufactured Home Developments	See Article 10
Residential Above 1 st Floor Commercial	2 / dwelling unit
Senior Living Facility	0.25 / dwelling unit + 1 per employee
PUBLIC & SEMI-PRIVATE USES	
Community Centers	1 / 1,000 sf
Cemeteries	0.25 / 1 occupancy
Cultural Centers	0.25 / 1 occupancy
Educational Institutions	1 / 1,000 sf + 1 / classroom + assembly requirements
Libraries	1 / 1,000 sf + assembly requirements
Marinas & Boat Launches	1 / slip
Outdoor Public Recreation Facilities	6 / 1,000 sf
Private Clubs, Lodges & Fraternal Organizations	0.75 / 3 occupancy
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	0.25 / 1 occupancy
TRANSPORTATION / UTILITY USES	
Energy Generation Facilities	4 / establishment
Public Transit Transfer Stations	5 / 1,000 sq. ft.
Railroad Freight Terminals	1 / employee
Renewable Energy Systems, Commercial Solar Energy or Wind Conversion Systems	4 / establishment
Wireless Communications, Freestanding / Tower	4 / establishment
COMMERCIAL USES	

MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Adult Day Care Facilities	0.25 / guest + 1 / employee
Amusement Parks	3 / 500 sf outdoor recreation area
Assembly Facilities	0.25 / 1 occupancy
Automobile and Vehicle Major Repair	3 / stall
Automobile and Vehicle Minor Repair	3 / stall
Automobile Sales & Rental	1 / 5,000 sf outdoor display area + 1 / 150 sf indoor area
Automobile Service Stations	2 / pump + 1 / stall
Business Services	1 / 200 sf
Child Care Centers	1 / employee + 1 / 10 children
Commercial Entertainment (Indoors, Outdoors)	0.25 / 1 occupancy
Drinking Establishments	1 / 3 occupancy
Drive-In or Drive-Thru Services	2 / window + 5 vehicle stacking per window
Financial Services	1 / 150 sf (+4 vehicle stacking per window, if applicable)
For-Profit Schools	1 / student + 1 / employee
Health Care Services	4 / exam room
Hospitals	3 / patient bed
Hotels or Motels	1 / guest room
Kennels, Veterinary Hospitals	1 / employee + 1 / 250 sf
Marihuana Facilities and Establishments	3 / 1,000 sf
Microbreweries	1 / occupancy
Personal Services	1 / 150 sf
Private Recreation Facilities (Indoors, Outdoors)	1 / 3 occupancy
Professional Services	4 / 1,000 sf
Retail, Department	4 / 1,000 sf
Retail, Food & Beverage	3 / 1,000 sf
Retail, General	3 / 1,000 sf
Retail, Products Produced Onsite	3 / 1,000 sf of sales area
Restaurants & Eatery Establishments	1 / 3 occupancy
Sexually Oriented Businesses	3 / 1,000 sf
Small Distilleries, Small Wineries, Tasting Rooms	1 / 3 occupancy
INDUSTRIAL USES	
Breweries, Distilleries, Wineries	1.25 / employee
Central Cleaning Facilities	4 / 1,000 sf
Contractor Establishments	4 / 1,000 sf
Contractor Storage Yards	1 / 2,000 sf of storage area
Data Processing Facilities	4 / 1,000 sf
Distribution Centers	4 / 1,000 sf
Equipment Rental Establishments	5 / 1,000 sf
Greenhouses & Nurseries	1 / 200 sf of sales area
Manufacturing (Food, Light, Heavy)	1.5 / 1,000 sf
Marihuana Facilities and Establishments	4 / 1,000 sf
Outdoor Storage, Materials & Equipment	1.25 / employee
Recycling Facilities	1.25 / employee
Research & Development Facilities	5 / 1,000 sf
Self-Storage Facilities	1 / 10 units + 1 / employee
Support Laboratories	5 / 1,000 sf
Warehousing & Distribution	1.25 / employee
Wholesale Activities	1.25 / employee

- D. **Shared Parking** Two or more buildings or uses may collectively provide off-street parking, provided the following conditions are met:

1. A copy of a shared parking agreement between all parties concerned shall be provided to the City. The agreement shall include provisions which assure continued long-term use and maintenance of the parking facility by each party, and their successors in interest, including owners and occupants of the premises which are served by the parking facility.

6.3.3 Off-Site Parking

- A. Where a property is in need of additional parking spaces and a vacant parcel exists adjacent to the property in need of additional parking spaces, regardless of the zoning district, it shall be permitted for a property owner to purchase or lease said vacant lot(s) for additional parking, provided the conditions outlined in this Section are met.
- B. Application. The property owner shall apply for the additional parking, provide evidence of the need for additional parking, and provide a site plan that meets requirements in this Ordinance, all subject to Planning Commission approval.
- C. Location. The vacant lot to be used for additional parking must be contiguous to the subject lot or across a public right-of-way and within three hundred (300) feet of the subject property.
- D. Number of Spaces. The additional parking area shall not cause the property to exceed the maximum number of parking spaces prescribed in this Ordinance.
- E. Adjacent to Residential Use or District. Where adjacent to any residential use or district, the parking area shall be screened and buffered as required in this Ordinance.
- F. Parking Lot Design. The additional parking area shall meet all drainage, surfacing, and maintenance standards outlined in this Ordinance.

6.3.4 Access

- A. All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.
- C. Where a parking area abuts an improved alley, access shall be obtained from the alley. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- D. Where a parking area has no access to an alley, or the alley has not been maintained or improved for access, but has access two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.

- E. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.
- F. Cross Access Management:
 - 1. All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross access on the site plan.
 - 2. A cross access agreement shall be recorded with the Wayne County Register of Deeds prior to the issuance of a Building Certificate of Occupancy.
 - 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

6.3.5 Loading Zones

- A. In the LI and GI zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones. The Planning Commission may grant approval of an off-street loading zone for properties not located in the LI and GI zoning districts.
- B. Location:
 - 1. On-site loading zones shall only be located in rear yards.
 - 2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.
 - 3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.
 - 4. Developments with rear alley access may use the alley as a loading zone.
- C. Loading Space Requirements: The minimum number of loading zone spaces shall be provided as described below:

NUMBER OF LOADING ZONE SPACES REQUIRED	
Size	Loading Space(s)
Less than 20,000 sq. ft. gross floor area	1
20,001 – 75,000 sq. ft. gross floor area	2
75,001 – 100,000 sq. ft. gross floor area	3
101,000 sq. ft. gross floor area or more	5

- 1. If a single loading space is required and an alley is present, the alley may be used in lieu of a dedicated off-street loading zone.

- D. **Refuse Containers:** All refuse containers, including grease containers, stored in an off-street parking area or loading zone shall be screened on three sides with a permanent masonry wall or durable wood fencing (minimum 7/8-inch thick) and opaque gate. The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container. Refuse containers must be placed on a concrete pad with a concrete approach large enough to accommodate a garbage truck while unloading the container.
1. If wood fencing is selected as the dumpster screening alternative, the materials shall be solid No. 1 pressure-treated wood or comparable wood material, and the posts shall be six (6)-inch diameter galvanized steel set in concrete 42 inches below grade level.
 2. The Planning Commission may modify the screening material requirements if the proposed screening alternative meets the spirit and intent of this Ordinance, specifically that refuse containers shall be screened with durable, high-quality, and attractive materials constructed in a manner that best allows for long-term viability of the screening improvements.
- E. **Administrative Waiver:** The **Zoning Administrator** may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

6.4 EXTERIOR LIGHTING

6.4.1 Intent

The provisions of this Section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

- A. Encouraging good lighting practices such that lighting systems are designed to save energy and money;
- B. Minimizing glare;
- C. Protecting the use and enjoyment of surrounding property; and
- D. Increasing nighttime safety, utility, security, and productivity.

6.4.2 Exemptions

The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- A. **New Technology:** The **Zoning Administrator** may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.

6.4.4 Illumination

Illumination levels within a site shall ensure that a site is adequately, but not excessively lit, in order to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

- A. **Intensity:** The maximum intensity of light within any site shall not exceed the following standards, measured in foot-candles (fc) at grade:

MAXIMUM LIGHTING INTENSITY	
Lighting Intensity Location	Maximum Intensity (fc)
At any point within the site	10.0
Average for the overall site	5.0
At any lot boundary or road right-of-way	0.5

- 1. **Exceptions:** Outdoor vehicle dealerships may permit a maximum lighting intensity of twenty (20) foot-candles for paved display areas. Fuel station canopy lights may permit a maximum lighting intensity of twenty (20) foot-candles under the canopy provided that all light fixtures shall be recessed into the structure. All other site lighting shall be in compliance with this Ordinance.

- B. **Color Temperature:** All exterior lighting shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale.

6.4.5 Exterior Lighting Site Standards

- A. **Hours of Operation:** All exterior lighting shall be equipped with automatic timing devices and shall be shut off between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.
- B. **Pole Height:** The maximum pole height for exterior lighting shall not exceed twenty-seven (27) feet, or the maximum height of the principal building, whichever is less.
- C. **Wall Packs:** Wall pack lighting shall be limited to above points of ingress and egress on side and rear facades for security purposes.
- D. **Prohibitions:** The following light sources and fixtures shall be prohibited:
 - 1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades
 - 2. Metal halide
 - 3. Mercury vapor
 - 4. High pressure sodium
 - 5. Halogen

- 6. Animated, flashing, or moving lights
- 7. Laser sources of light
- 8. Search lights

6.5 SIGNS

Commented [MB13]: Dave, double check compliance with Reed v Gilbert

6.5.1 Intent and Purpose

The intent of this Section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, welfare, and traffic safety. While this Section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration, and blight of the business and residential areas of the City, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this Section has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses;
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- C. To keep signs within a reasonable scale with respect to the buildings they identify;
- D. To reduce visual distractions and obstructions to motorists traveling along, entering, or leaving streets;
- E. To promote a quality manner of display which enhances the character of the City;
- F. To prevent the proliferation of temporary signs which might promote visual blight; and
- G. To promote economic development by allowing a fair opportunity for each property owner to attractively display their property in a clean and clear way.

6.5.2 General Requirements

- A. **Permit Required:** Prior to the erection or structural alteration of sign, a zoning permit shall be secured from the **Zoning Administrator**. Exceptions to the permit requirements of this subsection shall include:
 - 1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and two (2) square feet of area.
 - 2. Historical signs designated by the state or federal government, limited to ten (10) square feet per lot.

3. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.

- B. Design and Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.
- C. Right-of-Way: No sign shall be placed in the right-of-way except permitted awning, canopy, and marquee signs with approval by the agency managing the right of way. Small temporary signs in the NMU and DC districts may be placed on the sidewalk during business hours in accordance with the provisions of this Section, and provided the small temporary sign still allows four (4) feet of unobstructed sidewalk clearance.
- D. Traffic Interference No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- E. The standards in this Section shall not be applicable to any sign not visible from a public right-of-way.

6.5.3 Sign Measurements

- A. Surface Area:
 - 1. Signs shall not exceed the maximum allowable area permitted in this Section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.
 - 2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
 - 3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
 - 4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
 - 5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.
 - 6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than 90°, the sign area is the sum of both sign faces. For V-shaped signs that have interior angles equal to or less than 90°, the area is the same as for double-sided signs.

B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.
2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.

6.5.4 Illumination

Internal and external illumination of signs shall be permitted for all signs except where limited or prohibited in this Section, subject to the following:

- A. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded to not interfere with the vision of persons on the adjacent streets or adjacent property.
- B. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed underground in accordance with the National Electrical Code.
- C. All illumination shall be limited to 800 lumens and a color temperature measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale.
- D. Internally illuminated signs shall have a dark background and light lettering.
- E. No sign shall include reflective materials.

6.5.5 Freestanding Signs

A. Definition: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure.

B. Regulations:

1. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.



2. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, sidewalk right-of-way, or other areas required to remain unobstructed.

C. Freestanding Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
FREESTANDING	Residential: 1 – 4 du’s	Illuminated – 2 sf Unilluminated – 3 sf	4 ft	1 / lot	Min. 10 ft setback from ROW	Yes
	Residential: 5+ du’s	Illuminated – 12 sf Unilluminated – 18 sf	6 ft	1 / entrance	Min. 10 ft setback from ROW	Yes
	C District	Illuminated – 32 sf Unilluminated – 48 sf	6 ft	1 / parcel	- Centered on lot to greatest extent possible - Min. 2 ft setback from ROW	Yes
	LI District	Illuminated – 32 sf Unilluminated – 48 sf	8 ft	1 / parcel	- Centered on lot to greatest extent possible - Min. 2 ft setback from ROW	Yes
	GI District	Illuminated – 48 sf Unilluminated – 72 sf	12 ft	1 / parcel	Min. 100 ft from a residential zoning district or use	Yes
	RC District	Illuminated – 32 sf Unilluminated – 48 sf	6 ft	1 / parcel	- Centered on lot to greatest extent possible - Min. 2 ft setback from ROW	Yes

6.5.6 Wall Signs

- A. Definition: A building-mounted sign, which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign.



B. Regulations:

1. No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed.

C. Wall Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
WALL	Residential: 1 – 4 du’s	4 sf	8 ft	N/A	Illumination prohibited	No
	Residential: 5+ du’s	20% of façade, not to exceed 50 sf	14 ft	N/A	External illumination only	Yes
	NMU & DMU Districts	20% of façade, not to exceed 100 sf	14 ft	N/A	External illumination only	Yes
	C District	20% of façade, not to exceed 100 sf	14 ft	N/A	N/A	Yes

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
	LI District	20% of façade, not to exceed 100 sf	14 ft	N/A	External illumination only if facing a residential zoning district or use	Yes
	GI District	20% of façade, not to exceed 300 sf	24 ft	N/A	External illumination only if facing a residential zoning district or use	Yes
	RC District	20% of façade, not to exceed 100 sf	14 ft	N/A	External illumination only	Yes

6.5.7 Awning Signs

A. Definition: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.



B. Regulations:

1. An awning without lettering or other advertising shall not be regulated as an awning sign.
2. Awning signs shall only be allowed on the first floor.
3. Awning signs must be centered within or over architectural elements such as windows or doors.
4. Letters or numerals shall be located only on the front and side vertical faces of the awning.
5. Logos or emblems are permitted on the top or angled portion of the awning up to a maximum of three (3) square feet. No more than one emblem or logo is permitted on any one awning.
6. First floor awning signs shall be a minimum of eight (8) feet above the finished grade.
7. Any ground-floor awning projecting into a street right-of-way must be retractable and shall not extend closer than six (6) feet from the curb line.
8. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.

C. Awning Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AWNING	All Districts & Uses EXCEPT Residential Uses with 1 – 4 du's	50% of awning area	1 st floor	n/a	<ul style="list-style-type: none"> - Awning signs only allowed on 1st floor awnings - Illumination prohibited - Shall be a minimum 8 ft above grade - Shall not project more than 4 ft from façade - Allowed to encroach into the ROW with road agency approval 	No

6.5.8 Canopy / Marquee Signs

A. **Definition:** A sign on a structure other than an awning made of fabric, metal, or other material that is either supported by columns or posts affixed to the ground and may also be connected to a building, or supported by and projecting from a building, and providing protection from the elements.



B. **Regulations:**

1. Signage shall only be allowed on the valance area of a canopy or marquee.
2. Signage shall not extend closer than six (6) feet from the curb line. Any canopy or marquee sign projecting into the street right-of-way shall receive approval from the governing right-of-way agency prior to being issued a zoning permit.
3. Signage shall be a minimum of eight (8) feet above the finished grade.

C. **Canopy / Marquee Sign Standards:**

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
CANOPY / MARQUEE	All Districts & Uses EXCEPT Residential Uses with 1 – 4 du's	90% of valance area	n/a	1 / building	<ul style="list-style-type: none"> - Canopy/Marquee signs only allowed on 1st floor - Shall be a minimum 8 ft above grade - Shall not project more than 4 ft from façade - Allowed to encroach into the ROW with road agency approval 	Yes

6.5.9 Projecting Signs

A. **Definition:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.



B. **Regulations:**

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. Projecting signs shall be a minimum of eight (8) feet above the finished grade.
3. Illumination is prohibited.
4. Projecting signs under an arcade, canopy or covered porch outside of the right-of-way shall not count towards the maximum square footage allowed.

C. **Projecting Sign Standards:**

PERMITTED SIGN TYPES – TIME, PLACE, AND MANNER						
Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
PROJECTING	NMU & DMU Districts	8 sf	14 ft	1 / business	<ul style="list-style-type: none"> - Shall be a minimum 7 ft above grade - Shall not project more than 4 ft from façade - Illumination Prohibited - Allowed to encroach into the ROW with road agency approval 	Yes

6.5.10 Window Signs

A. **Definition:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.



B. **Regulations:**

1. Illumination shall be prohibited except for neon signs in non-residential zoning districts.
2. Translucent or semi-transparent window signs shall be counted toward the total area limits.

C. Window Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
WINDOW	All Districts & Uses	20% of each window	n/a	n/a	Illumination prohibited, except for neon signs in non-residential districts	No

6.5.11 Electronic Message Signs

Electronic message signs are subject to the following regulations in addition to all other requirements established in this Section.

A. **Definition:** A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.



B. **Regulations:**

1. **Sign Type:** Electronic message signs are permitted in the form of freestanding and wall signs.
2. **Height:** Electronic message signs shall have the same height limits as freestanding or wall signs for a given district or use.
3. **Area:** Electronic message signs shall not exceed thirty (30) percent of the total sign area of a freestanding or wall sign for a given district or use.
4. **Maximum Number:** The maximum number of electronic message signs per lot shall be limited to one (1). Electronic message signs occupying both sides of a freestanding sign shall be counted as one electronic message sign.
5. **Message Display:**
 - a) Electronic message signs that contain animation, streaming video, or text or images which flash, pulsate, move, or scroll are prohibited. Each complete message must fit on one (1) screen.
 - b) The content of an electronic message sign shall transition by changing instantly, with no transition graphics, such as fading in or out.
 - c) Each message shall be of the same light intensity.

- d) All messages shall have a dark background with light message content.
 - e) The message shall not change at an interval less than thirty (30) seconds.
 - f) Electronic message signs shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
6. The addition of an electronic message sign into an existing conforming sign shall require a zoning permit. The addition of an electronic message sign into an existing nonconforming sign shall be prohibited.

C. Electronic Message Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
ELECTRONIC MESSAGE	NMU & DMU Districts	8 sf	8 ft	1 / lot	Shall only be installed as a wall sign and shall count towards the total max. area of allowable wall signage	Yes
	DMU District	16 sf	6 ft	1 / lot	Shall only be install as part of a freestanding sign and shall count towards the total max. area of allowable freestanding signage	Yes

6.5.12 Small Temporary Signs

A. Definition: A type of non-permanent sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.

B. Regulations:

1. Small temporary signs may be permitted in the right-of-way in the Neighborhood Mixed Use (NMU) and Downtown Mixed Use (DMU) districts subject to all applicable standards of this Ordinance but shall be removed at the close of business each day.



C. Small Temporary Sign Standards:

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
SMALL TEMPORARY	All Residential Uses, NMU, DMU, & RC Districts	8 sf	4 ft	n/a	Small temporary signs permitted in the right-of-way shall be removed at the close of business each day	No
	C, LI & GI Districts	12 sf	6 ft	n/a	Shall be located no closer to the side property line than the principal structure	No

6.5.13 Large Temporary Signs

A. **Definition:** A type of non-permanent sign, permitted to be larger than a small temporary sign, that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.



B. **Regulations:**

1. Shall be located no closer to the side property line than the principal building.
2. Large temporary signs may be displayed up to a maximum of thirty (30) consecutive days, two times per year.

