



AGENDA - Planning Commission

DATE: October 24, 2023 7:00 PM City Council Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes
 - I. Approval of October 12, 2023 Minutes
- IV. Public Comment
- V. Unfinished Business
 - I. Zoning Ordinance Comprehensive Rewrite
- VI. New Business
- VII. Public Comment
- VIII. Adjournment

Public Comment: Public Comments are limited to three minutes.

Live Stream: The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.

Planning Commission MEETING - October 12, 2023
7:00 PM

CALL TO ORDER

At 7:00 PM the meeting was called to order by Chair Coletta.

ROLL CALL

PRESENT MEMBERS: Commissioners Coletta, Vethacke, Taylor, Saros, Stachecki, and Mayor Hodges.

Motion by Stachecki, seconded by Hodges to excuse Commissioner Evans.

The motion carried on a unanimous voice vote.

EXCUSED MEMBERS: Commissioner Evans

ALSO PRESENT: Michael Boettcher, McKenna, Lydia Williams, Building Department Administrative Assistant, and Warren Rothe, Assistant City Manager.

APPROVAL OF MEETING MINUTES

APPROVAL OF MEETING MINUTES:
APPROVAL OF SEPTEMBER 13, 2023 MINUTES

Motion by Hodges, seconded by Saros to approve the minutes from the September 13, 2023 meeting.

AYES: Coletta, Vetachke, Stachecki, Taylor, Hodges, Saros, and Coletta

NAYS: None

PUBLIC COMMENT (AGENDA ITEMS)

Chair Coletta opened the first Public Comment period and instructed that the period would not be for agenda items only.

Nine public comments were given.

UNFINISHED BUSINESS

Secretary Rothe provided an overview of the future engagement opportunities and Planning Commission meetings where the draft Zoning Ordinnace will be discussed and reviewed.

NEW BUSINESS

NEW BUSINESS:
DISCUSSION ON SHORT-TERM RENTALS

Secretary Rothe presented the state of short-term rentals in Grosse Pointe Park, provided examples of active listings, and discussed attempts in the State legislature to regulate short-

term rentals, with a particular focus on local control over the issue.

Each Commissioner gave their take on how short-term rentals should be regulated and permitted in Grosse Pointe Park. Various regulatory policies were discussed and Secretary Rothe said that a draft ordinance could be reviewed at the November 8, 2023 Planning Commission meeting, with distribution of the draft a week earlier on November 1.

Commissioner Hodges left at 9:02 PM.

PUBLIC COMMENT (NON-AGENDA ITEMS)

Chair Coletta opened the second public comments portion of the meeting.

Three comments were given.

ADJOURNMENT

Motion by Stachecki, seconded by Taylor to adjourn the meeting at 8:31 PM.

AYES: Coletta, Vethacke, Stachecki, Taylor, Saros

NAYS: None

Article 3.

Use Standards

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 3.2 Intent Statement

The purpose of this article is to provide additional use standards, or more discretion, to uses that may have a negative impact on the health, safety, and public welfare of the community. The additional use standards mitigate any adverse impact. Some accessory uses are listed in this section (e.g., pools, parking and storage of commercial vehicles), but the main source of uses is from the Table of Land Uses by Zoning District in section 2.7. The uses are listed in alphabetical order. The provisions of this Article are the minimum requirement, or in some instances, the maximum permitted limitation.

Section 3.3 Accessory Dwelling Units

A) Application Process. Application for an ADU shall be made to the Building Official and shall include the following information:

Scaled and Dimensioned Site Plan of the property showing the following:

- a) Location of all structures on the property (principal and accessory structures)
- b) Proposed location of the ADU
- c) Setbacks of the proposed ADU from the property lines and all structures
- d) Designated parking area for the ADU
- e) Landscaping or fencing for the ADU

Scaled and Dimensioned Floor Plan. Showing the following:

- f) Kitchen
- g) Bathroom
- h) Sleeping area
- i) Entry stairs, porches, or entrances
- j) Total square footage of the ADU
- k) Gross square footage of the principal dwelling unit.