C. **Large Temporary Sign Standards:**

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
LARGE TEMPORARY	Residential: 5+ du's & RC District	16 sf	6 ft	n/a	Shall be located no closer to the side property line than the principal structure and shall not be located in the public right-of-way.	Yes
	C, LI, & GI Districts	24 sf	6 ft	n/a	Shall be located no closer to the side property line than the principal structure and shall not be located in the public right-of-way.	Yes

6.5.14 Flags

A. **Definition:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.



B. **Regulations:**

1. Each flag shall be limited in size to three (3) feet by five (5) feet.
2. Poles shall be limited in height to thirty (30) feet.

C. **Flag Standards:**

Type	Allowable District or Use	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
FLAGS	All Uses & Districts	45 sf	15 ft	3 / lot	No single flag shall exceed 3 ft x 5 ft	No

6.5.15 Prohibited Signs

The following signs shall be prohibited in the City:

- A. No sign or banner shall be placed across any public right-of-way except by permission of the City.
- B. Signs incorporating any manner of flashing, strobe, or moving lights, except for approved electronic message signs.
- C. **Animated signs:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types:
 - 1. **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.
 - 2. **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - 3. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds one (1) hour. This prohibition shall not apply to permitted electronic message signs.
- D. **Billboard Signs.** An outdoor sign that directs attention to a specific business, product, service, event, activity, or other commercial or noncommercial activity, either on or off the premises upon which the sign is located.
- E. Signs on park-type benches, trees, or utility poles
- F. Inflatable signs
- G. Roof signs
- H. Pole- or pylon-mounted signs
- I. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.

- J. Any sign unlawfully installed, erected, or maintained.
- K. Signs that completely block the view of other signs.
- L. Any additional signage for a business that has an existing nonconforming sign.
- M. Signs that contain statements, words, or pictures of an obscene, indecent or immoral character such as will offend public morals or decency.

6.5.16 Nonconforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- A. Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign.
- B. Re-established after its discontinuance for two hundred and seventy-five (275) days.
- C. Continued in use after cessation or change of the business or activity to which the sign pertains.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost, as determined by the Zoning Administrator.

6.5.17 Permit Application and Approval Process

- A. **Application and Approval:** Application forms for a zoning permit to erect, alter or move a sign shall contain or have attached thereto the following information at a minimum:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - 3. If proposed to be attached to a building, its proposed location on the building.
 - 4. A sketch or scale drawing with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.
 - 5. Name of person, firm, or corporation erecting the sign.
 - 6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
 - 7. Other information as the Zoning Administrator shall require to establish compliance with this Section.

8. For temporary signs, the specific dates that the sign is to be displayed.
- B. It shall be the duty of the **Zoning Administrator**, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all Ordinance requirements, the **Zoning Administrator** shall issue the sign permit within fifteen (15) days of receipt of a fully completed application.
 - C. Administrative decisions made by the **Zoning Administrator**, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 11 of this Ordinance.
 - D. Revocation and Extensions of Sign Permits:
 1. Any sign or other advertising structure regulated by this Ordinance which is unsafe or insecure, or is a menace to the public, or has been unlawfully constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.
 2. If the work associated with a sign authorized under a zoning permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the **Zoning Administrator** may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.

6.5.18 Removal of Unsafe, Unlawful or Abandoned Signs

- A. Unsafe or Unlawful Signs:
 1. Upon written notice by the **Zoning Administrator**, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe; is in danger of falling; becomes so deteriorated that it no longer serves a useful purpose of communication; is determined by the **Zoning Administrator** to be a nuisance; is deemed unsafe by **Zoning Administrator**; or is unlawfully erected in violation of any of the provisions of this Ordinance. The City may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the City may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.
- B. Abandoned Signs:
 1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within one hundred eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in one hundred (180) days the City may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

6.6 SIDEWALKS

For new construction, sidewalks shall be required in accordance with City standards along all City streets. The standards shall not apply to industrial parks and in those situations specifically exempted by the Planning Commission.

- A. All front entrances in the MFR, NMU, DMU, C, LI, GI, and RC districts shall have a direct paved pedestrian connection with the sidewalk along the street right-of-way.
- B. Internal circulation within all developments shall be provided directly by paved pedestrian connections between parking areas and buildings, and between buildings.

6.7 DOWNTOWN MIXED USE (DMU) DISTRICT DEVELOPMENT STANDARDS

6.7.1 Intent and Purpose

The shape, placement, mass, design, composition, and quality of the built environment are important elements in reinforcing a comfortable, human-scale environment, maintaining the City's attractiveness and economic vitality, and providing a unique sense of place in the City of River Rouge. Accordingly, it is the purpose of this Section to:

- A. Maintain the visual environment of the Jefferson Avenue corridor and surrounding properties, protect the general welfare, and ensure that the City's property values, appearance, character, and economic well-being are preserved through appropriate design and appearance standards.
- B. Encourage creativity, imagination, innovation, and variety in architectural design and building composition.
- C. Preserve the unique heritage, history, and architectural character of existing buildings in the City as these buildings are renovated and re-used, and as changes and improvements are made.
- D. Reinforce and support a healthy, pedestrian-oriented development pattern in the City's business districts through minimum facade transparency requirements, complementary and appropriate use of scale, massing, and architectural details.
- E. Establish standards for the use of exterior building facade materials for the purpose of promoting harmony in the physical relationships between buildings.

6.7.2 Applicability

- A. The standards in this Section shall apply within the Downtown Mixed Use (DMU) Zoning District.

- B. The provisions of the Section shall apply to all planned buildings and all alterations, renovations, expansions, or other work that includes exterior changes to existing buildings subject to site plan review per Article 8.
- C. This Section is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

6.7.3 Dimensional Standards

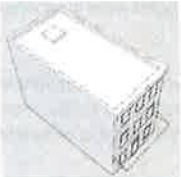

DOWNTOWN MIXED USE (DMU) DISTRICT DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	---
Minimum Lot Area	---
Maximum Lot Coverage	90%
Maximum Impervious Coverage	100%
Principal Building	
Front Build-To-Line	0', or 5' with quasi-public space such as outdoor dining, plazas, squares, etc.
Front Build-To-Line, Corner Lot	0', or 5' with quasi-public space such as outdoor dining, plazas, squares, etc.
Side Setback	0', 5' if abutting a residentially zoned property
Rear Setback	0' with alley, 10' without alley or adjacent to a residentially zoned property
Minimum Façade Width	65% of lot width. A 24" masonry wall set back 5' from the built to line may be used to meet this standard.
Maximum Height	4 stories, permitted rooftop patios shall not be considered a story
Minimum Ground Floor Area	---
Minimum Floor Area / Dwelling Unit	400 sq. ft.
Minimum 1 st Floor Height	12' measured from finished floor to finished ceiling
Minimum Upper Floor Height	9' measured from finished floor to finished ceiling
Maximum 1 st Floor Elevation	0" above front finished grade
Accessory Building	
Permitted Location	Rear yard only
Front Setback	---
Side Setback	0'
Rear Setback	5'
Principal Building Setback	5'
Maximum Height	25'
Maximum Ground Floor Area	25% of lot area
Parking	
Permitted Location	Rear yard only
Front Setback	---
Rear Setback	0' when abutting an alley or non-residential zoning district; 5' when abutting a residential zoning district.
Side Setback	0' when abutting an alley or non-residential zoning district; 5' when abutting a residential zoning district.

6.7.4 Architectural Standards




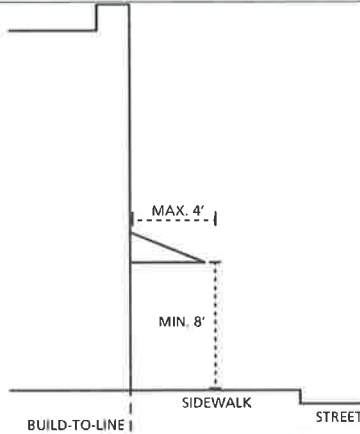


Building construction, alterations, renovations and expansions, and other work subject to the provisions of this Section shall comply with the following general requirements:


A. ROOF DESIGNS
Flat and pitched roofs may be permitted subject to the standards below.

Commented [EG14]: Sarah to ask architects to review for accuracy.

<p>1. Flat Roofs</p> <ul style="list-style-type: none"> - Flat roofs shall be enclosed on all sides by a parapet wall at a minimum height of forty-two (42) inches above the roof surface, or as required, to conceal rooftop mechanical equipment. - Parapet walls shall not be used in determining building height. 	
<p>2. Pitched Roofs</p> <ul style="list-style-type: none"> - Pitched roofs shall be symmetrically sloped at a pitch no less than 5:12. - Roofs for porches and attached sheds may be pitched no less than 2:12. - Pitched roof materials shall be limited to slate, terra cotta, cedar shingles, standing seam panels, or dimensional asphalt shingles. - Dimensional asphalt shingle colors shall be limited to dark green, dark red, and dark gray. 	
<p>B. FACADES</p>	
<p>Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission.</p>	
<p>1. Façade Materials, Colors and Textures</p>	
<ul style="list-style-type: none"> - Exterior finish materials on all facades shall be limited to brick, cut stone, wood siding or shingle, cementitious siding or shingles, and/or Portland Cement stucco. - Vinyl siding and E.I.F.S or other synthetic stucco or rusticated elements shall be prohibited. - Fine and smooth textured surfaces shall be required when using materials such as pre-cast concrete, textured block, or stucco for exterior cladding. - Façade materials may be combined on each façade only horizontally (one above the other, not side-by-side), with the heavier material below the lighter material. - The natural color of primary façade materials such as stone or brick shall dominate the majority of the façade surface as its base color. - Accent colors shall be permitted on architectural elements such as pilasters, horizontal bands/expression lines, cornices, and window frames to compliment the base color and allow for color variety. 	
<p>2. Façade Composition</p>	
<ul style="list-style-type: none"> - Flat roof buildings shall have a front façade composed of three distinct parts, a base, a shaft, and a capital, similar to a column. <ul style="list-style-type: none"> o The base may be minimally achieved through a storefront of facade design, materials, and colors below the expression line from that of the rest of the façade. o The shaft would be the consistent façade design, materials, and colors between the base and the capital. o The capital may be achieved through a cornice line, cap, or crown at the top of the front façade. 	
<p>3. Façade Variation</p>	
<ul style="list-style-type: none"> - Front façades sixty (60) feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every twenty (20) feet. Such features and design elements may include, but are not limited to the following (see illustration): <ul style="list-style-type: none"> o Projections, bays, or recesses, not exceeding ten (10) feet in depth. o Enhanced ornamentation and architectural detailing. o Variations in building height or window patterns. o Distinctively shaped roof forms, detailed parapets, and cornice lines. 	
<p>4. Rear and Side Facades</p>	
<ul style="list-style-type: none"> - Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building. 	

C. PUBLIC ENTRANCES AND WALL OPENINGS	
Public entrances shall be emphasized with framing devices such as peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.	
1. Location	- All buildings shall have at least one (1) public entrance that faces a public street right-of-way. Secondary public entrances shall be permitted on the rear or side facade, including additional access for uses in a multi-tenant building.
2. Setback	- Front entrances shall be recessed a minimum of three (3) feet six (6) inches from the property line to facilitate a door zone that does not conflict with users along the right-of-way.
3. Non-Traditional Entrances	- Roll top garage doors and cantilever folding doors may be used to create open storefronts or secondary entrances into quasi-public spaces such as outdoor dining areas. - Such entrances shall be a minimum of sixty percent (60%) transparent. The transparent element on such doors may be used to satisfy the first-floor transparency requirements.
4. Wall Openings	- All wall openings, including porches, galleries, arcades, and windows (with exception of ground floor store fronts), shall be square or vertical in proportion. - Excluding storefronts at grade, wall openings shall be punched through an opaque façade and not exceed fifty (50%) percent of the total building wall area, with each façade being calculated separately.
D. WINDOWS AND TRANSPARENCY	
Buildings with frontage on a public or private right-of-way, street, sidewalk, public park, or plaza shall be designed to encourage and complement a pedestrian-scale environment, with window openings and facade transparency subject to the following:	
1. In General	- All window glass shall have a minimum transparency of eighty (80%) percent. - All windows, including street level storefront windows, shall be recessed between four (4) and eight (8) inches to provide a shadow line and accentuate exterior wall thickness and, correspondingly, employ exterior wall thickness sufficient enough to do so. - Windows shall be prohibited on side facades unless the building is set back a minimum of five (5) feet from the property line, or the street facing side façade on a corner lot. - Windows shall be arranged into proportionally spaced horizontal window lines and establish a balanced pattern of vertical or square window bays. - Windows other than those along the storefront on masonry construction buildings shall include: <ul style="list-style-type: none"> o A concrete or stone header, or brick soldier course at a minimum height of eight (8) inches. o A concrete, stone, or brick sill at a minimum height of four (4) inches that extends beyond the width of the window a minimum of one (1) inch on each side. - Windows other than those along the storefront on non-masonry construction buildings shall include: <ul style="list-style-type: none"> o A minimum five and one half (5 ½) inch tall top casing with a minimum one and one sixteenth (1 1/16) thick drip cap or crown. o A minimum three and one half (3 ½) inch wide trim and casing width on either side of the window. o A minimum one and one half (1 ½) inch thick windowsill.
2. Street Level Façade	- A minimum of sixty (60%) percent ground floor front facades shall be composed of glass between two (2) and ten (10) feet above finished grade. - A minimum of eighty (80%) of the ground floor front façade windows shall be maintained as free from visual obstructions such as signs, logos, advertisements, window screens, blinds, or window coverings. - Ground floor storefront window frames shall be set between fifteen (15) and thirty (30) inches above finished grade to provide durability and to accommodate traditional main street building features such as base panels, sills, and display windows.
3. Upper Level Façade	- A minimum of forty (40%) of the upper level front facades and street facing side facades on corner lots shall be composed of glass. - All upper level windows shall be operable and capable of being opened or shaded with a canopy or awning if not operable.
E. AWNINGS	
Awnings shall be allowed subject to the following standards:	
1. Purpose	

<ul style="list-style-type: none"> - Awnings shall be primarily designed to protect pedestrians, display windows, and public entrances from the weather; and to add color and visual interest to the street level façade. The use of awnings along blank walls shall be prohibited, except approved retractable awnings designed to cover outdoor seating and/or dining areas. 	
<p>2. Maintenance</p>	
<ul style="list-style-type: none"> - Awnings shall be kept in good repair to maintain the original appearance and ensure public safety. 	
<p>3. Materials</p>	
<ul style="list-style-type: none"> - The awning shall be constructed of durable materials such as canvas, metal, or glass. The use of plastic panels, rigid fiberglass or other similar materials as covering materials shall be prohibited. 	
<p>4. Design</p>	
<ul style="list-style-type: none"> - Awnings shall be of a shed, concave or A-frame design style. All other awning design or shape styles shall be prohibited. - Internally illuminated awning shall be prohibited. 	
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Shed</p> </div> <div style="text-align: center;">  <p>Concave</p> </div> <div style="text-align: center;">  <p>A-frame</p> </div> </div>	
<p>5. Projections and Clearance</p>	
<ul style="list-style-type: none"> - Awnings shall maintain a minimum clearance of eight (8) feet above finished grade. - Permanent awnings shall not project more than four (4) feet from the façade of the building. - Retractable awnings may extend farther than four (4) feet from the façade of the building on the ground floor if approved by the Zoning Administrator. - Awnings proposed to project or overhang into a public right-of-way shall be subject to applicable road agency approval prior to installation. 	
<p>F. BALCONIES</p>	
<p>Balconies may be recessed or projecting, shall be made of painted wood or decorative iron or steel, and allowed on upper level facades subject to the standards below:</p>	
<div style="text-align: center;">  <p>Projecting Balconies</p> </div>	<div style="text-align: center;">  <p>Recessed Balconies</p> </div>
<p>1. Front Façade</p>	
<ul style="list-style-type: none"> - Front façade balconies shall be limited to recessed-style balconies. 	
<p>2. Side Façade, Interior Lot</p>	
<ul style="list-style-type: none"> - Projecting balconies shall be allowed on the side façade of interior lots but shall be set back a minimum of five (5) feet from the side property line. 	
<ul style="list-style-type: none"> - Recessed balconies shall be allowed on the side façade of interior lots if the building is setback a minimum of five (5) feet from the side property line. 	
<p>3. Side Façade, Corner Lot (street side)</p>	

<ul style="list-style-type: none"> - The side façade opposite of the street side shall be subject to the standards applicable to balconies on the side façade of interior lots above. - Projecting balconies shall not extend more than four (4) feet into the public right-of-way. - Balconies proposed to project into a public right-of-way shall be subject to applicable road agency approval prior to installation. 	
<p>4. Rear Façade</p> <ul style="list-style-type: none"> - Balconies on the rear façade shall not project into a public right-of-way. - Projecting balconies shall be a minimum of ten (10) feet from the rear property line. - Buildings utilizing recessed balconies shall be a minimum of ten (10) feet from the rear property line. 	
<p>G. EXPRESSION LINE</p> <ul style="list-style-type: none"> - The street level façade of any building shall be distinguished from the remainder of the building with a horizontal expression line on the façade located between the highest point of the street level and the bottom edge of any second-floor windows. - The expression line shall be incorporated into the façade as a permanent design element and shall be created by a change in building material, architectural design, setback, recess, projection, cornices, belt courses, corbelling, molding, stringcourses, or other sculptured design element. 	
<p>H. SECURITY AND SAFETY EQUIPMENT</p> <ul style="list-style-type: none"> - Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. Such security equipment shall be recessed and completely concealed during regular business hours and shall be predominantly transparent to allow maximum visibility of the interior. Fire escapes shall not be permitted on a building's front façade, except where the Zoning Administrator determines that no other option is available to provide the required means of egress. 	

6.7.5 Façade Preservation

Significant architectural details on existing buildings shall not be destroyed or obscured during façade renovations, which shall be further subject to the following:

- A. The pattern and proportions of existing window and door openings, vertical lines of columns and piers, and horizontal lines of spandrels, cornices, and other primary structural elements shall be maintained.
- B. Only that portion of an existing building proposed to be altered shall be subject to the standards of this Section, provided that the Planning Commission shall consider the proposed alteration within the context of the overall building architecture, the character of adjacent buildings, and the purpose of this Section.
- C. **Expansions and Renovations:** The Planning Commission may approve the continuation of existing wall materials for an expansion or renovation of an existing building, provided that the overall design and architectural character of the expansion is consistent with the existing building and the purpose of this Section.

6.7.6 Alternative Designs or Materials.

To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may waive or modify the requirements of this Section upon determining that the proposed architectural design or exterior façade material meets all the following conditions:

- A. The proposed design or material is consistent with the purposes of this Section.
- B. The proposed design or material would enhance the character of the building and would be equal or superior to designs or materials permitted by this Section.
- C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

6.8 NEIGHBORHOOD MIXED USE (NMU) DISTRICT DEVELOPMENT STANDARDS

6.8.1 Applicability

- A. The standards in this Section shall apply within the Neighborhood Mixed Use (NMU) Zoning District.
- B. The provisions of the Section shall apply to all planned buildings and all alterations, renovations, expansions, or other work that includes exterior changes to existing buildings subject to site plan review per Article 8.
- C. This Section is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

6.8.2 Façade and Building Materials

- A. Exterior finish materials on all facades shall be limited to brick, cut stone, wood siding or shingle, cementitious siding or shingles, and/or Portland Cement stucco.
- B. Vinyl siding and E.I.F.S or other synthetic stucco or rusticated elements shall be prohibited.
- C. Fine and smooth textured surfaces shall be required when using materials such as pre-cast concrete, textured block, or stucco for exterior cladding.
- D. Façade Preservation: significant architectural details on existing buildings shall not be destroyed or obscured during façade renovations.

ARTICLE 7: SUPPLEMENTAL USE STANDARDS	
7.1 Intent and Purpose	7.19 Multifamily Dwellings
7.2 Accessory Dwelling Units	7.20 Outdoor Dining
7.3 Automotive & Vehicle Major Repair	7.21 Outdoor Sales & Display
7.4 Automotive & Vehicle Minor Repair	7.22 Outdoor Storage of Materials & Equipment
7.5 Automotive Service Stations	7.23 Private Recreation Facilities, Indoors & Outdoors
7.6 Automotive Sales & Rental	7.24 Public or Private Parking Facilities
7.7 Bungalow / Cottage Courts	7.25 Renewable Energy Systems
7.8 Child Care Centers	7.26 Salvage Yard
7.9 Contractor Storage Yard	7.27 Self-Storage Facilities
7.10 Convalescent & Nursing Homes	7.28 Senior Assisted Living Facilities
7.11 Drive-In or Drive-Thru Services	7.29 Sexually Oriented Businesses
7.12 Educational Institutions	7.30 Veterinary Services
7.13 Home Occupations	7.31 Wireless Communication Towers & Antennas
7.14 Hospitals	7.32 Small Cell Wireless Facilities
7.15 Hotels & Motels	
7.16 Kennels	
7.17 Marihuana Facilities and Establishments	
7.18 Marinas or Boat Launches	

7.1 INTENT AND PURPOSE

It is the purpose of this Article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts. In addition to the applicable standards elsewhere in this Ordinance, the following standards apply to specific uses:

7.2 ACCESSORY DWELLING UNITS

Accessory dwelling units (ADUs) are intended to provide flexible housing options in the City by allowing homeowners to establish a second dwelling unit on their property. ADUs are subject to the following standards:

- A. ADUs shall be limited to permitted districts and properties with single-family dwelling units as the principal use. ADU's shall be subordinate to the single-family dwelling unit.
- B. The owner of the property shall live on site, either in the principal dwelling unit or the accessory dwelling unit.
- C. ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
- D. ADU's may be attached to the single-family dwelling unit and may occupy a basement, ground floor or upper floor of the principal dwelling, or may occupy a separate, detached accessory building.
- E. All ADUs shall meet applicable building and fire codes.
- F. Building materials and designs used on detached ADU's or additions to the principal dwelling for an attached ADU, shall be of similar style as that of the principal dwelling.

Commented [MB15]: Based on our discussion on multi-family housing, city to decide if it wants to keep this

- G. The minimum size living shall be three hundred (300) square feet.
- H. The maximize size shall not exceed eight hundred (800) square feet, or the size of the principal dwelling unit, whichever is less.

7.3 AUTOMOBILE AND VEHICLE MAJOR REPAIR

- A. All repairs shall be conducted within an enclosed building or within a screened area in the rear or side yards.
- B. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the temporary outdoor storage of equipment and materials or repairs. The finished side of any fence or wall shall face adjacent properties.
- C. Outside noise shall not exceed sixty (60) dBA at the property line.
- D. Required parking spaces shall not be used for vehicle storage or repairs.
- E. The selling of vehicles and trailers shall be prohibited on site.
- F. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state, and local regulations.
- G. There shall be a minimum distance of one thousand (1,000) feet between any automobile service stations, automobile and vehicles repair establishments, and/or automobile sales establishments.

7.4 AUTOMOBILE AND VEHICLE MINOR REPAIR

- A. All repairs shall be conducted within an enclosed building.
- B. Outside noise shall not exceed sixty (60) dBA at the property line.
- C. Required parking spaces shall not be used for vehicle storage or repairs.
- D. The selling of vehicles and trailers shall be prohibited on site.
- E. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state, and local regulations.
- F. There shall be a minimum distance of one thousand (1,000) feet between any automobile service stations, automobile and vehicles repair establishments, and/or automobile sales establishments.

7.5 AUTOMOBILE SERVICE STATIONS

- A. **Enclosed Building:** All accessory uses and services shall be conducted within a completely enclosed building, with the exception of vacuuming stations which may be permitted outside but shall be a minimum of twenty five (25) feet from any adjacent property line of a residential district or use.
- B. **Minimum Lot Area:** The minimum lot area shall be ten thousand (10,000) square feet.
- C. **Site Location:** The proposed site shall have at least one property line on a major thoroughfare. The automotive services site, or sites, shall be located where it can be away from patterns of pedestrian circulation and direct unencumbered access to traffic arteries.
- D. **Curbing and Paving:** A raised curb or at least six (6) inches in height shall be erected along all of the street property lines, except driveway approaches. The area used for servicing vehicles within the automotive services property lines shall be paved with a permanent surface of concrete or asphalt.
- E. **Vehicle Sales and Storage:** The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.
- F. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state, and local regulations.
- G. There shall be a minimum distance of one thousand (1,000) feet between any automobile service stations, automobile and vehicles repair establishments, and/or automobile sales establishments.

7.6 AUTOMOBILE SALES AND RENTAL


Outdoor sales space for the exclusive sale, lease, or rental of new or used automobiles, shall be subject to the following:

- A. 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.
- B. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- C. No minor or major automobile repair, as defined in this Ordinance, shall be done on the lot.
- D. All exterior site lighting shall be subject to the applicable requirements of Article 6.
- E. Elevated display stands of vehicles are prohibited.
- F. The minimum lot frontage requirement of a parcel for outdoor sales space for the exclusive sale, lease, or rental of new or used automobiles shall be one hundred (100) feet.

- G. A minimum eight-foot-wide landscape area shall be provided between the sidewalk or property line, whichever is greater, and the parking or display area of the vehicles.
- H. All parking and display spaces shall have a raised curb or parking block located to prevent cars from parking on the lawn panel, grass, etc. Parking blocks shall be seventy-two (72) inches long, eight (8) feet wide and five (5) inches tall.
- I. No vehicles shall be parked or displayed in any yard setback.
- J. There shall be a minimum distance of one thousand (1,000) feet between any automobile service stations, automobile and vehicles repair establishments, and/or automobile sales establishments.

7.7 BUNGALOW / COTTAGE COURTS

Bungalow or cottage courts shall be designed to meet the following development standards:

DEVELOPMENT STANDARDS	NR – Neighborhood Residential	MF – Multiple Family Residential	Examples <i>(for illustrative purposes only)</i>
Lot Occupation			
Front Setback	20'	15'	
Side Setback	5'	5'	
Rear Setback	25'	25'	
Setback Between Units	5'	5'	
Minimum Lot Size	1,500 sq. ft. / du	1,000 sq. ft. / du	
Building Requirements			
Minimum Square Feet	500 sq. ft.	400 sq. ft.	
Maximum Square Feet	1,000 sq. ft.	800 sq. ft.	
Minimum Number of Buildings	3	5	
Maximum Number of Buildings	9	---	
Maximum Finish Floor Elevation Above Grade	18"	18"	
Entrance	Each unit shall have an entrance facing the court with direct sidewalk connectivity from the unit to the street.		
Parking	Parking prohibited between dwelling units and court and in the front yard between dwelling units and the public right-of-way.		
Required Open Space / Court			
Minimum Area	400 sq. ft. / du	400 sq. ft. / du	
Limitations	Required setbacks, stormwater management facilities, driveways and parking stalls shall not be included in the minimum open space calculations.		
Orientation	Each court shall open directly to a street.		

7.8 CHILD CARE CENTERS

- A. An outdoor play area shall be required at a ratio of one hundred (100) square feet for every child cared for.

- B. The outdoor play area shall be fenced in with a fence of at least four (4) feet tall. Furthermore, the outdoor play area shall be screened with either an opaque fence or landscaping at least four (4) feet tall at the time of planting.

7.9 CONTRACTOR STORAGE YARDS

- A. No equipment or materials shall be stored in the required front, side, or rear setbacks.
- B. If a building exists on a lot, the outdoor storage of equipment and materials shall only occur in the side or rear yards.
- C. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the outdoor storage of equipment and materials. The finished side of any fence or wall shall face adjacent properties.

7.10 CONVALESCENT & NURSING HOMES

- A. The site shall be so developed as to create a land-to-building ratio on the lot where for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaping, setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The fifteen hundred (1,500) square foot requirement is over and above the building coverage area.
- B. No building shall be closer than forty (40) feet from any property line.

7.11 DRIVE-IN OR DRIVE-THRU SERVICES

- A. Ingress and egress points shall be located no closer than sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Driveways shall be limited to one (1) per lot.
- B. 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.
- C. A drive-thru window shall provide stacking spaces for each drive-thru window.

7.12 EDUCATIONAL INSTITUTIONS

7.12.1 Colleges and Universities

- A. All ingress to and egress from the site shall be directly onto a major thoroughfare.
- B. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.

7.13 HOME OCCUPATIONS

Home occupations shall be allowed in any residential dwelling unit subject to the following standards:

- A. Home occupations shall be conducted entirely within the dwelling unit, attached or detached garage, or accessory building.
- B. No more than twenty-five (25) percent of the dwelling unit's ground floor area shall be devoted to the home occupation.
- C. Home occupations located within an attached or detached garage, or accessory building, may utilize the entire floor area for the home occupation.
- D. Only the occupants of the dwelling unit shall be engaged in the home occupation.
- E. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use or by sounds, noises, or vibration.
- F. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- G. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- H. No home occupation shall cause an increase in the use of any utility (water, sewer, electricity, trash removal, etc.) that would exceed the average usage by residences in the neighborhood.
- I. The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
- J. There shall be no deliveries to or from a home occupation with a vehicle larger than fifteen thousand (15,000) pounds with not more than two (2) axles.
- K. In no case shall a home occupation be open to the public earlier than 8:00 AM, nor later than 7:00 PM.
- L. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned district.

7.14 HOSPITALS

- A. All hospitals shall be developed only on sites consisting of at least five (5) acres in area.
- B. The proposed site shall have at least one (1) property line abutting a major thoroughfare.

- C. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least forty (40) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet.
- D. All ingress and egress to the off-street parking area for guests, employees, staff, and any other uses of the facilities shall be directly from a major thoroughfare.

7.15 HOTELS AND MOTELS

- A. Each unit shall contain not less than two hundred (200) square feet of floor area.
- B. No guest shall establish permanent residence at a hotel or motel for more than thirty (30) days within any calendar year.
- C. Rental units with kitchens and with suites may be permitted as part of a hotel or motel and are subject to the following:
 - 1. Units shall be functionally and architecturally integrated components of the motel reflecting common access ways, services, parking, and open space.
 - 2. Units shall be designed primarily for overnight lodging and shall not be configured or include improvements which would typically be found only in dwellings.

7.16 KENNELS

The boarding, breeding, raising, grooming, or training of three or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted through special land use approval, provided the following requirements are met:

- A. Minimum Lot Area: Such activity shall be permitted only on a lot of land not less than five (5) acres in area and provided, further, that such lot shall not abut or be adjacent to any lot which is part of a recorded residential subdivision.
- B. Enclosures: All animals shall be kept in pens or cages designed, constructed, and maintained so as to be harmonious and appropriate in appearance with the character of the general area in which they are located, and such use will not affect the character of the same area in a negative way.
- C. Enclosure Setbacks: All pens or cages shall be located not less than 100 feet from any property line, and all animals shall be kept within those pens or cages or within a building.
- D. Noise and Odor: Such activity shall be conducted so as not to be detrimental to any person, property, or the general welfare by reason of excessive noise or odor.
- E. Nuisance Prohibited: The keeping of the animals described in this subsection shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing with notice to all property owners within 300 feet of the property where the animals are kept. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.

- F. If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.

7.17 MARIHUANA FACILITIES AND ESTABLISHMENTS

7.17.1 Intent and Purpose

The intent and purpose of this Section is to provide appropriate locations and reasonable restrictions for Marihuana facilities and establishments as well as the cultivation, processing, and transfer of Marihuana allowed by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. ("MMFLA") and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ("MRTMA"). Article 14 of this Ordinance contains words or phrases that are defined in the MMFLA and MRTMA, but if any definition in Article 14 conflicts with the definition in the MMFLA or MRTMA, then the definition in the applicable state act shall apply.

7.17.2 General Standards

A. Facility Types: Marihuana facilities and establishments shall include the following:

- 1. Marihuana Grower
- 2. Marihuana Processor
- 3. Marihuana Retailer
- 4. Marihuana Safety Compliance Facility
- 5. Marihuana Secure Transporter
- 6. Medical Marihuana Provisioning Center

B. Standards: All marihuana facilities and establishments shall comply with the MMFLA and the MRTMA and all related rules and regulations, as amended, *Chapter 16 – Medical Marihuana Facilities and Marihuana Establishments* of the River Rouge Code of Ordinances, and shall be subject to the following standards:

- 1. All marihuana facilities and establishments shall have a valid license from both the City of River Rouge and the State of Michigan.

2. All marihuana facility and establishments shall be subject to site plan review and approval.
3. The growing of marihuana shall be conducted indoors only and shall not be visible from any point outside the facility.
4. Any and all retail operations at any facility or establishment shall only be conducted between the hours of 10 a.m. and 9 p.m. Eastern Time.
5. It shall be prohibited to display any signs that are inconsistent with any local or state laws, or applicable codes and regulations including, but not limited to, this Zoning Code and the City of River Rouge Sign Ordinance. All exterior signs shall be displayed in a manner that is consistent with the general character of the district in which the facility is located. The symbol or image of a marihuana leaf shall not be displayed on any exterior building signage. The size of any sign shall not exceed one hundred (100) square feet.
6. It shall be prohibited to have or display any exterior and/or outdoor lighting that is inconsistent with any local or state laws, or the zoning district in which the facility is located. Each applicant shall submit a lighting plan to be reviewed by the Planning Commission which shall set forth all exterior and/or outdoor lighting for the facility which shall establish the appropriate minimum levels of illumination, prevent unnecessary glare, minimize spill-over onto adjacent properties and reduce unnecessary light into the surrounding areas. All exterior and/outdoor lighting for a facility shall be in harmony with the character of the area in which it is located and shall not cause negative impacts for surrounding uses and districts. All exterior and/or outdoor lighting, with the exception of approved security lighting, shall be turned off during the hours of 9 p.m. to 10 a.m. Eastern Time.
7. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the City.
8. It shall be prohibited to have exterior wall facade materials and colors that inconsistent with any local or state laws, or the Zoning District in which the facility is located. Each applicant shall submit for review and approval the proposed colors of all façade and roof materials intended for the facility.
9. A security system shall be installed for each medical marihuana facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a minimum of three hundred and sixty-five (365) days. The recordings shall be made available to law enforcement pursuant to lawfully issued subpoena or search warrant.

10. All activities shall be conducted so as not to create or permit trespass, release, emission, or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets, or public rights-of-way.
11. No lot containing a marihuana facility or establishment shall be located within 250 feet, measured door-to-door, from the following: a religious institution, a public park, a childcare facility, a public or private educational facility including, but not limited to, pre-schools, nursery, elementary, secondary, and high schools.

7.18 MARINAS OR BOAT LAUNCHES

- A. The marina site shall be physically separated from any adjacent industrial uses by fencing that is a minimum of six (6) feet in height.
- B. A separate entry/egress drive shall be provided, which shall not cross through any property used or intended for industrial uses.
- C. On-site restroom facilities shall be provided for all marinas.
- D. Any marina, which permits boaters to overnight in their moored or docked boats, must provide shower/washing facilities as prescribed by the Planning Commission.
- E. Docks and mooring shall be physically separated from adjacent industrial/commercial waterfront uses and shipping channels.
- F. Proposed docks and moorings shall not interfere with the passage of boats into or out of adjacent or nearby marinas and shall not be so located as to be a hazard or obstacle to the normal movement of boats in Detroit River.
- G. The Planning Commission may modify or waive those site requirements listed in A – D above upon a demonstration of hardship or a compelling need or justification.

7.19 MULTIFAMILY DWELLINGS

- A. Building façades of multifamily dwellings shall be multi-faced. In no case shall a building shape be confined to a straight rectangle.
- B. Exterior finish materials on all facades shall be limited to brick, cut stone, wood siding or shingle, cementitious siding or shingles, and/or Portland Cement stucco.
- C. Surface parking shall not be located between the front of the building and the public right-of-way.
- D. Courtyards and balconies shall be oriented to maximize privacy.
- E. There shall be provided a minimum of 150 square feet of on-site open space per dwelling unit.

- F. All publicly accessible areas and areas commonly used by residents shall be lighted in conformance with exterior lighting standards in Article 6.
- G. All multifamily dwelling site design shall provide for passive observation, as defined in this Ordinance, to increase the safety and security of the site.

7.20 OUTDOOR DINING

Outdoor dining service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

- A. Outdoor seating/dining shall be included as part of an approved site plan.
- B. An outdoor cafe shall be allowed during normal operating hours of the establishment.
- C. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- D. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department but shall be prohibited from occurring in any public right-of-way.
- E. Umbrellas and other forms of table coverings associated with outdoor dining areas shall be prohibited from displaying signage or advertisements.
- F. Any outdoor seating located within the public right-of-way must be approved by the Planning Commission.

7.21 OUTDOOR SALES AND DISPLAY

Outdoor sales and display, which includes open front stores as defined in this Ordinance, is an accessory use to an established business and subject to the following standards:

- A. A minimum width of four (4) feet of sidewalk space must be maintained.
- B. All outdoor sales and display areas must be screened from residentially zoned properties.
- C. Any outdoor sales and display located within the public right-of-way must be approved by the Planning Commission.

7.22 OUTDOOR STORAGE OF MATERIALS AND EQUIPMENT

- A. Any outdoor storage shall be screened from view from a public right-of-way and from adjoining properties by an enclosure consisting of an opaque wall or fence not less than the height of the equipment, vehicles, and all materials to be stored, or eight (8) feet, whichever is less.

- B. Such masonry wall or wood fence shall be repaired, maintained, and kept in good condition by the owners.
- C. When screening is required for outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six (6) feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.

7.23 PRIVATE RECREATION FACILITIES, INDOORS OR OUTDOORS

- A. In those instances where the proposed private recreation facility site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.
 - 1. Front, side, and rear yards shall be at least seventy-five (75) feet wide, except on those sides adjacent to non-residential districts, and shall be landscaped with trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structure permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - 2. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.
 - 3. Off-street parking shall be provided to accommodate at least one-fourth (¼) of the member families and/or individual members. By-Laws of the organization shall be provided to the Planning Commission in order to establish the membership involved in computing parking requirements.
 - 4. All storm and sanitary sewer plans shall be provided and shall be reviewed and approved by the City Engineer prior to the issuance of a building permit.
- B. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission, who may impose any reasonable restrictions or requirements to insure that contiguous residential areas will be adequately protected.

7.24 PUBLIC OR PRIVATE PARKING FACILITIES

- A. Ingress and Egress: Exits from points of ingress and egress shall not face residential zoning districts or uses.
- B. Surface Parking Lots: All public or private surface parking lots shall be completely screened on all sides with a landscape hedge, masonry wall, or opaque fence that shall have a minimum height of four feet six inches (4' 6").

- C. **Parking Structures:** Parking structures in which all parking is completely enclosed within a structure shall be exempt the screening requirements of surface parking lots. The architecture of the parking structure shall be consistent and/or compatible with the development of the surrounding neighborhood.

7.25 RENEWABLE ENERGY SYSTEMS

7.25.1 Intent and Purpose

The intent and purpose of this Section is to allow residents and business owners to generate renewable energy sources to reduce their reliance on fossil fuel-based energy sources, reduce energy utility costs, and to mitigate any negative effects such systems may have on neighboring properties, citizens of the City of River Rouge, economic opportunities, and visitors.