B) Standard for Approval. The Building Official shall review the ADU using the following standards:

Number Allowed. 1 ADU maximum shall be permitted on a property.

Location and Setbacks. The ADU shall comply with all setbacks for accessory buildings in the zoning district in which it is located.

Size and Occupancy.

- a) ADUs shall have a floor area of no less than 400 square feet and no greater than 50% of the footprint of the principal dwelling.
- b) Under no circumstances shall the maximum lot coverage for a given district be exceeded.



- c) The floor area of the ADU shall not be greater than the above grade size of the principal dwelling.
- d) Either the principal dwelling unit or the ADU shall be owner-occupied.

Height. The ADU shall comply with the height requirements for accessory buildings in the zoning district in which it is located.

Orientation. Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.

Property Requirements.

- e) An ADU shall only be constructed on a property with a single detached dwelling unit.
- f) An ADU shall count towards the maximum number of permitted accessory structures on the lot.
- g) An ADU shall be connected to an approved water and sewer system.
- h) An ADU shall not be sold separately.
- i) The ADU shall have one dedicated parking space in addition to one parking space for the principal structure.

C) Deed Restrictions. After ADU construction is complete and a Certificate of Occupancy has been obtained, the property owner shall file with the County Register of Deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:

The use permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.

The ADU is restricted to the approved size.

The ADU shall not be sold separately.

All above declarations shall run with the land and are binding upon any successor in ownership.

The deed restrictions shall lapse upon the removal of the ADU.



Section 3.4 Accessory Structures

Zoning District	# of Accessory Buildings	Location/ Yards Allowed	Setbacks	Max. Height	Max. Size & Allowed Lot Coverage	Additional Regulations
ER	3	Rear, Side B	Sides: 3' Rear: 6' Principal Structure: 10'	20 D	E	A, C, D, F, G
NR-1	2	Rear, Side B	Sides: 3' Rear: 6' Principal Structure: 10'	20'	E	A, C, F, G
NR-2	2	Rear, Side B	Sides: 3' Rear: 6' Principal Structure: 10'	20'	E	A, C, F, G
NR-3	2	Rear, Side B	Sides: 3' Rear: 6' Principal Structure: 10'	20'	E	A, C, F, G
NMU	2	Any	N/A	15'	N/A	A
CMU	1	Any	N/A	15'	N/A	A
CBD	1	Any	N/A	15'	N/A	A
CIVIC	1	Any	N/A	15'	N/A	A
Transitional	2	Rear, Side B	Sides: 3' Rear: 6' Principal Structure: 10'	20'	E	A, C, F, G

- A)** One additional structure less than 200 SF is permitted.
- B)** Accessory structures may be in a side yard provided they meet the minimum setback for the principal structure and the combined area of the principal and accessory structure shall not exceed the maximum allowable lot coverage.
- C)** A minimum 5' side yard setback is required for all utility use structures without an exterior rated wall assembly as approved by the Code Official.
- D)** Accessory structures not to exceed 25' (measured to the midpoint of the peak and eave) provided maximum rear yard coverage of 25%.
- E)** The size of accessory structures, whether singular or cumulative, in residential districts shall limited to the lesser of:
- 35% of a required rear yard.
 - 1,000 square feet per structure.
 - 75% of the footprint of the principal structure.
- F)** All accessory structures having a roof and walls shall be provided with a slab foundation and rat wall. Accessory structures of more than 400 square feet must have a footing that complies with the applicable adopted Building Code.



- G)** On any corner lot in a residential district, no part of any accessory structure shall be nearer the exterior or street side lot line than the setback required for the principal structure.