7.25.2 Personal Solar Energy Conversion Systems (SECS)

Personal Solar Energy Conversion Systems (SECS) with a rated capacity of no more than 10 kW shall be permitted as an accessory use to distribute generated energy primarily on site for consumption; however, excess energy output may be delivered to the power grid, subject to the following standards:

A. Ground Mounted Personal SECS

1. **Height:** Ground Mounted Personal SECS shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.
2. **Placement:** Ground Mounted Personal SECS must meet the accessory structure setback and height requirements for the zoning district in which it is installed.
3. **Coverage:** Ground Mounted Personal SECS may not exceed the area restrictions placed on accessory structures within the subject zoning district.
4. **Visibility:** Ground Mounted Personal SECS shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

B. Roof or Building Mounted Personal SECS:

1. **Height:** Roof or Building Mounted Personal SECS shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered mechanical devices and are restricted consistent with other building-mounted mechanical devices.
2. **Placement:**
 - a) The collector surface and mounting devices for Roof or Building Mounted Personal SECS shall not extend beyond the required setbacks or height requirements for the zoning district in which it is installed.

- b) Building Mounted Personal SECS shall be prohibited from being located on any front façade.
 - c) Building or Roof Mounted Personal SECS shall be allowed on any principal or accessory structure.
3. **Coverage:** Building or Roof Mounted Personal SECS shall be allowed to cover the entire roof or façade where permitted to be installed.
 4. **Visibility:** Building or Roof Mounted Personal SECS shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys or railroad rights-of-way. The color of the solar collector is not required to be consistent with other roofing materials. Building-integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the zoning district in which the building is located.

7.25.3 Commercial Solar Energy Conversion Systems (SECS)

Commercial Solar Energy Conversion Systems (SECS) with a rated capacity of 10 kW or more shall be permitted as an accessory or principal use to distribute generated energy on site or commercially through the power grid system subject to the following standards:

A. Ground Mounted Commercial SECS

1. **Height:** The maximum height of a Ground Mounted Commercial SECS shall be sixteen (16) feet above grade at maximum tilt.
2. **Placement:** Ground Mounted Commercial SECS shall be setback a minimum of fifty (50) feet from all property lines and public rights-of-way, and two hundred (200) feet from any residential zoning district or use.
3. **Coverage:** Ground Mounted Commercial SECS shall not count towards maximum lot coverage requirements for the zoning district in which they are located.
4. **Visibility:** Ground Mounted Commercial SECS shall be screened on all sides with a vegetated screen or green belt at a minimum height of eight (8) feet.
5. **Number:** There shall be no limit to the number of Ground Mounted Commercial SECS on a given property.

B. Roof or Building Mounted Commercial SECS

1. **Height:** The maximum height of a Roof or Building Mounted Commercial SECS shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

2. **Placement:** The collector surface and mounting devices for Roof or Building Mounted Personal SECS shall not extend beyond the required setbacks or height requirements for the zoning district in which it is installed.
3. **Coverage:** Building or Roof Mounted Personal SECS shall be allowed to cover the entire roof or façade where permitted to be installed.
4. **Visibility:** Building or Roof Mounted Personal SECS shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys or railroad rights-of-way. The color of the solar collector is not required to be consistent with other roofing materials. Building-integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the zoning district in which the building is located.
5. **Number:** There shall be no limit to the number of Ground Mounted Commercial SECS on a given property.

7.25.4 Solar Energy Conversion System Approval Standards

In addition to all applicable district, site plan review, and special land use approval standards, the following approval standards shall apply to all SECS:

- A. **Safety:** Emergency and normal shutdown procedures shall be identified with the application, along with any potential hazards to adjacent properties, public rights-of-way, and to the general public that may be created. A security fence (height and material to be proposed and reviewed/approved through the special land use approval process) shall be placed around the perimeter of Ground Mounted Commercial SECS and electrical equipment. Knox boxes and keys shall be provided at locked entrances for security personnel access.
- B. **Visual Impact:** SECS shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, nonreflective matte finish of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the structure. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Master Plan or in local, state, or federal historic registers.
- C. **Noise:** All SECS shall have a maximum noise production rating of fifty (50) dBA and shall conform to this standard under normal operating conditions as measured at any property line.
- D. **Electromagnetic and Telecommunication Interference:** All SECS shall not interfere with electromagnetic or telecommunication systems.
- E. **Lighting:** All SECS shall have no installed or accessory lighting, unless required by federal or state regulations.

- F. Intent to Install: Prior to the installation or erection of a SECS, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
- G. Signs: A Commercial SECS operator is required to provide a single posting, not to exceed four (4) square feet, at the entrance of a Commercial SECS prohibiting trespassing, warning of high voltage, and providing the emergency contact information for the operator.
- H. Feeder Lines: Any lines accompanying a SECS, other than those contained within the SECS structure or those attached to on-site structures by leads, shall be buried within the interior of the subject lot, unless there are existing lines in the area which the lines accompanying a SECS may be attached.
- I. Construction Codes and Interconnection Standards: Utility systems shall comply with all applicable state construction and electrical codes and local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.

7.25.5 Commercial Wind Energy Conversion Systems (WECS)

Commercial Wind Energy Conversion Systems (WECS) with a rated capacity of 100 kW or more shall be permitted as an accessory or principal use to distribute generated energy on site or commercially through the power grid system subject to the following standards:

A. Ground Mounted Commercial WECS

1. Height: Ground Mounted Commercial WECS shall have a total height, including tower and blade to its highest point of travel, of no more than one-hundred twenty-five (125) feet.
2. Placement:
 - a) Ground Mounted Commercial WECS shall not be located between a principal structure and a public right-of-way, unless the City determines that such a location would lessen the visibility of the Commercial WECS or would lessen the negative impacts of such a WECS on nearby properties.
 - b) Ground Mounted Commercial WECS shall have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, electric substation, transmission line, or other WECS. In addition, the setback distance must be increased by twenty-five (25) feet from any property that is zoned or planned for residential use.

- c) Ground Mounted Commercial WECS shall have a minimum setback distance from the base of the monopole of one and one-half (1-1/2) times the height from any public right-of-way, occupied structure, or public use area.
 - d) Ground Mounted Commercial WECS shall have a minimum setback distance from the base of the monopole of six hundred (600) feet from any property designated as a public park.
3. **Number:** One (1) Commercial WECS shall be allowed on a single lot of one (1) to five (5) acre(s). All other larger lots will be limited to one (1) large WECS per five (5) acres of land area.

B. Roof Mounted Commercial WECS

- 1. **Height:** Roof Mounted Commercial WECS shall have a total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.
- 2. **Placement:** Roof Mounted Commercial WECS shall be erected above the roof of a building or structure. The mounts associated with the WECS may extend onto the side of the building or structure.
- 3. **Number:** The maximum number of Roof Mounted Commercial WECS shall be approved through the special land use permit process.

7.25.6 Wind Energy Conversion System Approval Standards

In addition to all applicable district, site plan review, and special land use approval standards, the following approval standards shall apply to all WECS:

- A. **Safety:** All WESC shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire ground anchors. The site shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
- B. **Visual Impact:** A WESC project shall use tubular towers with all components of the system finished in a single, nonreflective matte finish of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Master Plan or in local, state, or federal historic registers.

- C. **Environmental Impact:** The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical sites, and birds and wildlife. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that shall remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.)
- D. **Noise:** All WESC shall have a maximum noise production rating of fifty (50) dBA and shall conform to this standard under normal operating conditions as measured at any property line.
- E. **Electromagnetic Interference**
1. No WESC shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that shall restore reception to at least the level present before operation of the wind energy system.
 2. No WESC shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation, unless the interference is insignificant.
- F. **Shadow Flicker:** The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the effects.
- G. **Lighting:** All WECS shall have no installed or accessory lighting, unless required by federal or state regulations.
- H. **Intent to Install:** Prior to the installation or erection of a WECS, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
- I. **Signs:** A WECS operator is required to provide a single posting, not to exceed four (4) square feet, at the base of a WECS prohibiting trespassing, warning of high voltage, and providing the emergency contact information for the operator.
- J. **Feeder Lines:** Any lines accompanying a WECS, other than those contained within the WECS' tower or those attached to on-site structures by leads, shall be buried within the interior of the

subject lot, unless there are existing lines in the area which the lines accompanying a WECS may be attached.

- K. **Clearance:** Rotor blades or airfoils must maintain at least 20 feet of clearance between their lowest point and the ground.
- L. **Blade Design:** The blade design and materials must be engineered to ensure safe operation in an urban area.
- M. **Construction Codes, Towers, and Interconnection Standards:** Utility systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.

7.25.7 Abandonment

- A. All Personal SECS or WECS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.
- B. All Commercial SECS or WECS shall submit with their special land use application a decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:
 - 1. In an amount approved by the City Council to be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments;
 - 2. Based on an estimate prepared by the engineer for the applicant, subject to approval of the City Council;
 - 3. Provided to the City prior to the issuance of a zoning permit;
 - 4. Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The City, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

7.26 SALVAGE YARD

- A. Minimum Lot Area: The minimum lot area for a salvage yard shall be ten (10) acres.
- B. Minimum Setback: A minimum setback of 250 feet shall be maintained between any public right-of-way line and the portion of the lot on which salvage materials are located.
- C. Screening: The entire salvage yard site shall be screened with an eight (8)-foot masonry obscuring wall.
- D. The height of salvage material piles shall not exceed the height of the screening wall, nor shall any salvage materials be visible from any public right-of-way.
- E. All roads, driveways, parking lots, and other loading and unloading areas shall be paved or treated in a manner approved by the Zoning Administrator so as to confine any wind-born dust within the boundaries of the site.

7.27 SELF-STORAGE FACILITIES

- A. Minimum Lot Area: The minimum lot area for self-storage shall be two (2) acres.
- B. Self-storage facilities shall provide for storage only and shall not be used as a place of residence or conducting business.
- C. All storage must be completely contained within an enclosed building.
- D. The exterior of any self-storage facility shall be of finished quality and design, compatible with the design of structures on surrounding property.
- E. Circulation:
 - 1. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one eleven (11) foot wide travel lane.
 - 2. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) ten (10) foot wide travel lanes.
 - 3. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

7.28 SENIOR ASSISTED LIVING FACILITIES

- A. All senior assisted living facilities shall provide for the following:
 - 1. Cottage type dwellings and/or apartment type dwelling units.
 - 2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and/or workshops.

7.29 SEXUALLY ORIENTED BUSINESSES

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by City Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a lot within five hundred (500) feet of any residence, public or private school, religious institution, public park, state licensed childcare facility, or residential zoning district.
- C. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsection (B) above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the City of River Rouge and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Shall have at least one (1) side totally open to a public, with a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Shall be illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Shall have no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

7.30 VETERINARY SERVICES

- A. All activities shall be conducted within a completely enclosed building.
- B. All buildings shall be set back at least fifty (50) feet from abutting residential zoning districts or uses.
- C. The commercial boarding of animals is prohibited.
- D. Treatment shall be limited to domesticated animals considered as pets.

7.31 WIRELESS COMMUNICATION TOWERS AND ANTENNAS

7.31.1 Intent and Purpose

The purpose of this Section is to establish guidelines for the siting of towers and antennas for wireless communication uses, with the exception of small cell wireless facilities as defined and regulated in this Ordinance. The intent of this Section is to:

- A. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;
- B. Promote the joint use of new and existing tower sites to minimize adverse visual impact of towers and antennas through careful design, siting, landscaping, and camouflaging techniques; and
- C. Enhance the ability of the providers of wireless communications services to provide their services to the community quickly, effectively, and efficiently.

7.31.2 Applicability

- A. This Section applies to all construction and expansion of Wireless Communication Facilities.
- B. **Amateur Radio and Receive-Only Antennas:** This Section shall not govern any tower, or the installation of any antenna, that is less than seventy (70) feet high, including building height, and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

7.31.3 Collocated Antenna

- A. **Review and Approval:** The **Zoning Administrator** may review and approve the collocation of wireless communication equipment under the following conditions:
 - 1. Installing an antenna on an existing structure other than a tower that already has existing antennas (such as a building, sign, light pole, water tower, or other free standing non-residential structure), provided the addition does not extend above the highest point of the building or structure by more than thirty (30) feet or fifty (50) percent of the height of the existing structure, whichever is less, (except single family detached dwellings and their accessory structures) in all zoning districts.
 - 2. Installing an antenna on an existing structure other than a tower that does not have existing antennas (such as a building, sign, light pole, water tower, or other free standing non-residential structure), provided the addition does not extend above the highest point of the existing structure by more than thirty (30) feet or fifty (50) percent of the height of the existing building or structure, whichever is less.
 - 3. Installing an antenna on an existing tower of any height, including the placement of additional buildings or other supporting equipment used in connection with that

antenna, provided the additional height of the antenna adds no more than twenty (20) feet to the height of the existing tower.

7.31.4 Freestanding/Tower

All new freestanding/tower wireless communication facilities in applicable districts as a principal or accessory use shall require special land use approval subject to the following standards:

A. Inventory of Existing Sites:

1. An applicant for a tower and/or an antenna shall provide an inventory of existing towers, antennas, or sites approved for towers and antennas that are within the City, or outside of the City serving areas within the City. The inventory shall include latitudinal and longitudinal location coordinates and the coverage area of the proposed tower or antenna, whether within or near the City's jurisdiction, including specific information about the design and height of each tower.
2. The City may share this information, provided that the City is not, by sharing that information, in any way representing or warranting that these sites are available or suitable for tower or antenna construction.

B. Availability of Suitable Existing Towers or Other Structures: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence may consist of any of the following.

1. No existing towers or structures are within the geographic area required to meet the applicant's engineering and coverage requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable, meaning when the costs exceed new tower development.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

C. Measurement: For purposes of measurement, tower and antenna setbacks, and separation distances shall be applied to all facilities whether inside or outside the City's boundaries.

D. Setbacks:

1. Towers shall be located so that there is a sufficient radius of land around the tower so that its collapse shall be contained on the property where located. Accessory buildings shall follow the minimum setback requirements of the zoning district.
2. Antennas installed on building rooftops shall be setback from the edge of the roof at least one (1) foot for each foot of antenna height as measured from the top of the roof (or parapet, if one exists) to the highest point of the antenna.

E. Separation:

1. Towers shall be set back at least three hundred (300) feet from any off-site residential structure.
2. Towers over ninety (90) feet in height shall not be within one-quarter (¼) of a mile of any existing tower that is over ninety (90) feet high. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower that is closest to the base of the pre-existing tower.

F. Height: Where permitted, monopoles shall not be higher than one hundred ninety-five (195) feet. Any tower and/or antenna placement adjacent to a residential zoning district that requires lighting shall use a continuous red beacon at night.

G. Location and Design:

1. Collocation:

- a) Towers shall be constructed to accommodate at least four (4) antenna platform levels. A statement by the applicant and/or a structural analysis sealed by an engineer affirming that the construction of the wireless communications facility will accommodate collocation of additional antennas for future users shall be provided.
- b) Collocation terms, including rates for compatible providers shall be included in the application. Terms shall be consistent with the market for Southeast Michigan, and applicants shall submit a signed statement agreeing to permit collocation consistent with those rates.
- c) Two (2) equipment shelters shall be allowed per site. Multiple shelters integrated into one (1) shall be considered a single shelter. No single provider shall occupy more than two hundred fifty (250) square feet of interior floor space.

2. Design:

- a) Where visible from a public right-of-way, the design of equipment shelters and related structures shall use colors, landscaping, materials screening, and textures that have the finish and appearance to blend into the character of the neighborhood and surrounding buildings so as to make the antenna and related equipment as visually unobtrusive as possible.
 - b) Visible cabling and wiring, antenna and supporting electrical and mechanical equipment, must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as practicable.
 - c) Stealth equipment is permitted to be used as a wireless communication tower for areas where special sensitivity to neighboring properties is necessary.
3. No advertising or business signs shall be allowed.
 4. Wireless communications facilities shall be located and designed to not obstruct or significantly diminish views of the Detroit River from public rights-of-way and public property.

H. Fencing and Landscaping:

1. Security fencing or a wall not less than six (6) feet nor more than eight (8) feet high shall enclose towers and related appurtenances.
 2. Wireless communication facilities and equipment shall be placed on a site where existing vegetation is preserved to the maximum extent possible.
 3. Landscaping consisting of evergreen vegetation with a minimum planted height of six (6) feet placed densely so as to form a screen, shall be placed completely around the wireless communications facility at ground level, except as required to access the facility. Where appropriate, existing landscaping can be used to satisfy this requirement. Landscaping shall be installed on the outside of any fencing.
 4. Administrative Departure: The Planning Commission may waive or alter the landscape requirements and/or require a different type of screen or wall depending upon the location.
- I. Review and Approval: In addition to the review considerations of this Section, Article 8 and Article 9, the Planning Commission shall consider the following factors in recommending approval of applications for towers and antennas and may attach conditions consistent with these factors.
1. Tower or antenna height;
 2. Proximity of the tower or antenna to residential structures and residential zoning district boundaries;

3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

7.31.5 Building Permits, State, and Federal Requirements

a. Building Permits:

1. Structures covered under this Section shall require a building permit prior to the erection, expansion, including an increase in height, or relocation. The application for a permit shall include construction drawings showing the proposed method of installation, including details of structural support, footing, foundation, guys, braces, anchors, and other information as required by the City's Zoning Administrator to ensure proper engineering practice.
2. A site plan and other illustration drawn to scale shall be provided showing the lot on which the structure is to be erected, all structures on site, all structures within two hundred (200) feet of the site, all structural elements, and all other relevant information.
3. The permit shall include twenty-four (24) hour emergency contact information and contact information for the entities with responsibility for the wireless communications facilities described in the application. Contact information for the tower owner, operator, and emergency contact shall be kept current and on file with the City at all times.

- b. State and Federal Requirements: Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other federal or state agency with the authority to regulate towers and antennas. If those standards and regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling federal and state agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the structure at the owner's expense.

7.31.6 Removal of Facilities

- a. Any tower or antenna that is not operated for a continuous period of one (1) year or more shall be considered to be abandoned, and the owner shall remove the same within ninety (90) days of receipt of notice of the determination. Failure to remove an abandoned tower or antenna after this time period shall be grounds to remove the tower or antenna at the owner's expense.
- b. The owner of a facility shall provide a performance guarantee adequate to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the City of the transfer.
- c. Damaged or Destroyed Nonconforming Facilities:
 - 1. Notwithstanding this Section, nonconforming wireless communications facilities that are damaged or destroyed by an act of nature may be rebuilt without having to first obtain approvals otherwise required by this Section, provided that any other permits applicable to construction or reconstruction must be obtained.
 - 2. The type, height, and location of the wireless communications facility shall be the same as the original approved facility and constructed in accordance with currently applicable building codes.
 - 3. Permits for construction shall be obtained within one hundred and eighty (180) days from the date the facility is damaged or destroyed, and reconstruction shall be started within six (6) months from the time of damage and shall be continued until completed.
 - 4. If no permit for construction is obtained, or if an issued permit expires, the facility shall be deemed abandoned.

7.32 SMALL CELL WIRELESS FACILITIES

Commented [EG16]: Dave to review

7.32.1 Intent and Purpose

- A. Increase investment in wireless networks that will benefit the citizens of this State by providing better access to emergency services, advanced technology, and information.
- B. Increase investment in wireless networks that will enhance the competitiveness of the region in the global economy.
- C. Encourage the deployment of advanced wireless services by streamlining the process for the permitting, construction, modification, maintenance, and operation of wireless facilities in the public rights-of-way.
- D. Allow wireless services providers and wireless infrastructure providers access to the public rights-of-way.

7.32.2 General Provisions

The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this Ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365").

- A. Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the Code.
- B. No wireless providers shall attach, alter, or modify a City-owned pole or wireless support structure without entering into a license agreement with the City.
- C. Small cell wireless facilities and associated support structures non-exempt from zoning reviews are only permitted in accordance with the provisions of this Ordinance and Act 365, and upon application for and receipt from the City of a permit.
- D. The approval of a small cell wireless facility authorizes the co-location of a small cell wireless facility but does not authorize the installation, placement, modification, or operation of a wireline in the ROW.

7.32.3 Exempt Small Cell Wireless Facilities

Small cell wireless facility siting is a permitted use in the ROW in all zoning districts and not subject to zoning regulation if it complies with the following requirements:

- A. The small cell wireless facility shall be co-located on an existing wireless communications support structure or wireless communication equipment.
- B. The proposed co-location shall comply with the following:
 - 1. Not exceed forty (40) feet or increase the overall height of the wireless communication support structure by more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is collocated.
 - 2. A wireless provider shall comply with design and/or concealment requirements in a commercial zoning district so that the equipment and small cell wireless facility is compatible with the character of its surroundings
 - 3. The size is not to exceed the definition of small cell wireless facility as an enclosure of six (6) cubic feet and associated equipment cumulatively is no more than twenty-five (25) cubic feet in volume, per Act 365.
 - 4. Enclosure must contain all parts of the equipment and parts of the small cell wireless facility, must be a neutral and uniform color, and made of a material that does not conflict with the aesthetics of its surroundings.

- 5. A co-location in a public ROW shall not inhibit other utility installations.
- 6. Small cell wireless facilities shall not be permitted on any building that is on the National Register of Historic Places pursuant to 47 C.F.R 1.1307(a)(4).

7.32.4 Non-Exempt Small Cell Wireless Facilities; Site Plan Review Process

Small cell wireless facilities are subject to a site plan review if they do not comply with this Section and shall be subject to all the following requirements as codified in Act 365:

- A. Within thirty (30) days after receiving an application under this Section, the City shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the thirty (30) day period.
- B. The running of the time period tolled under item A (above) resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness. If a supplemental submission is inadequate, the City shall notify the applicant not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in item A. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- C. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred (100) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the City. If the City fails to comply with this item (C), the application is considered to be approved subject to the condition that the applicant provide the Planning Commission not less than fifteen (15) days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
- D. Co-location of small cell wireless facilities shall commence within one (1) year of permit issuance and shall be activated for use no later than one (1) year from the permit issuance date. Failure to commence collocation within one year of permit issuance shall void said permit. A small cell wireless facility not activated within one (1) year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.

7.32.5 Wireless Communication Equipment

Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all the following requirements are met pursuant to Act 365:

- A. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
- B. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the appropriate zoning body or official for the City.
- C. The proposed co-location will not do any of the following, and if it does not comply with these requirements; it is subject to the site plan review process:
 - 1. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater;
 - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location;
 - 3. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- D. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the City.
- E. Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable codes including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.
- F. Any equipment placed in a residential district shall not be erected at a height that requires lighting.
- G. Wireless communications equipment that is not attached to an existing structure or becomes unattached due to abandonment, removal, or relocation of an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to site plan review consistent with this Ordinance.

7.32.6 Design

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with the following design and concealment standards:

- A. If possible, poles, and wireless support structures shall be designed to accommodate small cell wireless facilities for multiple wireless services providers.
- B. Poles shall be located a minimum of fifteen (15) feet from any tree, measured to the tree-trunk center. Additionally, eighty percent (80%) of the protected root zone shall remain undisturbed. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.

- C. Poles shall be designed pursuant to City standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the City or the applicable utility and shall be incorporated into the applicable utility or signaling system.
- D. Poles shall comply with the following height regulations:
 - 1. In residential districts, poles shall not exceed thirty-three (33) feet in height from ground level.
 - 2. In the DMU district, poles shall not exceed ten percent (10%) of an adjacent building or exceed forty (40) feet in height from ground level, whichever is less.
 - 3. In all other districts, poles shall not exceed forty (40) feet in height from ground level.
- E. Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public right-of-way, unless materials and appearance are prescribed by other ordinance, law, or City requirements. Poles shall be aesthetically pleasing, consistent with the local character of the area and shall not detract from the streetscape.
- F. Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five (5) feet above the top of the pole.
- G. To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this Section.
- H. New utility poles and ground mounted equipment shall be installed at least three hundred (300) feet from any existing or proposed utility pole or ground mounted equipment. Any wireless provider desiring to install poles less than three hundred (300) feet apart shall demonstrate to the City's satisfaction that the wireless provider could not serve a location without the desired placement.

7.32.7 Maintenance

All wireless providers shall repair all damage to the ROW caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its original condition. If the wireless provider fails to make the repairs required by the City within sixty (60) days after written notice, the City may make those repairs and charge the wireless provider the reasonable, documented cost of the repairs.

7.32.8 Permit Application Process

The applicant shall seek a ROW access permit from the Building Department to co-locate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be collocated as required by all ROW users. To obtain this permit, an applicant is subject to all the following:

- A. An application for a permit is subject to all the following requirements:
 - 1. Name of the company and contact information;
 - 2. Applicant name and contact information;
 - 3. Map of georeferenced location(s) of where the company is proposing the installation(s) of a supporting structure and/or small cell wireless facility;
 - 4. Tax identification number and property ownership for lots located within seventy (75) feet of the proposed facility;
 - 5. Distance from the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way;
 - 6. Zone and adjacent zones;
 - 7. Dimensions of all proposed installations and height on the utility pole or support structure where a small cell wireless facility will be mounted;
 - 8. For deployments in the DMU or residential districts, documentation of compliance with design and location requirements;
 - 9. An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the City;
 - 10. For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures will accommodate co-location of additional antennas, including the extent of such collocation space;
 - 11. For all new poles, replacement poles, and wireless structures, demonstration of compliance with ANSI/TIA 222-G-2 standards;
 - 12. For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or structures are adequate to provide the services planned with the wireless facility;
 - 13. Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;

14. Documentation showing adequate insurance, including the City named as an additional insured;
 15. A performance bond meeting the requirements of this Section;
 16. Attestation that the small cell wireless facility will be operational for use by a wireless service provider within one (1) year after the permit issuance date;
 17. Site/structure remediation plan for restoring the public ROW after removal of wireless facilities or equipment;
 18. Provide the estimated radius of service the small cell wireless facility will provide;
 19. Material used to enclose small cell wireless facility and associated equipment;
 20. Photo of installations;
 21. Work plans for the amount of time and type of disturbance will be caused to the public ROW;
 22. Certification of compliance with FCC radio frequency emission regulations;
 23. Detailed description of the activities the applicant needs to accomplish:
 - a) Construct a utility pole or support structure;
 - b) Install small cell wireless facility on an existing pole
 24. Any additional information requested by the City.
- B. Within twenty-five (25) days after receiving an application, the City Building Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application.
- C. The running of time period tolled resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness. If a supplemental submission is inadequate, the City shall notify the applicant in writing not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in this Section or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- D. The City Building Department may require an applicant to include an attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date, unless the City Building Department and the applicant agree

to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

7.32.9 Alternative Siting and Decommission

- A. Upon receiving an application to place a new utility pole, the City Building Department may propose an alternate location within the ROW or on property or structures owned or controlled by the City within seventy (75) feet of the proposed location to either place the new utility pole or co-locate on an existing structure. The applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs.
- B. Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider shall notify the City Building Department in writing. The notice shall specify when and how the wireless provider intends to remove the small cell wireless facility, utility pole, or wireless support structure. If the wireless provider does not complete the removal within forty-five (45) days after the discontinuance of use, the City may complete the removal and assess the costs of removal against the wireless provider's performance bond. If the City incurs costs that exceed the performance bond, then the wireless provider shall reimburse the City within thirty (30) days. A permit under this Section for a small cell wireless facility expires upon removal of the small cell wireless facility.

7.32.10 Basis for Denial for a Permit

The City Building Department shall deny a completed application for a proposed co-location of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements if the proposed activity would do any of the following:

- A. Materially interfere with the safe operation of traffic control equipment.
- B. Materially interfere with sight lines or clear zones for transportation or pedestrians. Any small cell wireless facility should be mounted at least ten (10) feet high.
- C. Materially interfere with compliance with the Americans with Disabilities Ordinance of 1990, Public Law 101- 36, or similar federal, state, or local standards regarding pedestrian access or movement.
- D. Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.
- E. Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
- F. Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.

- G. Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location.
- H. Fail to comply with all other applicable codes.
- I. Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district, downtown, or residential district, as specified in an ordinance or otherwise and nondiscriminatory applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the City.

7.32.11 Insurance and Bonding

- A. The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the City, naming the City as an additional insured. Such insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be cancelled without thirty (30) days advance written notice to the City.
- B. Before any work under a permit issued pursuant to this Article may commence, a wireless provider shall furnish to the City a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by City, in the amount of \$1,000.00 per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or improperly maintained small cell wireless facility, to repair the ROW, or to recoup unpaid rates or fees.

7.32.12 Labeling

A small cell wireless facility for which a permit is issued shall be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the small cell wireless facility and its location.

7.32.13 Appeals

The applicant may appeal any City determinations related to this Ordinance to the highest elected body of the City or the circuit court in the judicial circuit where the City is located.

ARTICLE 8: SITE PLAN REVIEW	
8.1 Intent and Purpose	8.6 Site Plan Application Determinations
8.2 General Requirements	8.7 Record of Actions
8.3 Site Plan Review Standards	8.8 Expiration, Revocation, and Reapplication
8.4 Site Plan Application Requirements	8.9 Amendments and Modifications
8.5 Site Plan Application Review Procedures	8.10 Fees and Performance Guarantees

8.1 INTENT AND PURPOSE

It is the purpose of this Article to provide standards and requirements for site plan submissions for land uses and structures within the City and establish procedures for the submission and review of site plans. This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this Ordinance. Site plans for special land uses and planned unit developments shall receive a recommendation from the City Planning Commission and a final decision by the City Council. The Planning Commission shall make the final decision on site plans that are not related to special land uses.

8.2 GENERAL REQUIREMENTS

8.2.1 Site Plan Required

Site plans are required for the following uses:

- A. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a lot, such as, a single family site condominium or similar project where a single lot is developed to include two (2) or more sites for detached single family dwellings, excluding accessory dwelling units.
- B. Development of non-residential uses or multiple family uses in the Neighborhood Residential (NR) district.
- C. Residential developments that will include five (5) or more dwelling units.
- D. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use in the NR district.
- E. Any use or construction for which submission of a site plan is required by any provision of these regulations.
- F. Establishment, expansion, or enlargement of any regulated use unless expressly exempted in this Ordinance.

8.2.2 Site Plan Not Required

Site plan approval is not required for the following activities; however, payment of any or all applicable bonds is required for issuance of a building permit.

- A. Construction, moving, relocating, or structurally altering a principal residential structure in the NF district, including any customarily incidental accessory structures.
- B. Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single-family uses described in this subsection for which site plan approval is not required.
- C. A change in the ownership of land or a structure.
- D. A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.
- E. Residential developments that will include four (4) or fewer dwelling units.
- F. Permitted home occupations.
- G. Additions or expansions of existing, conforming uses that do not increase the amount of additional impervious surface by one thousand five hundred (1,500) square feet or five percent (5%), whichever is less.

Commented [EG17]: City to review increasing the limits that trigger site plan review – should not increase to more than 50%.

8.3 SITE PLAN REVIEW STANDARDS

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. **Site Design Characteristics:** Elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations.
- C. **Site Appearance:** Landscaping, earth berms, fencing, signs, walls, structures, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. **Compliance with District Requirements:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3: Regulated Uses and Dimensions, unless otherwise provided in these regulations.
- E. **Privacy:** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

- F. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. **Circulation:** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- H. **Parking:** Any off-street parking facility shall meet all applicable design standards of this Ordinance.
- I. **Drainage:** Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the City Engineer. All stormwater management plans shall require approval and a permit issued by the applicable agency, including but not limited to the Michigan Department of Transportation, Wayne County and/or the City of River Rouge.
- J. **Soil Erosion and Sedimentation:** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Wayne County Roads and City engineering standards.
- K. **Exterior Lighting:** Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- L. **Public Services:** Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- M. **Screening:** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height. All walls must be solid and constructed of durable material and shall be subject to the approval of the Zoning Administrator and cannot be located in required setbacks without written authorization from the Zoning Administrator.
- N. **Danger from Fire and Hazards:** The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the City to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the City shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the City. Sites that include significant storage of

flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

- O. **Health and Safety Concerns:** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
- P. **Phases:** 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 subsequent improvements in a later phase or on other sites.

8.4 SITE PLAN APPLICATION REQUIREMENTS

The required items of an application for site plan approval are as follows.

- A. The following required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table below:

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
1.	The date, north arrow, and scale. The scale shall be at as follows: < 1 acre: One (1) inch = twenty (20) feet 1-3 acres: One (1) inch = thirty (30) feet > 3 acres: One (1) inch = fifty (50) feet	✓	
2.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	✓	
3.	The location and width of all abutting rights-of-way.	✓	
4.	The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district must be shown.	✓	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	✓	
6.	Description of the uses and other human-made facilities.		✓
7.	The location and identification of all existing structures within a fifty (50) foot radius of the site.	✓	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	✓	
10.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
12.	A grading plan showing the topography of the existing and finished site shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.	✓	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices, in accordance with the Wayne County Stormwater Management Program.	✓	✓
14.	Location, type and size of all above and below grade utilities.	✓	
15.	Location and size of all trash receptacle and method of screening.	✓	
16.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
17.	Location of any cross-access management easements, if required.	✓	
18.	Location of pedestrian and nonmotorized facilities, if required.	✓	
19.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		✓
20.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke, or lights.		✓
21.	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
22.	The materials for all surfaces and facades.	✓	
23.	The method to be used to serve the development with municipal water.		✓
24.	The method to be used for sewage treatment.		✓
25.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
26.	Elevations for all building facades.	✓	
27.	The proposed location and design of all signage.	✓	
28.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
29.	Phasing of the project, including ultimate development proposals.	✓	
30.	General description of deed restrictions and/or cross access management easements, if any or required.		✓
31.	The name and address of the property owner.	✓	✓
32.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
33.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	✓	

- B. The Planning Commission may waive any of the above required items at their discretion.
- C. The Planning Commission, **Zoning Administrator**, City Engineer, or other party authorized by the City may request any additional information it deems necessary in the review of submitted site plan.
- D. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to, Wayne County Department of Public Services, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (EGLE), and the U.S. Army Corps of Engineers. If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.

- E. All site plan drawings shall be submitted as one set on sheets twenty-four (24) inches by thirty-six (36) inches and in digital PDF format.

8.5 SITE PLAN APPLICATION REVIEW PROCEDURES

8.5.1 Pre-Application Conference

An applicant shall be required to hold a pre-application conference with the Zoning Administrator and/or City Planner to discuss in general the substantive requirements for the application prior to submittal.

8.5.2 Conceptual Review

After a pre-application conference, an applicant may submit an application for conceptual review before the Planning Commission prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements of the Planning Commission. Feedback provided by the Planning Commission under a conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A conceptual review does not include a completeness or technical review by the Zoning Administrator.

8.5.3 Completeness Review

All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent at least twenty-one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application may proceed to technical review.

8.5.4 Technical Review

An application determined to be complete will undergo a technical review by the Zoning Administrator or City designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the agenda for the next regularly scheduled Planning Commission meeting.

8.5.5 Administrative Review

- A. The Zoning Administrator or Planner may review and make a determination on a site plan application that meets the following standards:

1. The use is permitted by right in the established zoning district.

- 2. Will result in less than one thousand (1,500) square feet of new development or construction.
- 3. Will generate fewer than five hundred (500) trip ends per day as determined by the proposed land use activity based on the most recent edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.

Commented [EG18]: This may need to be adjusted based on the City's decision for section 8.2.2(g)

- B. Nothing in this subsection shall prohibit the applicant or **Zoning Administrator** from requesting the site plan review application be submitted to the Planning Commission for determination.

8.5.6 Planning Commission Review

All other uses requiring a site plan shall be reviewed by the Planning Commission for a determination.

8.6 SITE PLAN APPLICATION DETERMINATIONS

The **Zoning Administrator** or Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

8.6.1 Approval

The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other City planning documents, other applicable ordinances, and state and federal statutes.

8.6.2 Conditional Approval

The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
- C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

8.6.3 Denial

If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly

development of the City, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

8.7 RECORD OF ACTIONS

The City shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

8.7.1 Minutes

All minutes from any meeting where the site plan was considered.

8.7.2 Finding of Fact

The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

8.7.3 Final Site Plans

An electronic pdf version and a full-size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

A. Approved site plans shall include any required revisions and the date of the revisions. The print set shall be marked "Approved" and signed and dated by the applicant and Planning Commission Chair if approved by the Planning Commission, or the Zoning Administrator if administratively approved.

B. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied by the Planning Commission, or the Zoning Administrator if administratively denied.

8.7.4 Development Agreement

An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and the Planning Commission Chair if the site plan had Planning Commission review, or the Zoning Administrator if the site plan had administrative review.

8.8 EXPIRATION, REVOCATION AND REAPPLICATION

8.8.1 Expiration

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a building permit to the City for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.

8.8.2 Revocation

If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

8.8.3 Reapplication

No application for a site plan review approval which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the ground of newly discovered evidence or proof of changed conditions.

8.9 AMENDMENTS AND MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

8.9.1 Insignificant Deviations

The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

8.9.2 Minor Amendments

The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

8.9.3 Major Amendments

All other requests for amendments to an approved site plan shall be processed in the same manner as a new site plan review application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the special land use permit may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing special land use permit.

8.10 FEES AND PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

ARTICLE 9: SPECIAL LAND USES	
9.1	Intent and Purpose
9.2	General Requirements
9.3	Special Land Use Application Requirements
9.4	Special Land Use Application Review Procedures
9.5	Record of Actions
9.6	Expiration, Revocation and Reapplication
9.7	Amendments and Modifications
9.8	Fees and Performance Guarantees

9.1 INTENT AND PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special land uses which are specifically designated as such in this Ordinance.

9.2 GENERAL REQUIREMENTS

Each application shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review in Article 8 and the specific standards below:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and refuse disposal; or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

9.3 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use approval shall include a complete site plan review satisfying all the standards in Article 8.

9.4 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for application submittal for a special land use permit shall follow those for site plan review in Article 8, with the following modifications:

9.4.1 Planning Commission Review

The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special use permit applications.
- B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Article 12.
- C. The Planning Commission shall submit a finding of fact and make a recommendation to the City Council to approve, approve with conditions, or deny the special land use permit.

9.4.2 City Council Review

The City Council shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance, and Planning Commission's recommendation.
- B. Determine whether to hold an additional public hearing at their discretion or refer the application back to the Planning Commission for further consideration.
- C. Make a determination to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of fact to support the City Council's decision.

9.5 RECORD OF ACTIONS

All decisions on a special land use shall be recorded consistent with the requirements of Article 8 with the addition that the development agreement and final site plans for an approved special land use be recorded at the Wayne County Register of Deeds Office and evidence of the record by submitted to the City Clerk within forty-five (45) days.

9.6 EXPIRATION, REVOCATION AND REAPPLICATION

The standards and procedures for expiration and revocation of an approved special land use permit, or the reapplication for a special land use that has been denied either wholly or in part shall be the same as those for site plan review in Article 8.

9.7 AMENDMENTS AND MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Article 8, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Article 12.