Section 3.5 Duplexes in the NR-2 zoning district

In the NR-2 zoning district, duplexes are allowed by right only in the following areas:

- A)** Both sides of Harcourt Street from Jefferson Avenue to Windmill Pointe Drive
- B)** The northeast side of Trombley Street from Jefferson Avenue to Windmill Pointe Drive
- C)** Properties between Windmill Pointe Drive and Lakeview Court.

Section 3.6 Gas Station

- A)** Must be located 300 feet away from a residential zoning district, measured by property line to property line. This distance considers the possibility of spills, leaks, odors, and other accidents that can occur at a gas station.
- B)** Must be located on a lot with at least 150 feet of frontage along arterial roads.
- C)** Must be located on a lot with at least 15,000 SF.
- D)** A traffic impact study may be required by the Planning Commission if the Commission determines that the traffic generated by the use could adversely affect the area.

Section 3.7 Home Occupations and Home-Based Businesses

Permitted home occupations must comply with the following regulations:

- A) Approving Authority:**



- 1) Home Occupations: None
- 2) Home-Based Business Type 1: Building Official
- 3) Home-Based Business Type 2: Planning Commission Special Land Use Approval

B) Standards:

Regulation	Home Occupation	Type 1 Home-Based Business	Type 2 Home-Based Business
Employees	Shall live in the home	Shall live in the home	Shall live in the home plus 1 employee may work at the home-based business
Allowable Floor Area Dedicated to the Business	N/A	50% of one story of the dwelling and 50% of a detached accessory building.	50% of one story of the dwelling and 50% of a detached accessory building, or as determined by the Planning Commission.
Merchandise	Prohibited	3	3
On-Site Customers	Prohibited	No more than 2 at a time	No more than 2 at a time, or as determined by the Planning Commission.
Deliveries	1	1	1
Non-Residential Alterations	Prohibited	Prohibited	Prohibited
Signage	Prohibited	Prohibited	Prohibited
Indoor Storage	2	2	2
Outdoor Storage	Prohibited	Prohibited	As determined by the Planning Commission.
Outdoor Activities	Prohibited	Prohibited	As determined by the Planning Commission.
Inspections	See Subsection 3	See Subsection 3	See Subsection 3
Violations	Must apply for Type 1 or Type 2 Home-Based Business	Revocation of permit; civil infraction, or apply for Type 2 Home-Based Business	Hearing with Planning Commission; Revocation of permit; Civil Infraction

Footnotes to Table

- 1) The delivery and pickup of goods and materials used and/or produced in the operation of the home occupation shall be limited to the customary delivery and pickup of mail and packages by the United States Postal Service, or by alternative private delivery service, that is common to other residential properties. Such deliveries and pickups shall not require a vehicle larger than a step-type van.
- 2) Materials, supplies, and merchandise shall be stored within a principal or accessory structure in a manner that does not pose a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, and shall not result in a change of use of the property or an activity prohibited by the Michigan Building Code.
- 3) On-site pick-up of items shall be limited to arts and crafts produced on the premises, items commonly traded, such as coins stamps, and antiques, incidental supplies related to the home-based business, and merchandise produced by the home-based business.

C) Inspections. All Type 1 and Type 2 home-based businesses are subject to inspection per Chapter XXX of the City Code, and compliance is required before a home-based business permit will be issued.



- D) Performance Standards for Noise.** The business shall not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines.
- E) Recreational lessons/instruction.** May produce noise generated by a person's voice or noise produced by a person's recreational activity that is detectable beyond the property lines. Furthermore, the business shall not generate any electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a residential dwelling unit.
- F) Exemptions.**

Garage and Block Sales. See Section 3.17.

The sale of horticultural products grown on the premises may be sold on the premises and shall be exempt from this section.

Piano lessons and similar fine arts lessons are exempt per State law.

G) Prohibited Home Occupations and Home-Based Businesses:

Any repair of motorized vehicles such as engine repair, painting, or body work to automobiles, trucks, trailers, boats, heavy equipment, and lawn or landscaping equipment.