9.8 FEES AND PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in Article 12.

ARTICLE 10: LAND DEVELOPMENT OPTIONS
10.1 Planned Unit Development
10.2 Condominium Development
10.3 Manufactured Home Developments
10.4 Conditional Rezoning

10.1 PLANNED UNIT DEVELOPMENT

10.1.1 Intent and Purpose

- A. The Planned Unit Development (PUD) option is intended to allow, with City approval, private or public development which is consistent with the goals and objectives of the City of River Rouge Master Plan and Future Land Use Map.
- B. The development allowed under this Section shall be considered as an optional means of development only on terms agreeable to the City.
- C. Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the lot in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the City.
- D. It is further intended the PUD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the City of River Rouge Master Plan and Future Land Use Map.
- E. It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- F. The number of dwelling units for the PUD development shall not exceed the number of dwelling units allowed under the underlying zoning district.

10.1.2 Uses Permitted

- A. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined primarily by the City of River Rouge Zoning Ordinance Districts that are most applicable to the various land use areas of the PUD.

- B. Uses permitted and uses permitted subject to special land use permit approval in this Ordinance may be allowed within the districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan. Alternatively, the City may allow uses not permitted in the district if specifically noted on the PUD plan. Conditions applicable to uses subject to special land use permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PUD plan.

10.1.3 Height, Bulk, Density and Area Standards

The standards for height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan, except as specifically modified and noted on the PUD plan.

10.1.4 Qualifying Standards

Planned Unit Development proposals shall meet the following qualifying standards to be considered under the PUD land development option:

- A. The properties are zoned NR, MFR, NMU, DMU, C, LI, or RC districts.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Any permission given for any activity, building, dimensional requirement, or use not normally allowed shall result in an improvement to the public health, safety, and welfare in the area affected.
- C. The PUD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the City of River Rouge Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- D. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- E. The PUD must meet, as a minimum, four (4) of the following eight (8) objectives of the City.
 - 1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
 - 2. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.
 - 3. To accept dedication or set aside open space areas for public use in perpetuity through a conservation easement or other means acceptable to the City.

4. To provide alternative uses for lots which can provide transition buffers to residential areas.
5. To promote the goals and objectives of the City of River Rouge Master Plan.
6. To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
8. To provide a diverse mix of housing options, price points, and opportunities to rent or purchase.

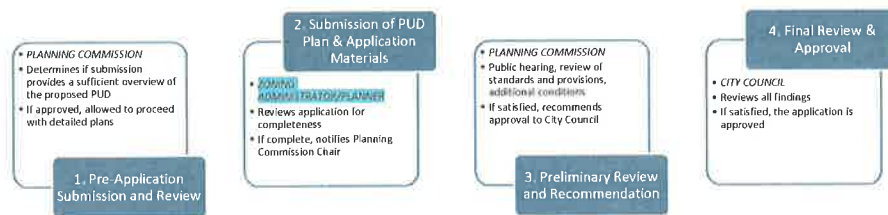
10.1.5 PUD Application Requirements

PUD applications shall not be required to go through the zoning map amendment procedures, as outlined in Article 13. Instead, PUD applications shall meet all the requirements of a site plan review in Article 8, and may require the following:

- A. A market study, traffic impact study, and/or environmental impact assessment, if requested by the Planning Commission or City Council.
- B. A pattern book or design guidelines manual if requested by the Planning Commission or City Council.

10.1.6 PUD Application Review Procedures

The PUD application review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PUD plan and application materials, 3) Planning Commission review and recommended approval or denial of the PUD, and 4) City Council final review and approval or denial of the PUD.



- A. **Completeness Review:** Upon submission of a PUD application, the Zoning Administrator shall perform a completeness review consistent with Article 8.
- B. **Technical Review:** Once an application is determined to be complete, the Zoning Administrator and any other applicable departments and agencies shall perform a technical review consistent with Article 8.

10.1.7 Pre-Application Submission and Review

- A. Any person owning or controlling land in the City may make an application for consideration of a PUD. Such application shall be made by presenting a request for a preliminary determination to whether a development proposal qualifies for the PUD option.
- B. The request shall be submitted to the City and the submission shall include the information required below.
 - 1. Proof the Qualifying Standards in this Section are or will be met.
 - 2. A conceptual land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, and pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
 - 3. A plan to protect natural features or preservation of open space or greenbelts.
 - 4. A stormwater management plan that is consistent with the Wayne County Stormwater Management Program and that incorporates low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
 - 5. The Planning Commission shall review the applicant's request for qualification. If approved, the applicant may then continue to prepare a PUD Plan on which a final determination will be made.
- C. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a development proposal is consistent with the Intent and Purpose in this Section and qualifies for the PUD option under the Qualifying Standards in this Section. If approved, the applicant may then continue to prepare a PUD plan and application on which a final determination will be made. An approved request for qualification is not a guarantee for final PUD approval.

10.1.8 PUD Application Determinations

The review of a PUD application by the Planning Commission shall follow the procedures below:

- A. **Review:** Upon notification from the City **Zoning Administrator and/or Planner** of a complete PUD plan application and technical review, the Planning Commission shall review the proposed PUD plan and make a determination about the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
 - 1. The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the City.
 - 2. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Article, the provisions of this Section shall apply to the lands embraced within a PUD area.
 - 3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.
- B. **Public Hearing:** The Planning Commission shall hold a public hearing on the PUD plan and shall give notice as provided in Article 12.
- C. **Finding of Facts:** After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PUD under consideration as the basis of their recommendation to approve or deny the application, along with any applicable conditions.
- D. **Recommendation:** The Planning Commission shall submit its recommendation to the City Council along with the technical review and findings of fact for final determination.

10.1.9 City Council Review and Approval

- A. **Determination:** Upon receipt of the technical review, findings of fact, and recommendation of the Planning Commission, the City Council shall review the application and make a determination to approve or deny the application, and any applicable conditions.
- B. **PUD Development Agreement:** If the City Council approves the application, it shall direct the City attorney to prepare a PUD Development Agreement setting forth the conditions on which such approval is based. The PUD Development Agreement shall:
 - 1. Be signed by the Mayor and the applicant.
 - 2. Become effective on execution after its approval.
 - 3. Be recorded at the Wayne County Register of Deeds' office by the applicant who shall provide a copy of the record to the City within forty-five (45) days.
 - 4. Limit the development and uses that may take place in such area to those expressly permitted under the PUD Development Agreement unless otherwise amended following the procedures in this Section.

10.1.10 Submission of Final Site Plans

Before any zoning permits are issued for the PUD, final site plans for the project area shall be submitted to the City for review and approval by the Planning Commission of the following:

- A. Review and approval of site plans shall comply with Article 8, as well as this Section except as otherwise modified in the approved plan and PUD Development Agreement.
- B. Before approving of any final site plans, the Planning Commission shall decide that:
 - 1. All portions of the project area shown on the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses under the PUD Development Agreement;
 - 2. The final site plans are in conformity with the approved development agreement and plan for the PUD;
 - 3. Provisions have been made under the PUD Development Agreement to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PUD Development Agreement.
- C. A copy of the as-built drawings shall be submitted to the City Clerk and a second copy shall be recorded with the Wayne County Register of Deeds.

10.1.11 Termination and Expiration

An approved PUD Development Agreement may be terminated or expire in the following ways:

- A. An applicant or the applicant's successors or assigns may choose to terminate a PUD Development Agreement, before any development within the area involved, by filing with the City and recording at the Wayne County Register of Deeds an affidavit so stating. The approval of the plan under the PUD Development Agreement shall terminate on such recording.
- B. No approved plan under a PUD Development Agreement shall be terminated after development begins except with the approval of the City Council and of all parties with interest in the land.
- C. Within one (1) year following execution of the PUD Development Agreement by the City Council, final approved site plans for an area embraced within the PUD must be filed with the City. If such plans have not been filed within the one (1) year period, the right to develop the approved plan under the PUD Development Agreement shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the City Council. The City Council may authorize one (1) extension of up to one (1) year.
- D. If development of approved final site plans is not substantially completed in three (3) years after approval, further final submittals under the PUD shall stop until the part in question is completed or cause can be shown for not completing same.

10.1.12 Fees and Performance Guarantees

Fees and performance guarantees associated with the review and approval of a PUD application shall be consistent with the requirements in Article 12.

10.1.13 Interpretation of Approval

Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.

10.1.14 Amendments to Planned Development Plan

Proposed amendments or changes to an approved PUD plan and/or PUD Development Agreement shall be presented to the Planning Commission and shall decide whether the proposed modification is of minor or major nature based on Article 8, with the following additions:

- A. Minor Amendment: If determined to be a minor amendment, the Planning Commission may review and approve or deny the request. The PUD Development Agreement shall be modified to reflect any approved minor amendment.
- B. Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing consistent with the requirements in Article 12 as part of its review and make a recommendation to the City Council to approve or deny the request. The City Council shall have the final determination to approve or deny a major amendment request. The PUD Development Agreement shall be modified to reflect any approved major amendment.

10.2 CONDOMINIUM DEVELOPMENT

New condominium projects and conversion condominium projects shall conform to the regulations set forth in the Condominium Act, Public Act 59 of 1978 of the State of Michigan, as amended, as well as to the requirements of this Ordinance and all other applicable regulations of the City. In addition, the following standards and review procedures shall apply:

- A. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district.
- B. All site plan review provisions and requirements outlined in Article 8 shall apply to condominium projects.
- C. Subdivision requirements: A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the site and building standards of the City. The substantive requirements for streets, sidewalks, utilities, storm drainage, and subdivision lot layout and design as set forth in the Subdivision Control/Land Division Act, Public Act 288 of 1967 of the State of Michigan, as amended, and Subdivision Regulations of the City, shall apply to all site condominium projects.

10.3 MANUFACTURED HOME DEVELOPMENTS

All manufactured home developments shall comply with the regulations set forth in the Mobile Home Commission Act, Public Act 96 of 1987, as amended, as well as to the requirements of this Ordinance and all other applicable regulations of the City. It shall be the duty of the Planning Commission to review a preliminary plan for a manufactured home development for compliance with the design standards for manufactured housing communities contained in the Mobile Home Commission Act. If it is determined that the manufactured housing community complies with the regulations established in the Mobile Home Commission Act, it shall be approved.

10.4 CONDITIONAL REZONING

See Article 13 for provisions pertaining to the conditional rezoning land development option.

ARTICLE 11: ZONING BOARD OF APPEALS	
11.1	Authority
11.2	Membership
11.3	Organization
11.4	Applications
11.5	Appeals of Administrative Decisions
11.6	Interpretation of Zoning District Boundaries
11.7	Interpretation of Zoning Ordinance Provisions
11.8	Variances
11.9	Exceptions
11.10	Hearings and Decisions
11.11	Fees
11.12	Limitations of Authority

11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the "ZBA"), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

11.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates appointed by the City Council for three (3) year terms as follows:

- A. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the City Council. An employee or contractor of the City Council may not serve as a member.
- B. Members shall be selected from the electors of the City and reside within the City.
- C. The members selected shall be representative of the population distribution and of the various interests present in the City.
- D. Members of the ZBA may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the City Clerk and a public hearing has been held by City Council.
- E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the City Council.
- F. Members shall be appointed not more than one (1) month after the term of the preceding member has expired.
- G. A member of the ZBA who is also a member of the Planning Commission or City Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of

the Planning Commission or the City Council. However, the member may consider and vote on other unrelated matters involving the same property.

- H. In the event a ZBA member is elected to City Council and such election increases the number of City Council members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.

11.2.1 ALTERNATES

Alternate members may be called on a rotating basis to sit as members of the ZBA in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. The alternate member appointed shall serve in the case involving the conflict of interest until a final decision is made.

11.3 ORGANIZATION

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- A. The ZBA shall elect a Chair, Vice-Chair, and Secretary from its membership. A member of the City Council shall not serve as chair of the ZBA.
- B. All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.
- C. The ZBA shall render decisions upon all matters within a reasonable time.
- D. The ZBA may distribute the application materials to the Zoning Administrator or other designated City consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any other City planning documents.
- E. The ZBA may request that any or all the following information be provided to the ZBA by the City Clerk or Building Inspector, where available and applicable to the issue in question:
 1. The history of development on the site in question.
 2. A summary of past City approvals, orders, and decisions related to the site or issue in question.
 3. Whether all outstanding infractions related to this Ordinance or other City ordinances have been resolved, other than the issue to be addressed by the ZBA.
- F. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA shall not conduct business unless a majority of its members are present.

- G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the City Clerk.
- H. The ZBA shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files, and other information pertinent to the matters before it.

11.4 APPLICATIONS

Applications to the ZBA shall be filed with the City, and a fee established by City Council shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, address, telephone, and facsimile numbers.
- B. The address, location, and tax identification number for each lot involved in the request.
- C. Zoning classification of the subject lot(s) and all abutting lots.
- D. A plot plan drawn to scale and with a north arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks, and other site improvements.
- E. A letter from the applicant summarizing the request and stating the reasons for the request.
- F. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

11.5 APPEALS OF ADMINISTRATIVE DECISIONS

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm, or corporation aggrieved, or by an officer, department, board, or bureau of the City affected by the order, requirement, decision, or determination, provided that a notice of appeal application is filed with the City within a reasonable time of the order, requirement, decision, or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Inspector certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Building Inspector would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

11.6 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the City of River Rouge Zoning Ordinance

and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "D" above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the ZBA may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

11.7 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

11.7.1 Interpretations

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance, the Master Plan, or any other planning documents. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.

11.7.2 Determinations of Similar Uses

The ZBA shall have the power to hear and decide appeals of the determination of similar use decisions rendered by the Planning Commission. The ZBA shall make its determination based on the standards in Article 3.

11.8 VARIANCES

The ZBA shall have authority in specific cases to authorize one or more variances, including dimensional or "non-use" variances and use variances, from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial

justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is authorized to grant use variances by this Ordinance. Such authority to make dimensional and use variances shall be exercised in accordance with the following standards:

11.8.1 Dimensional Variances

The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all the following:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.
- B. The variance will do substantial justice to the applicant, as well as to other property owners.
- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
- D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.
- E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant’s predecessors.

11.8.2 Use Variances

The ZBA may grant a requested “use” variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the Zoning Ordinance on the property, when its environment is considered, is so unreasonable as to constitute an arbitrary and capricious interference with basic private property rights. A finding of unnecessary hardship shall require demonstration by the applicant of all the following:

- A. The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.
- B. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- C. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered. d. The problem and resulting need for the variance has not been self-created by the applicant.

Commented [EG19]: City to review and determine if the City supports the use variance option. If the ZBA is not well trained, this can create a lot of inconsistent change in uses

11.9 EXCEPTIONS

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the ZBA to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

11.10 HEARINGS AND DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 12. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case.

11.11 FEES

Fees and performance guarantees associated with the review and determination of a request before the ZBA shall be consistent with the requirements in Article 12.

11.12 LIMITATIONS OF AUTHORITY

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the ZBA pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.
- C. The ZBA shall not consider appeals of any decisions by the Planning Commission or City Council regarding requests for approval of amendments, special land uses, or planned unit developments, as defined in this Ordinance.
- D. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials, and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- E. The ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.

ARTICLE 12: ADMINISTRATION, ENFORCEMENT, AND VIOLATIONS	
12.1	Zoning Administrator
12.2	Fees
12.3	Performance Guarantees
12.4	Taxes & Other Monies Owed
12.5	Public Hearings
12.6	Zoning Permits
12.7	Violations and Penalties

12.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the City Council. The duties of the Zoning Administrator may be delegated by the City Council to another employee of the City or a consultant approved by the City Council.

Commented [EG20]: Does the City want a section specifically describing the Planner's duties?

12.1.1 Duties

It shall be the duty of the Zoning Administrator to:

- A. Receive applications for zoning permits and issue or deny same;
- B. Inspect buildings or structures in order to determine compliance with the zoning permits issued in compliance with this Ordinance;
- C. Be in charge of the enforcement of this Ordinance. The City Council may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The City Council may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- D. Perform pre-application conferences, completeness reviews, and technical reviews for all applications that include a site plan review.

12.2 FEES

The fees for applications, permits, and other requests shall be established by resolution of the City Council. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits, and requests are subject to the City of River Rouge Escrow Policy, as defined in that policy.

12.3 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission or City Council may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the City covering the estimated cost of improvements be deposited with the City Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the building

permit. The City shall not require the deposit of the performance guarantee until it is prepared to issue the building permit. If requested by the applicant of the site plan review, the City shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses

12.4 TAXES AND OTHER MONIES OWED

When the City receives an application for any new or amended zoning permit, site plan review, special land use permit, any other application, or any request for a permit or approval required by this Zoning Ordinance, the applicant shall be required to present a signed statement from the City Treasurer that all real and personal property taxes, fees, penalties, fines, assessments, general assessments, and other monies owed to the City are current and paid up to date. The City Treasurer's signed statement shall cover the accounts of all named applicants and all properties upon which the application or request is made. The City shall take no action on any application or request until the applicant or requesting party acquires the City Treasurer's signed statement that all the above monies owed are current and paid up to date. The City shall make no final decision on any application or request if any of the above monies owed become delinquent or remain unpaid during consideration.

12.5 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2008, as amended), and the following:

12.5.1 Public Notice

A. Notice of the public hearing shall be:

1. Posted by the City Clerk at the place the hearing will be held;
2. Published in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the public hearing; and
3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:
 - a) The applicant, owner(s) of property for which approval is being considered, and all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
 - b) All occupants of structures within three hundred (300) feet of the boundary of the property in question. 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 (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations. In the case of a single structure containing more than four (4) 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, who shall post the notice at the primary entrance to the structure.

B. The notice shall include all the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

12.6 ZONING PERMITS

12.6.1 General

No person shall erect, alter, move, or demolish a structure to the extent of more than two hundred (200) square feet of floor area or to establish a new use or change in use for any lot, without a zoning permit. The Zoning Administrator, Building Official, or designee shall issue a zoning permit if the proposed structure or use is in compliance with the provisions of this Ordinance. The applicant shall furnish permits or approvals from the Wayne County Department of Public Services, Wayne County Department of Environmental Services, City of River Rouge Department Public Safety, City of River Rouge Department of Public Services Michigan Department of Transportation, Michigan Department of Environment, Great Lakes, and Energy, and Michigan Department of Natural Resources, if required, before the Zoning Administrator may issue a permit. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the City. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance. Issuance of a zoning permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.

12.6.2 Application

Each application for a zoning permit shall include the following minimum requirements:

A. Plot Plan: Drawn to scale illustrating:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.

3. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.
 4. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being observed.
- B. **Property Boundaries:** In cases where property boundaries are not clearly indicated by corner markers or other means, the **Zoning Administrator** may require, at the applicant's expense, the property to be located by a registered surveyor. In cases on properties located along a stream or shoreline, if there is any question of the location of the ordinary high water mark, the **Zoning Administrator** may also require this level to be set and marked by a registered surveyor.
- C. **Evidence of Ownership:** All applications for zoning permits under the provisions of this Ordinance shall include the landowner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the **Zoning Administrator** determines acceptable.
- D. **Supporting Documentation:** In the event the **Zoning Administrator** feels additional information is required before determining the suitability of an application for a zoning permit, the **Zoning Administrator** may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

12.6.3 Voiding Permit

Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of six (6) months upon written notice to the **Zoning Administrator**. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.

12.6.4 Inspection

The developer of the property is solely responsible for meeting the conditions and terms of the zoning permit and this Ordinance.

12.7 VIOLATIONS AND PENALTIES

12.7.1 Penalties

Any person who violates any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Zoning Administrator, Planning Commission, or Zoning Board of Appeals adopted pursuant hereto, shall be responsible for a municipal civil infraction,

and upon a determination of responsibility shall be subject to a fine of not more than \$500.00 for each violation. Each day such violation continues shall be deemed a separate offense.

12.7.2 Nuisance Per Se

Any land, dwellings, buildings, or structures; including tents and trailer coaches, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted; adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

12.7.3 Zoning Administrator

The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

In addition to any available remedies available at law, the City may bring an action for an injunction, abatement, or other process against a person to restrain, prevent, or abate any violation of this Ordinance. Any penalty or sanction imposed shall be in addition to the abatement of the violating condition or any injunctive relief granted. Actual costs, including, but not limited to, attorney fees and expenses incurred by the City to enforce any injunctive order or abate any violation of this Ordinance shall be assessed against a person determined to be in violation of the provisions of this Ordinance.

ARTICLE 13: AMENDMENTS AND SEVERABILITY
13.1 Amendments
13.2 Conditional Zoning Map Amendment (Conditional Rezoning)
13.3 Severability

13.1 AMENDMENTS

The City Council may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

13.1.1 Initiation of Amendment

Amendments to the provisions of this Ordinance may be initiated by the City Council, Planning Commission, Zoning Administrator, or by petition from one (1) or more residents or property owners of the City. An amendment to the Official Zoning Map (rezoning) may be initiated by the City Council, Planning Commission, Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the City Council, Planning Commission, or Zoning Administrator.

13.1.2 Application

An amendment to this Ordinance (except those initiated by the City Council, Planning Commission, or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the City, along with the required fee and/or escrow deposit established by City Council. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

- A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property and surrounding properties.
- D. A written description of how the requested amendment meets the criteria stated in this Section.

13.1.3 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- A. **Completeness Review:** Upon receipt of an application to amend this Ordinance, the **Zoning Administrator** shall review the application to confirm all required material has been submitted. The **Zoning Administrator** shall notify the applicant of any outstanding items.
- B. **Technical Review:** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials and departments for review and comment. The **Zoning Administrator** may also submit the application materials to designated City consultants for review.
- C. **Public Hearing:** A public hearing shall be held for all proposed amendments in accordance with the procedures in Article 12.
- D. **Planning Commission Consideration and Recommendation:** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the City Council. In considering an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:
 - 1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - 2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
 - 3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 - 4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of City residents or burdening the City or Wayne County with unplanned capital improvement costs or other unplanned public expenses.
 - 5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 - 6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the City and surrounding communities to accommodate the demand.
 - 7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

- 8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 - 9. Other factors deemed appropriate by the Planning Commission and City Council.
- E. **City Council Action:** The City Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the City Council for consideration and final action.
- 1. The City Council may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration. If the City Council requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
 - 2. The City Council may, at its discretion, hold additional public hearings on the proposed amendment following the procedures in Article 12.

13.1.4 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the City within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published.

13.1.5 Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the City Council, a new application for the same amendment shall not be accepted by the City for a period of one (1) year unless the **Zoning Administrator** determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

13.2 CONDITIONAL ZONING MAP AMENDMENT (CONDITIONAL REZONING)

Commented [MB21]: Dave to review

13.2.1 Intent

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for an amendment to the Official Zoning Map (rezoning). It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

13.2.2 Application and Offer of Conditions

- A. A property owner may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. The property owner may make this offer when the application for rezoning is filed or later during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering a rezoning request made without any offer of conditions, except as modified by the requirements of this Section.
- C. The property owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
- D. The property owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
- E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- H. The offer of conditions may be amended during the rezoning consideration process, provided that the property owner voluntarily enters into any amended or additional conditions. A property owner may withdraw all or part of his/her offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

13.2.3 Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Article, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and subsequently offered by the property owner.

13.2.4 City Council Review

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Article. Should the City Council consider amendments to the proposed conditional rezoning, and if such contemplated amendments to the offer of conditions are acceptable to and then offered by the property owner, then the City Council may refer such amendments to the Planning Commission, requesting for a report within a time specified by the City Council. City Council may then proceed to deny or approve the conditional rezoning with or without amendments.

13.2.5 Approval

- A. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the property owner. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the rezoning ordinance adopted by the City Council to accomplish the requested rezoning, and shall:
1. Be in a form recordable with the Wayne County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 2. Contain a legal description of the subject property and a statement acknowledging that the Statement of Conditions runs with the property and is binding upon successive owners of the property.
 3. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the property owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
 4. Contain a statement acknowledging that the City may record the Statement of Conditions or an Affidavit or Memorandum giving notice of the Statement of Conditions with the Wayne County Register of Deeds.
 5. Contain the notarized signatures of all owners of the subject property, preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 6. Once the rezoning takes effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the property was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all properties rezoned with a Statement of Conditions.
 7. The City shall file the approved Statement of Conditions or an Affidavit or Memorandum giving notice of the Statement of Conditions with the Wayne County Register of Deeds.

The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent property owner.

- 8. Once the rezoning takes effect, the property shall conform to all requirements regulating use and development within the new zoning district, as modified by any more restrictive provisions contained in the Statement of Conditions.

13.2.6 Compliance with Conditions

- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

13.2.7 Time Period for Establishing Development or Use

Unless another time period is specified in the ordinance rezoning the subject property, the property owner shall commence the approved development and/or use of the property within 18 months of the rezoning taking effect and subsequently proceed diligently to completion. The City Council may extend this time limitation, upon written request, under the following circumstances:

- A. The property owner demonstrates, to the City Council's reasonable satisfaction, that there is a strong likelihood that the development and/or use will commence within the period of extension and will subsequently proceed diligently to completion; and
- B. The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area, or otherwise inconsistent with sound zoning policy.

13.2.8 Reversion of Zoning

If the approved development and/or use of the rezoned property does not occur within the time frame specified in this Section, then the property shall automatically revert to its former zoning classification.

13.2.9 Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is later rezoned to a different zoning classification, or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the property owner's written request,

the City Clerk shall record a notice that the Statement of Conditions is no longer in effect with the Wayne County Register of Deeds.

13.2.10 Amendment of Conditions

- A. The City shall not add to or alter the Statement of Conditions during the time period for commencement of an approved development or use, as specified in this Section, or during any extension granted by the City Council.
- B. The property owner may amend the Statement of Conditions in the same manner as was prescribed for the original rezoning and Statement of Conditions.

13.2.11 City Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended.

13.2.12 Failure to Offer Conditions

The City shall not require a property owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a property owner's rights under this Ordinance.

13.3 SEVERABILITY

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the City intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

ARTICLE 14: DEFINITIONS			
14.1 Rules of Construction			
14.2 Definitions			
"A" Terms	"H" Terms	"O" Terms	"V" Terms
"B" Terms	"I" Terms	"P" Terms	"W" Terms
"C" Terms	"J" Terms	"Q" Terms	"Y" Terms
"D" Terms	"K" Terms	"R" Terms	"Z" Terms
"E" Terms	"L" Terms	"S" Terms	
"F" Terms	"M" Terms	"T" Terms	
"G" Terms	"N" Terms	"U" Terms	

14.1 RULES OF CONSTRUCTION

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

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified within this Ordinance.
- G. The words "used" or "occupied" includes the words "intended," "designed," "arranged to be used or occupied" and "maintained."
- H. The word "building" includes the word "structure." The word "structure" includes the word "building." A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."
- I. The word "person" includes "corporation," "co-partnership," "partnership," "association," "incorporated association," "individual," or any similar entity.
- J. Whenever a word or term defined in this Article appears in the text of the Zoning Regulations, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or" the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the writtentext shall have precedence over said illustrations.

M. The intent, when spelled out in a section, dictates the meaning of any regulation.

14.2 DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

14.2.1 "A" Terms

ABANDONMENT: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESSORY BUILDING or STRUCTURE: A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related.

ACCESSORY DWELLING UNIT: See DWELLING UNIT, ACCESSORY

ACCESSORY USE: A use that 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.

ADULT DAY CARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

ADULT DAY CARE HOME: A private residence receiving fewer than six (6) adults or more adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE FACILITY: means a home or facility that provides foster care to adults. Subject to the limitations of the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

AGRICULTURAL USE: Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail, and other similar enterprises or uses; and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

AIR RIGHTS: The ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land used for railroad or freeway purposes. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Any dedicated public vehicular or pedestrian way affording a secondary means of access between or behind buildings, that affords a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Any change, addition, or modification in construction to a structure or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the completed act of which may be referred to herein as "altered" or "reconstructed."

AMUSEMENT PARK: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communications signals.

APARTMENT: A room or suite of rooms in a multiple family building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

APARTMENT, STUDIO: A type of multiple-family or apartment dwelling unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room. Also known as an efficiency unit.

ARCHITECTURAL FEATURES: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design,

including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors, or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

ASSISTED LIVING FACILITY: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTACHED WIRELESS TELECOMMUNICATION FACILITY - ANTENNAE: Any wireless telecommunication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., utilized to receive and transmit federally or state licensed telecommunications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

ATTIC: The area located between the ceiling of the highest habitable floor and the roof of the structure.

AUTOMOBILE: Every vehicle that is self-propelled.

AUTOMOBILE AND VEHICLE MAJOR REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (less than seven (7) days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

AUTOMOBILE AND VEHICLE MINOR REPAIR: The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

AUTOMOBILE SALES AND RENTALS: Storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

AUTOMOBILE SERVICE STATION: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food, and beverages.

14.2.2 "B" Terms

BAR: see DRINKING ESTABLISHMENT

BASEMENT: That portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height. A basement shall not be counted as a story.

This definition shall include a cellar that may be below grade with an entrance separate from the principal building.

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BILLBOARD: An outdoor sign that directs attention to a specific business, product, service, event, activity, or other commercial or noncommercial activity, either on or off the premises upon which the sign is located.

BLOCK: The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the municipality.

BOARD OF ZONING APPEALS: See ZONING BOARD OF APPEALS

BOARDING HOUSE or ROOMING HOUSE: A building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three (3) or more persons. A rooming house shall be deemed a boarding house for the purposes of these Zoning Regulations.

BOAT LAUNCH: Facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of canoes. Most ramps have breakwater protection from large waves, parking lots, a courtesy dock to assist in launching, toilets, refuse containers, lighting, and telephones.

BOAT LIVERY: A boat livery is hereby defined and declared to be any structure, site, or tract or land utilized for the storage, servicing, or rental of boats and/or the sale of hunting and/or fishing tackle, equipment, baits, etc.

BREWERY: A state-licensed facility or facilities that manufactures beer and is owned or controlled by a state-licensed Brewer, as defined and regulated by the Michigan Liquor Control Commission.

BUILDABLE AREA: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING, ACCESSORY: See ACCESSORY BUILDING, or STRUCTURE

BUILDING HEIGHT, FEET: The vertical distance measured from the average finished grade at the building wall to the highest measurable point on a building based on roof design and definitions in Article 3.

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or unfinished attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeples, etc.

BUILDING INSPECTOR: The City official(s) designated by the City Council to administer and enforce the Building Codes of the City.

BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line.

BUILDING OFFICIAL: The City official(s) authorized to administer the Building Code on a day-to-day basis. Duties include but are not limited to inspecting and reviewing new construction, installations, and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

BUILDING, PRINCIPAL (MAIN): A building or, where the context so indicates, a group of buildings that are permanently affixed to the land and that are built, used, designed, or intended for the shelter or enclosure of the principal use of the lot.

BUILDING, TEMPORARY: A building that is not of a permanent construction that is not affixed to the property and is permitted to exist for a specific reason for a specific time.

BUILD-TO-LINE: An alignment established a certain distance from the curb line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

BUNGALOW COURT: Three or more detached one-family or two-family structures with separate ground floor entrances arranged around a common court that opens onto a street.

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, City planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

14.2.3 "C" Terms

CARPOR: A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

CELLAR: See BASEMENT

CEMETERY: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

CENTRAL CLEANING FACILITY: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

CHANGE OF OCCUPANCY: A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under "Child Care Center" in the Child Care Organization Act (1973 PA 116, MCL 722.111(1)(h)).

CHURCH: See RELIGIOUS INSTITUTION

CITY: The City of River Rouge, Wayne County, Michigan.

CITY COUNCIL: The City Council of the City of River Rouge, Wayne County, Michigan.

CITY PLANNER: The City Planner is the person or firm designated by the City Council and Planning Commission to advise the City Council, Planning Commission, and City staff on planning, zoning, land use, housing, and other related planning and development issues. The City Planner may be a consultant or an employee of the City.

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

CLUB, LODGE, or FRATERNAL ORGANIZATION: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

COLLEGE: A post-secondary educational institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

COLLOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Collocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

COMMERCIAL ENTERTAINMENT, INDOORS: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert or music halls.

COMMERCIAL ENTERTAINMENT, OUTDOORS: Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL ZONING DISTRICTS: A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned NMU, DMU, and C.

COMMUNITY CENTER: A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE DEVELOPMENT PLAN: See MASTER PLAN

CONDOMINIUM: A condominium is a system of separate ownership of individual units in 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 interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- a. Condominium Act: Shall mean Michigan Public Act Act 59 of 1978, as amended.
- b. Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Dimensional Requirements of this Ordinance.
- c. Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate side of common elements, and other information required by Section 66 of the Condominium Act, as amended.
- d. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- e. Common Elements: Portions of the condominium project other than the condominium units.
- f. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g. Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- h. Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Ordinance and the Condominium Act.

- j. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- k. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- l. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- m. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

CONSERVATION EASEMENT: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building material, and home and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually highly knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance, and improvement of the home and associated grounds.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONVALESCENT HOME: See NURSING HOME

COTTAGE COURT: See BUNGALOW COURT

COURT: An open, uncovered, unoccupied space, other than a yard, partially or wholly surrounded on at least two (2) sides by building walls. A court having at least one (1) side open to a street, alley, yard, or other permanent open space is an outer court. Any other court is an inner court.

CULTURAL CENTER: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially operated theatres.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

14.2.4 "D" Terms

DATA PROCESSING FACILITY: An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term

does not include general business offices, computer-related sales establishments, and business or personal services.

DECK: A platform that is typically attached to a house and used for outdoor leisure activities.

DENSITY: The number of dwelling units allowed per acre of land.

- a. Gross Density: The number of units per acre of total land being developed.
- b. Net Density: The number of units per acre of land devoted to residential use.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

DEVELOPMENT: The construction of a new building, the reconstruction of an existing building, the improvement of a structure on a lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DISTILLERY: A state-licensed facility or facilities that manufactures spirits and is owned or controlled by a state-licensed Distiller, as defined and regulated by the Michigan Liquor Control Commission.

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

DISTRICT (Zoning District): A portion of the City of River Rouge within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRINKING ESTABLISHMENTS: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Drinking establishments include bars, taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. Drinking establishments may also include the incidental sale of prepared food and live performances.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVE-THRU: A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shaped drive located within a front yard is included within this definition.

DUPLEX: A building designed as a single structure, containing two (2) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING: Any building, or part thereof, containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent, or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING UNIT, ACCESSORY: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling and is occupied either by an individual or family as their permanent residence.

DWELLING, MULTIPLE-FAMILY: A building designed for and occupied by two (2) or more families living independently in separate dwelling units.

DWELLING, ONE-FAMILY or SINGLE-FAMILY: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping purposes.

14.2.5 "E" Terms

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

EATERY ESTABLISHMENTS: See RESTAURANTS

EDUCATIONAL INSTITUTIONS: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and or the inculcation of a clearer sense of moral and spiritual values. This does not include an institution or organization directed primarily to the physical training or development of physical or manipulative skills, or for-profit schools.

EFFICIENCY UNIT: See APARTMENT, STUDIO

ELEMENTARY SCHOOL: A primary educational institution that serves students in grades kindergarten, first, second, third, fourth, fifth, or sixth, and may include a pre-school or pre-kindergarten program.

ENERGY GENERATION FACILITY: Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy distribution components, which uses any source of energy other than solar or windmills. These sources include but are not limited to gas, oil, coal, and nuclear materials.

ENGINEER, CITY: the person or firm authorized by the City to advise the City Administrator, City Council, and Planning Commission on drainage, grading, paving, stormwater management and control, utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee of the City.

ENFORCEMENT OFFICIAL: The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable sections of these Zoning Regulations. The Enforcement Official may be referred to as the **Zoning Administrator**, **Building Official**, or other appropriate party so designated by the City Council. Such titles do not refer to a specific individual, but generally to the office, department, or City official(s) most commonly associated with the administration of the regulation being referenced.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

EQUIPMENT RENTAL ESTABLISHMENTS: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any lot except common household gardening, farming, and general ground care.

EXTRACTIVE INDUSTRY: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity, subject to the standards of the Michigan Zoning Enabling Act, Public Act 110 of 2006 of the State of Michigan.

14.2.6 "F" Terms

FAMILY:

- a. One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or
- b. A collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY CHILD CARE HOME: A state licensed facility in a dwelling unit in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family Child Care Home also includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILL: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: Is deemed to mean that area of land adjoining a natural watercourse within the City that is subject to either periodic flooding as established by the profiles in the most current report of a flood insurance study by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100-year floodplain boundary and therefore have a 1% chance of occurring or being exceeded in any given year). A floodplain shall not necessarily include a drainage district established by the County or City.

FLOODWAY: The channel of a river or stream and area adjacent to the channel that will carry moving water during times of flood. This is a high hazard portion of the floodplain with rapidly moving water during times of flood.

FLOODWAY FRINGE: The area of very slow-moving water or slack water outside of the floodway during times of flood.

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

FLOOR AREA, GROUND: The gross area occupied by the first story of a building.

FLOOR AREA, USABLE: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of useable floor area.

FOR-PROFIT SCHOOLS: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION: See CLUB

FREIGHT TERMINAL: A heavy distribution transfer facility for pick-up and distribution utilizing railroad or trucking modes of transit.

FRONTAGE: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.2.7 "G" Terms

GARAGE, PRIVATE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures but shall be located on the same lot as the principal structure.

GASOLINE SERVICE STATION: See AUTOMOBILE SERVICE STATION

GRADE: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by calculating the mean grade, as defined in this Ordinance, for each face of the building.

GRADE, MEAN: Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

GREEN BELT: A strip of land reserved as a buffering zone, consisting of vegetated ground cover, trees, shrubs, or any combination thereof, as prescribed in Article 6.

GREENHOUSES: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale and retail sale on the premises including products used for gardening or landscaping.

The definition of greenhouse within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

GROUP CHILD CARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (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 day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

14.2.8 "H" Terms

HAZARDOUS MATERIALS AND CHEMICALS: All highly flammable materials or products that may react to cause a fire or explosion hazard; or that because of their toxicity, flammability, or liability for explosion render firefighting abnormally dangerous or difficult. This also includes flammable liquids or gases that are chemically unstable and that may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials and chemicals shall include flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of three (3) or four (4) as ranked by NFPA 704 and as adopted by the City and/or all items that are regulated as hazardous materials under Act 451 of 1994, as amended (MCLA 324.101 - 324.90106).

HEIGHT OF BUILDING: See BUILDING HEIGHT

HEALTHCARE SERVICES: A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

HOME OCCUPATION: A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

HOSPITAL: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias, and gift shops.

HOTEL: A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen.

14.2.9 "I" Terms

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INDOOR RECREATION CENTER: An establishment that provides indoor exercise facilities and indoor court sports facilities, and that may include spectator seating in conjunction with the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

INDUSTRIAL PARK: A tract of land, the control and administration of which are vested in a single body, suitable for industrial use because of location, topography, proper zoning, availability of utilities, and accessibility to transportation. The uses permitted may be regulated by protective minimum restrictions (covenants), including the size of the site, parking, and loading regulations, and building setback lines from front, side, and rear yards that may be more restrictive than this Ordinance.