Exterior parking and storage of heavy equipment not typically found in residential areas.

- H) Enforcement.** Violations of this section shall result in the penalties noted in the chart above. Whenever the Director of Public Services determines that there has been a violation of any provision of this section, they shall give notice of such violation to the person responsible as prescribed in **Chapter XX of the City's Ordinance Code**. In case any violation is not remedied within the time set forth in the notice, the following action shall be taken:

A Home Occupation shall be required to apply for a Type 1 or Type 2 Home-Based Business.

A Type 1 Home-Based Business permit shall be revoked or shall be required to apply for a Type 2 Home-Based Business.

A Type 2 Home-Based Business shall have a hearing before the Planning Commission.

The person subject to a violation of a Type 2 Home-Based Business permit shall appear and present evidence in response to the enforcement notice to the Planning Commission. During the hearing, the Building Official or designated representative shall specify the violation(s) that exists, and the remedial action required. The Planning Commission shall then determine whether to revoke the Home-Based Business permit, allow additional time to remedy the violation, or impose additional conditions to remedy the violation(s).

In addition to revocation described above, a person who violates or fails to comply with any provision of this section is responsible for a municipal civil infraction and subject to the civil fines set forth in the schedule of fees and charges adopted in Section of the City Code of Ordinances or any other relief that may be imposed by the court. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.



Section 3.8 Multi-Family Dwelling, Low-Density (up to four units) in NR-2 zoning district

In the NR-2 zoning district, low-density multi-family dwellings of up to four units are allowed by right only in the following areas:

- A) Both sides of Harcourt Street from Jefferson Avenue to Windmill Pointe Drive
- B) The northeast side of Trombley Street from Jefferson Avenue to Windmill Pointe Drive
- C) Properties between Windmill Pointe Drive and Lakeview Court.

Section 3.9 Parking and Storage of Commercial / Recreational Vehicles

- A) **Commercial Vehicles.** In all zoning districts, the parking or storage of any commercial vehicle which contains or has affixed to it commercial hardware, including, but not limited to, a dump truck, snowplow, or towing equipment, is prohibited. However, a commercial vehicle parked or stored which contains or has affixed to it a snowplow shall be permitted between November 15 and April 1.
- B) **Recreational Vehicles.** Recreational vehicles, including, but not limited to, boats, jet skis, snowmobiles, truck camper bodies, travel trailers, off-road or other altered vehicles, motor homes and utility trailers, as well as their trailers for carriage or storage, may be parked or kept on any lot or parcel in any residential district subject to the following requirements:
 - 1) Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer, and at no time shall such equipment be used for living, sleeping or housekeeping purposes.
 - 2) All recreational vehicles shall be parked or stored in a garage.
 - 3) Recreational vehicles may occupy a driveway for loading and unloading purposes, not to exceed 72 hours.
 - 4) Recreational vehicles shall be fully operable, shall be kept in good repair and must display the current license plate and/or registration as may be appropriate under state law for the particular type of vehicle.
 - 5) Recreational vehicles shall not be used to store any flammable or explosive fuels or material contrary to federal, state, or local regulations.

Section 3.10 Private Pools

Permitted private pools must comply with the following regulations:

- A) Must be located in the rear yard.
- B) The outside edge of the pool must be setback at least 10-feet from any side street or alley right-of-way, or property line.



- C) There shall be a distance of not less than 4-feet between the outside pool wall and any building located on the same lot.
- D) No swimming pool shall be located less than 35 feet from any front lot line.
- E) No swimming pool shall be located in an easement.
- F) All areas containing swimming pools must be completely enclosed by a fence not less than 4-feet in height. The gates shall be a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates must be capable of being securely locked when the pool is not in use for extended periods. Fences of 4- to 6-feet in height may be permitted provided they meet the fence requirements of this Article. These requirements are in addition to all those applicable requirements of the Michigan Building Code.