INDUSTRIAL ZONING DISTRICTS: A zoning district primarily established for industrial land uses. Industrial zoning districts shall include those zoned LI and GI.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway that allows vehicles to enter or leave a lot of property, or to a sidewalk that allows pedestrians to enter or leave a lot of property, a building, or another location.

INSTITUTIONAL ZONING DISTRICTS: A zoning district primarily established for public or institutional land uses. Institutional zoning districts shall include those zoned RC.

14.2.10 "J" Terms

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

JUNKYARD: see SALVAGE YARD

JUNIOR HIGH SCHOOL: A primary educational institution which embraces not more than the first year of high school with not more than the upper two elementary grades.

14.2.11 "K" Terms

KENNEL: Any premises, except where accessory to an agricultural use, where three (3) or more domestic animals, such as dogs and cats, are boarded, trained, bred, or sold.

14.2.12 "L" Terms

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

LIVE/WORK UNITS: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence.

LOADING SPACE: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

LODGE: See CLUB

LOT (or ZONING LOT): For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any of the following:

- a. Single lot of record.
- b. Portion of a lot of record
- c. Combination of lots of record, or portion(s) thereof.
- d. Condominium lot.
- e. Parcel or tract of land described by metes and bounds.

LOT AREA, GROSS: The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

LOT AREA, NET: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

LOT COVERAGE: The part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

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

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting a street.

LOT LINES: The lines bounding a lot as defined herein:

- a. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a corner lot, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a building permit, subject to approval by the Planning Commission or **Zoning Administrator**. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.
- b. **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the **Zoning Administrator** shall designate the rear lotline.
- c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the **Zoning Administrator** shall designate the side lot line(s).

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a plat, document or other formal map on file with the County Register of Deeds or in common use by the City or County Officials, and which actually exists as so shown, 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 of Michigan) and likewise so recorded with the County Register of Deeds. A lot of record may also be identified to a Sidwell or tax identification number.

LOT, THROUGH LOT or DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line 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 (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

LOUNGE: see **DRINKING ESTABLISHMENT**

LOW IMPACT DEVELOPMENT (LID) STORMWATER MANAGEMENT: LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rainwater and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

14.2.13 "M" Terms

MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a manufactured home development, apartment or condominium complex, or other private property development.

MAJOR THOROUGHFARE: See STREET

MANUFACTURED HOME: A factory-built home constructed off-site after June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

MANUFACTURED HOME DEVELOPMENT: A lot or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURED HOME LOT: An area within a mobile home park that is designated for the exclusive use of a specific manufactured home.

MANUFACTURING, FOOD: Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

MANUFACTURING, HEAVY: The manufacturing, assembly, fabrication, packaging or compounding of extracted or raw materials. These activities or processes would necessitate the use or storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process, and have the potential to produce noise, dust, glare, odors or vibrations beyond the property line.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

MARIHUANA: That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, or as defined in the Michigan Regulation and Taxation of Marihuana Act, as applicable.

MARIHUANA: See definition of Marihuana.

- a. **Designated Marihuana Consumption Facility:** a licensed commercial space where customers may consume, via smoking, ingestion, or other means, Marihuana as authorized by the Michigan Regulation and Taxation of Marihuana Act (and referenced as "Designated Consumption Establishment").

- b. Licensee: As used in the context of Marihuana, a person holding a State Marihuana License.
- c. Marihuana Facility: A location at which a Licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.
- d. Marihuana Grower: A Licensee that cultivates, dries, trims, or cures and packages Marihuana for sale to a Processor, Medical Marihuana Provisioning Center, or Marihuana Retailer as further defined by the Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as applicable.
- e. Marihuana Plant: Any plant of the species *Cannabis sativa* L.
- f. Marihuana-Infused Product: A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation, as further defined by the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act, as applicable.
- g. Marihuana-Infused Product Processor: A Licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale Marihuana-Infused Products to licensed Provisioning Centers, Marihuana Retailers, or other Processors.
- h. Marihuana Microbusiness: A Licensee that cultivates, processes, and sells or transfers Marihuana directly to consumers, as further defined in the Michigan Regulation and Taxation of Marihuana Act.
- i. Marihuana Processor: A Licensee that is a commercial entity located in this state that purchases Marihuana from a Marihuana Grower and that extracts resin from the Marihuana or creates a Marihuana-Infused Product for sale and transfer in packaged form to a Medical Marihuana Provisioning Center, or Marihuana Retailer.
- j. Marihuana Safety Compliance Facility: A Licensee that is a commercial entity that receives marihuana from a Marihuana Facility or registered Primary Caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Marihuana Facility or Primary Caregiver.
- k. Marihuana Secure Transporter: A Licensee that is a commercial entity located in this state that stores Marihuana and transports marihuana between Marihuana Facilities for a fee.
- l. Marihuana Retailer: A Licensee that purchases Marihuana from a Marihuana Grower, Marihuana Processor, or Marihuana-Infused Processor, and sells, supplies, or provides Marihuana to customers as further defined by and in compliance with the Michigan Regulation and Taxation of Marihuana Act.
- m. Medical Marihuana Facilities Licensing Act: The Medical Marihuana Facilities Licensing Act, as amended, MCL 333.27101 et seq., also referred to as the MMFLA, and the administrative rules authorized by the MMFLA.
- n. Medical Marihuana Provisioning Center: A Licensee that is a commercial entity located in this state that purchases Marihuana from a Marihuana Grower or Marihuana Processor and sells, supplies, or provides

Marihuana to registered Qualifying Patients, directly or through the Qualified Patients' registered Primary Caregivers.

- o. Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marihuana or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- p. Michigan Medical Marihuana Act: The Michigan Medical Marihuana Act, as amended, MCL 333.26421 et seq., also referred to as the MMMA, and the administrative rules authorized by the MMMA.
- q. Michigan Regulation and Taxation of Marihuana Act: The Michigan Regulation and Taxation of Marihuana Act, as amended, MCL 332.27951 et seq., also referred to as MRTMA, and the administrative rules authorized by the MRTMA.
- r. Primary Caregiver: As used in the context of Marihuana, a person who is at least 21 years old and who has agreed to assist with a patient's Medical Use of Marihuana and who has never been convicted of a felony involving illegal drugs.
- s. Qualifying Patient: As used in the context of Marihuana, a person who has been diagnosed by a physician as having a debilitating medical condition.
- t. State Marihuana License: As used in the context of Marihuana, or unless the context requires a different meaning, "license" means a state operating license that is issued under the Medical Marihuana Facilities Licensing Act or a state license under the Michigan Regulation and Taxation of Marihuana Act.

MARINE SHIPPING FACILITIES: An establishment composed of fixed or floating structures, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis for the purpose of loading and unloading goods and materials, which may include on-site storage facilities. A marine shipping facility does not include a marina, boat livery, or boat yard.

MARINA: Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, gasoline, sanitary pumpout service, boat launches, and food, drink, and transient lodging accommodations.

MASTER PLAN: Any plan adopted or amended under this Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the Act and used to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, City plan, plan, or any other term.

MEAN GRADE: See GRADE, MEAN.

MEZZANINE: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

MICRO BREWERY: A state-licensed facility or facilities that manufactures beer and is owned or controlled by a state-licensed Micro Brewer, as defined and regulated by the Michigan Liquor Control Commission.

MOBILE HOME: See MANUFACTURED HOME

MOBILE HOMEPARK: See MANUFACTURED HOME DEVELOPMENT

MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards.

MOSQUE: See RELIGIOUS INSTITUTION

MOTEL: See HOTEL

MOTOR VEHICLE: See AUTOMOBILE

MUNICIPALITY: The City of River Rouge, Wayne County, Michigan.

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

14.2.14 "N" Terms

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

NONCONFORMING SITE: A lot or development site that was lawfully established but that does not comply with the standards of Article 3, or other applicable site standards of this ordinance.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONRESIDENTIAL ZONING DISTRICT: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zoned NMU, DMU, C, LI, GI, and RC.

NUISANCE: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

NURSERY: see GREENHOUSE

NURSING HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

14.2.15 "O" Terms

OBSCURING WALL: Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

OCCUPANCY LOAD: The number of persons that a building can hold, as determined by the Fire Marshall or as indicated by the Uniform Building Code.

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

OFF-SITE PARKING FACILITY: A public or private off-street parking facility designed or intended to provide peripheral collection and storage of vehicles including accessory structures such as passenger shelters. Off-site parking facilities may be surface lots or parking structures.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter said structure.

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

OUTDOOR DINING: A porch, patio, deck, or other area of land used for seated dining only which is not within the interior building walls of a restaurant or eatery.

OUTDOOR SALES & DISPLAY: The outdoor standing or placement of immediately usable goods that are available for sale, lease or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

14.2.16 "P" Terms

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

PARK: Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

PARKING FACILITY: A principal use of a property intended for the temporary storage vehicles that is conveniently located to numerous off-site destinations, publicly or privately operated with or without a fee for use, and in the form of a surface lot, parking structure, or underground lot.

PARKING LOT, OFF-STREET: An area within a lot that provides vehicular parking spaces along with adequate drives and aisles for maneuvering to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

PARKING SPACE: An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PASSIVE OBSERVATION: The ability of people occupying buildings and public spaces to view all parts of accessible spaces.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERMITTED USE: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

PERSON: An individual trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, self-service laundromats, dry cleaning drop-off/pick-up establishments, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PERVIOUS SURFACE: A surface that permits full or partial absorption of storm water.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT (PUD): Means a specific lot of land or several contiguous lots of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the City Council which has been, is being, or will be developed under the approved plan.

PLANNING COMMISSION: The Planning Commission of the City of River Rouge, Wayne County, Michigan as designated in the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing required information required for a plot plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL USE: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

PRIVACY SCREEN: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

PRIVATE STREET OR ROAD: See STREET

PROFESSIONAL SERVICES: A business that offers any type of individual service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, architects, attorneys at law, and life insurance agents. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a lot of property from the lots next to it. See also LOT LINE.

PROTECTED ROOT ZONE: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

PUBLIC SAFETY OFFICIAL: The Public Safety Official refers generally to the persons who perform police, fire fighting, and other public safety functions for the City.

PUBLIC TRANSIT STOP: A facility located at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, which are defined as a public service facility, or bus stops or shelters.

PUBLIC TRANSIT TRANSFER STATION: A building, structure, or area designed and used for persons changing transportation modes or routes.

PUBLIC USE: Basic services usually furnished by local government or public utility, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- a. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- b. Essential: the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.
- c. Supporting: such as, but not limited to, City hall, library, civic center, park, public recreational facility, community center, official government offices, authority office, post office, special events approved by the City, etc., and associated facilities.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage service or treatment, communication services, cable television services, telephone, transportation, or water.

14.2.17 "Q" Terms

QUADPLEX: A building designed as a single structure, containing four (4) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

14.2.18 "R" Terms

RAILROAD FREIGHT TERMINAL: A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

RECREATIONAL UNIT: A tent, or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include travel trailer, camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, watercrafts, snowmobiles, special terrain vehicles, off-road vehicles and utility trailers.

RECREATIONAL VEHICLE: A recreational unit as defined in this Ordinance that is not a tent.

RECYCLING COLLECTION STATION: An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may also include a facility for the temporary collection of used clothing and household goods.

RECYCLING FACILITY: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult day care, playground, and cemetery.

RESEARCH AND DEVELOPMENT FACILITY: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

REPAIRS: The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

RESIDENTIAL ZONING DISTRICT: A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned NR and MFR.

RESTAURANT: Any establishment where food and drink are prepared, served, and consumed and whose design or principal method of operation is characterized by customers making a selection off a menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed, but may also offer take-out service.

RETAIL, DEPARTMENT: Establishments that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating, or retail establishments exceeding 8,000 square feet. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant. Department stores may have separate checkout areas in each department, central customer checkout areas, or both.

RETAIL, FOOD AND BEVERAGE: Establishments that retail food and beverage merchandise from fixed point-of-sale locations and have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing and preparing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority. Includes grocery stores, specialty food stores, and beer, wine and liquor stores.

RETAIL, GENERAL: Establishments primarily engaged in retailing new or used goods in general merchandise stores (except department stores, contractor establishments, and wholesale activities). These establishment retail a general line of new or used merchandise, such as apparel, automotive parts, dry goods, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

RETAIL, PRODUCTS PRODUCED ONSITE: Establishments that retail products other than food and beverage produced onsite. The products produced onsite may not be sold onsite exclusively but may also be distributed to other locations for retail.

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

ROAD: See STREET

ROWHOUSE: A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

RUBBISH: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

14.2.19 "S" Terms

SALVAGE YARD: An open area where waste, used or second hand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to junk, scrap iron and other metals, paper, rags, rubber tires, bottles. A salvage yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, or a lot on which three (3) or more inoperable automobiles are stored but does not include uses established entirely within enclosed buildings.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCREENING: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. Screening may include one (1) or a combination of the following materials of sufficient mass to be opaque of that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition: walls, berms, or plantings.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate-controlled facilities.

SEMI-PUBLIC USE: Uses operated by recognized religious, philanthropic, educational, or other charitable institutions on a nonprofit basis and in which goods, merchandise, and services are not provided for sale on the premises.

SEMI-TRAILER: A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

SENIOR HIGH SCHOOL: A secondary educational institution that includes ninth, tenth, eleventh, or twelfth grades.

SENIOR LIVING FACILITY: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve 20 or fewer adults.

SETBACK: The horizontal distance between a front, side, or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side, or rear lot line or Setback Measurement Line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following, or other similar uses:

- a. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- b. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- d. Adult Motel: A hotel, motel or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- f. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- g. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- h. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

- a. Specified Anatomical Areas: Means and includes any of the following:
 - 1. Less than completely and opaquely covered:
 - i. Human genitals;
 - ii. Pubic region;
 - iii. Buttocks;
 - iv. Female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. Specified Sexual Activities: Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal;
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See Article 6 for definitions of individual sign types.

SIGN, ABANDONED: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

SITE: One or more lots of land included in or proposed to be included as part of a development.

SMALL CELL WIRELESS FACILITY: Means a wireless facility that meets both of the following requirements: Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

SMALL DISTILLERERY: A state-licensed facility or facilities that manufactures spirits and is owned or controlled by a state-licensed Small Distiller, as defined and regulated by the Michigan Liquor Control Commission.

SMALL WINERY: A state-licensed facility or facilities that manufactures wine and is owned or controlled by a state-licensed Small Wine Maker, as defined and regulated by the Michigan Liquor Control Commission.

SOLAR ENERGY CONVERSION SYSTEM, PERSONAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily on-site for consumption, however, excess energy output may be delivered to the power grid with or without compensation.

SOLAR ENERGY CONVERSION SYSTEM, COMMERCIAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily through the utility grid but may also be utilized to meet on-site energy demand.

SOLAR INSTALLATIONS, GROUND-MOUNTED: A private system installed on the ground of a lot as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR INSTALLATIONS, ROOF-MOUNTED: A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLID WASTE TRANSFER FACILITY: A place or facility where nonhazardous, nonrecyclable solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a nonprofit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

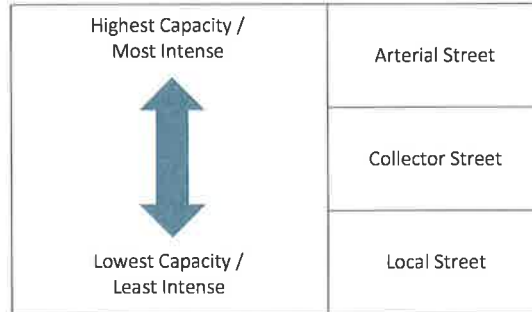
SPECIAL LAND USE: Special land uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of this Ordinance.

STACKED FLAT: A series of dwelling units stacked vertically. Dwelling units may occupy more than one floor of the building, and more than one dwelling unit may occupy each floor.

STORY: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. Astory shall not include a basement, uninhabitable attic or mezzanine as defined herein.

STREET HIERARCHY

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land or lot, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:



- a. Private Street: Any street that is to be privately maintained and has not been accepted for maintenance by the City of River Rouge, Wayne County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the City under any prior ordinance. A new private road must be a minimum of thirty (30) feet in width.
- b. Public Street: Any street or portion of a road that has been dedicated to and accepted for maintenance by the City of River Rouge, Wayne County, State of Michigan, the federal government or any other governmental unit.
- c. Arterial Street: A street that carries a high volume of traffic and serves as an avenue for circulation of traffic into, out of, or around the City. An arterial road may also be a major thoroughfare.
- d. Collector Street: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties. Also known as a secondary street.
- e. Cul-De-Sac: A street that terminates in a vehicular turnaround.
- f. Local Street: A street whose principal function is to provide access to abutting properties.
- g. Major Thoroughfare: See Arterial Street

STREET LOT LINE: A dividing line between the street and a lot, also known as the right-of-way line or front property line.

STRUCTURAL ADDITION: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine (9) inches above the ground surface. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Municipal land division regulations.

SUPPORT LABORATORY: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; and medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

SYNAGOGUE: See RELIGIOUS INSTITUTION

SWIMMING POOL: Any permanent, non-portable structure or container, located wither partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for the purposes of computing lot coverage.

14.2.20 "T" Terms

TASTING ROOM: Means any of the following:

- a. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- b. A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- c. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- d. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- e. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TAVERN: see DRINKING ESTABLISHMENT

TEMPORARY USE OR BUILDING: A use or building permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

THEATER: An outdoor area, building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THOROUGHFARE: See STREET

TOWNHOUSE: see ROWHOUSE

TRANSPORTATION EQUIPMENT STORAGE: A lot intended to store fleet vehicles, either inside or outside, when not in use.

TRIPLEX: A building designed as a single structure, containing three (3) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

14.2.21 "U" Terms

UNIVERSITY: See COLLEGE

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

UTILITY POLE: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

UTILITY ROOM: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

UTILITY TRAILER: A small trailer that is not self-propelled that is designed to be pulled by an automobile, van, or pick-up truck.

14.2.22 "V" Terms

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: See AUTOMOBILE

VETERINARY SERVICES: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

14.2.23 "W" Terms

WALL: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic,

open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include onsite manufacturing.

WHOLESALE ACTIVITIES: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND ENERGY CONVERSION SYSTEM, PERSONAL: A wind energy conversion system established as an accessory use to distribute generated energy primarily on-site for consumption, however, excess energy output may be delivered to the power grid with or without compensation.

WIND ENERGY CONVERSION SYSTEM, COMMERCIAL: A wind energy conversion system established as an accessory or principal use to distribute generated energy primarily through the utility grid, but may also be utilized to meet on-site energy demand.

WIND ENERGY CONVERSION SYSTEM: Any device or assemblage which converts wind energy into electricity through the use of a wind turbine generator which may include turbines, blades, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WINERY: A state-licensed facility or facilities that manufactures wine and is owned or controlled by a state-licensed Wine Maker, as defined and regulated by the Michigan Liquor Control Commission.

WIRELESS COMMUNICATION EQUIPMENT: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS SUPPORT STRUCTURE: Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

WIRELESS TELECOMMUNICATION FACILITY: All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE - TOWER: Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

14.2.24 "Y" Terms

YARD: The open space on the same lot with a main building, unoccupied and unobstructed from the ground (grade) upward except as otherwise provided in this Ordinance, and as defined herein. 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 Ordinance

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Unless otherwise specified, each yard with street frontage shall be considered a yard.
- b. **Side Yard:** 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 is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
- c. **Rear Yard:** An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.



14.2.25 "Z" Terms

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR: The City official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearing, and similar work.

ZONING DISTRICT: A portion of the incorporated area of the City within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for the City of River Rouge.