Section 3.11 Retail Sales Establishments

- A) Businesses where packaged liquors or alcoholic liquors are sold for consumption off the premises.

Businesses where packaged liquors or alcoholic liquors are sold for consumption off the premises, being SDD (Specially Designated Distributor) and SDM (Specially Designated Merchant) licenses issued by the state shall be deemed a special land use within the NMU, CBD and CMU zoning districts and shall require approval by the Planning Commission in accordance with Article 11 of this Ordinance.

The Planning Commission shall not approve an SDD or SDM use within the NMU, CDB or CMU districts if such proposed use or establishment is within a 500-foot distance from

- a) An existing SDD or SDM establishment;
- b) A place of worship; or
- c) An elementary, junior or senior high school site.

The distances required under subsection 2(a) shall be measured along a road, street or place maintained by the City and generally open to the public as a matter of right for the purposes of vehicular traffic, not including an alley.

The Zoning Board of Appeals may waive the distances required under subsection 2(a) as a Special Exception.

Section 3.12 Reserved (for Short Term Rentals)

Section 3.13 Temporary Uses

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

The Director of Public Services may permit uses and the occupancy of structures that are consistent with the uses otherwise permitted in a zoning district, but which are temporary and do not require the construction of



any capital improvement of a structural nature. In no case shall a use not otherwise allowable in a zoning district be permitted on a temporary basis.

- B) Overview of Temporary Uses.** Below is a table of temporary uses differentiating between those that require a temporary use permit from the Director of Public Services and those that do not require a permit.



Temporary Use	Permit Required	Permit Not Required	Definition
Established Business seeking SLU (3-Months)	x		Established businesses that experience a change in ownership and no change in business use or building footprint, and that are required to pursue a special land use permit to continue operating, these businesses may operate with a temporary use permit at the discretion of the Director of Public Services. The temporary use permit expires 3 months after Department of Public Services approval. No extensions are allowed.
Mobile Vending	x		The act of selling items, usually food, from a vehicle that is not permanently affixed to the site of sale and can be readily transported to and from that site.
Outdoor Sales			The outdoor display of products (excluding fireworks) by a permanent business establishment or temporary retail operations including but not limited to farmer's market, sidewalk sales, seasonal sales (e.g., Christmas trees, pumpkins), art, vehicles.
Outdoor Sales	x		—
Outdoor Sales, Principal Business Establishment		x	Outdoor sales provided by the principal business establishment must meet general standards only. However, if sales involve food, the vendor must receive a permit.
Outdoor Sales, Charitable Organizations		x	Charitable organizations and non-profits (e.g., Girl Scout Cookies) are allowed to sell without a permit if they obtain property owner approval.
Outdoor Dining	x		Any area where food and other refreshments are served or consumed within the public right-of-way, e.g., the sidewalks immediately in front of any food establishment, cafe, or place of business where food and/or other refreshments are served, or where permitted on private property.
Pop-Up	x		A pop-up is a use that activates a site, indoors or outdoors, with a temporary purpose. A pop-up usually takes over an existing building, for example a restaurant pop-up or art gallery pop-up.
Yard / Garage / Estate / Block Sales & Auctions			Outdoor sales within residential districts.
Yard Sales, City Declared		x	—
Garage / Estate / Block Sales & Auctions	x		The permit shall be valid for the length of the garage sale. No sale can operate for more than three consecutive days. Individual residences shall be permitted to host a maximum of three sales per year.
Tents / Canopies / Bounce Houses			A temporary portable tent, canopy, or inflatable bounce house. Public is defined as any space that is public or quasi-public, such as a park, parking lot, church and commercial property (areas where members of the public can access). Private is defined as private use within one's residential property.
Tents or Canopies, 10x10 SF or less		x	—
Tents or Canopies, greater than 10x10 SF, Public	x		—
Bounce House, Public	x		—
Bounce House / Canopy / Tent, Private Residential		x	—



Temporary Use	Permit Required	Permit Not Required	Definition
Construction Buildings, Structures & Storage	x		Temporary buildings, structures and storage devices used during construction.
Portable Moving / Storage Containers & Dumpsters	x		Containers used for moving and storage or dumpsters used for construction / home improvements,

C) Process. Temporary use requests will be reviewed administratively by City staff. The staff will coordinate reviews by the City Police, Fire, Planning and Department of Public Services. The submittal requirements for a temporary use permit are as follows:

Complete Application. A completed application and required fee.

Written Description. A written statement describing the requested use and the proposed hours and days of operation.

Illustrative Plan. An illustrative plan that shows the following, plus any other information needed to demonstrate compliance with the specific use requirements contained within this article as requested by the Public Services Director:

- a) The site boundary.
- b) Location of fire hydrants.
- c) Existing and proposed buildings / structures.
- d) Boundaries of proposed sales or activity areas.
- e) Location and method of waste disposal.
- f) Any other information deemed necessary by the Planning and Department of Public Services.

Signs. Temporary signs are permitted as part of a temporary use with the following standards:

- g) Signs must be in the same location as the vendor/display.
- h) Signs located on a canopy or vending unit must be banner.
- i) Signs located apart from a canopy or vending unit must be a yard sign or sandwich board sign.
- j) Signs must meet the standards listed in Article 10: Signs.

Proof of Ownership / Property Owner Permission. Proof of ownership or, if the applicant is not the owner of the land, written permission from the owner to use the property for said use. If the activity is proposed to occur in public right-of-way, then the Public Services Director must provide written permission.

Liability Insurance. Applicants must submit their insurance information, including company and policy number, with a temporary use application.

Additional Permits / Approvals. Outside agency permits and approvals, if necessary.



C) Prohibited and Violations.

Alteration/construction of a permanent building. The construction or alteration of any permanent building or structure is not considered a temporary use.

No negative impact on adjacent properties or municipal services. Temporary uses cannot negatively affect adjacent properties or municipal facilities.

Use not allowed in Zoning District. The temporary use must be consistent with the uses permitted in a zoning district.

Violations. If a temporary use violates any of its standards, it must cease operations and receive approval to operate by the Director of Public Services.

E) Types of Temporary Uses. Various temporary uses have different allowable durations and standards. See Article 15 for administration and permit enforcement information.

Construction Buildings, Structures and Storage. Temporary construction buildings, structures or storage require a permit and shall be reviewed in accordance with the following standards:

- a) **Duration.** Temporary construction buildings or structures or storage are permitted for a period of up to 12 months. An additional extension can be approved at the time of application submission by the Director of Public Services or their designee.
- b) **Loading Zone.** Uses cannot be located within the designated loading zone.
- c) **Landscaping.** Landscaping may be required based on site location, visibility and duration of the temporary building, structure or storage.
- d) **Electrical Permit.** If electricity is required, an electrical permit must be obtained.
- e) **Trailer Design Standards.** Trailers must meet the following requirements:
 - i. One trailer per builder or contractor.
 - ii. Setback requirements for the zoning district must be met.
 - iii. Trailer must be anchored per Department of Public Services requirements.
 - iv. Trailer must have skirting.
 - v. Trailer must meet Michigan Building Code, Michigan OSHA, and Michigan barrier free requirements.
 - vi. Trailer must have one ten-pound ABC fire extinguisher.
- f) **Storage under Trailer.** Storage of materials under the trailer is not permitted.
- g) **Circulation.** Roads and parking areas within the construction site must have an all-weather surface capable of supporting a fire apparatus.
- h) **Certificate of Occupancy.** All equipment, materials, goods, poles, wires and other items associated with the temporary building shall be removed from the premises within five days of issuing a final certificate of occupancy.



Established Business seeking Special Land Use (3-Months). For established businesses that experience a change in ownership and no change in business use or building footprint, and that are required to pursue a special land use permit to continue operating, these businesses may operate with a temporary use permit at the discretion of the Public Services Director, or their designee. The temporary use permit expires 3 months after Department of Public Services approval. No extensions are allowed. The purpose of this temporary use is to allow established businesses to continue operating while they pursue their special land use and site plan obligations. This use is not for new businesses that are not established in the community. It is for businesses with a recent change in ownership.

Mobile Vending. Mobile vending is the act of selling items, usually food, from a vehicle that is not permanently affixed to the site of sale and can be readily transported to and from that site. Listed below are the types of mobile vendors and general standards. Mobile vendors must obtain a temporary use permit to operate. Permitted locations of operation are commercial, parks and parking lots. Vendors must abide by all general standards listed below.

- i) **General Standards.** When applicable:
 - i. **Property Owner Permission.** The mobile vendor must provide evidence of written permission from the owner of the site. A vendor that extends beyond the property lines shall require the permission of the affected property owners. If the site is located on public property and in front of a storefront, then the vendor must receive the business owner's permission to operate at that location.
 - ii. **City Permission (if Public Space).** The mobile vendor must acquire an outdoor café permit if operating in public space and shall submit:
 - a. Proof of insurance with coverage and terms to be defined by the City Attorney
 - b. A statement indemnifying the City from liability in a form deemed sufficient by the City Attorney.
 - iii. **Duration.** Permits may be granted for special events on public or private property lasting no more than 24 hours with a maximum of six (6) events per calendar year.
 - iv. **Maintain 5 ft Pedestrian Walkway.** If a vendor is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.
 - v. **Parking Area.** The use occupies less than 25% of the required business parking area. No vendor can obstruct or place their display within accessible, barrier-free parking spaces.
 - vi. **Traffic and Motor Vehicle Code.** Mobile vending shall be subject to City Traffic Ordinance.
 - vii. **Health Code.** Vendors must comply with all health requirements of the state or county health departments.
 - viii. **Noise Control.** Mobile vending shall be subject to City Noise Ordinance.
 - ix. **Contain Materials.** Vendors must contain all materials and supplies in the mobile vending unit and shall not store supplies or other materials on public property.



- x. **Unattended Vending Unit.** A mobile vending unit shall not be left unattended for longer than 15 minutes.
- xi. **American Disabilities Act.** Mobile vending activity shall not violate the American with Disabilities Act.
- xii. **Hours of Operation.** No mobile vendor shall operate between the hours of midnight and 7:00 a.m.
- xiii. **Trash Management.** A mobile vending unit or mobile food vending unit shall always keep the areas around its vending operation clean and free from litter, garbage and debris. A vendor shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city. Unless authorized by the city or by a private entity via a shared dumpster agreement, a vendor must supply their own trash receptacle.
- xiv. **No Outdoor Cooking.** A mobile food vendor shall at no time make use of any outdoor cooking facilities, including grills.
- xv. **Public Utilities.** Vendors shall not connect a mobile vending unit or a mobile food vending unit to a source of city electricity, water, or sewer, unless permitted by the Director of Public Services.
- xvi. **Protect Public Property.** Public property must not be altered, and permanent fixtures of any kind shall not be installed on public property by the vendor unless authorized by the city. A mobile vending unit shall not be secured or affixed to any public structure unless authorized by the city.
- xvii. **Outdoor Dining.** A mobile vendor may set up an outdoor dining area if the design complies with the general standards for mobile vending (i.e., including parking area standards) and the general standards for outdoor dining.

Outdoor Dining. Outdoor dining, whether on private property or at public sidewalk cafés, improves the general business climate and activates exterior space. Outdoor dining is permitted immediately adjacent to, accessory to and abutting the principal use of a business. Outdoor Dining operations are subject to review by the Director of Public Services with the conditions below.

- j) **Public Outdoor Dining / Sidewalk Café.** Establishments must submit a statement indemnifying the City from liability in a form deemed sufficient by the Director of Public Services. Permits for public outdoor dining shall expire after 365 days.
- k) **Maintain 5 ft Pedestrian Walkway.** If an outdoor café is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.
- l) **Hours of Operation and Site Maintenance.** All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business. The cafe shall be free of debris and litter.
- m) **Furniture Design Standards.** The tables, chairs, fencing, and other aspects of the cafe shall be designed to be architecturally compatible with existing structures on the subject property. The tables and chairs shall not be permanently anchored to the ground.



- n) **Sketch Plan / Plot Plan Requirements.** Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, utilities, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
- o) **Storage.** When not used in a daily fashion, the storage of the outdoor dining facility must be indoors and concealed from public view.
- p) **Months of Operation.** Outdoor dining is only permitted during the months of May through November, unless the applicant sufficiently demonstrates to the Public Services Director that this period should be expanded based on the circumstances of the applicant. For a business that has already been granted special exception for outdoor dining, such a business may make a request to the Director of Public Services to allow for outdoor dining at other times if weather permits or for individual specific events.
- q) **Codes.** The cafe shall meet all County, State, and Federal requirements for food sales, liquor control, building, fire and other relevant regulations.
- r) **Permit Required.** Outdoor dining at any location is not permitted without a city-issued permit.

Outdoor Sales. The outdoor display of products by a permanent business establishment or temporary retail operations including but not limited to farmer's market, sidewalk sales, seasonal sales (e.g., Christmas trees, pumpkins), art, vehicles. Outdoor sales do not include food or fireworks. Outdoor sales areas, except as otherwise provided in this Ordinance, are expressly prohibited. However, temporary outdoor sales may be approved by the Director of Public Services after obtaining a permit. Permits are not required for the outdoors sales by charitable organizations and non-profits (e.g., Girl Scout vendors). Permits are also not required for businesses that have an active business license if the sale is adjacent to their building. Listed below are the types of outdoor sales and general standards. Permitted locations of operation are commercial, parks and parking lots. Vendors must abide by all general standards listed below.

- s) **General Standards.** When applicable:
 - i. **Property Owner Permission.** The vendor must provide evidence of written permission from the owner of the site. A vendor that extends beyond the property lines shall require the permission of the affected property owners. If the site is located on public property and in front of a storefront, then the vendor must receive the business owner's permission to operate at that location.
 - ii. **City Permission (if Public Space).** The vendor must provide evidence of written permission from the Office of the Director of Public Services if operating in public space.
 - iii. **Location.** The items proposed to be sold outdoors are related to and displayed immediately adjacent to an existing licensed place of business.
 - iv. **Duration.** Outdoor sales are limited to three per calendar year per business, for up to 90 days per occurrence.
 - v. **Maintain 5 ft Pedestrian Walkway.** If a vendor is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.



- vi. **Parking Area.** The use occupies less than 25% of the required business parking area. No vendor can obstruct or place their display within accessible, barrier-free parking spaces.
- vii. **Traffic and Motor Vehicle Code.** Vendors must abide by City Ordinance.
- viii. **Health Code.** Vendors must comply with all health requirements of the state or county health departments.
- ix. **Noise Control.** Vendors must abide by City Ordinance.
- x. **Contain Supplies.** Vendors must contain all materials and supplies in the display and shall not store supplies or other materials on public property.
- xi. **Unattended Vending Units.** A vending display shall not be left unattended while on a public sidewalk for longer than 15 minutes.
- xii. **Hours of Operation.** No vendor shall operate between the hours of 11 p.m. and 7 a.m.
- xiii. **Trash Management.** A vendor shall always keep the areas around its vending operation clean and free from litter, garbage and debris. A vendor shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city.
- xiv. **Public Utilities.** Vendors shall not connect a pushcart or vending display to a source of city electricity, water or sewer, unless permitted by Director of Public Services.
- xv. **Protect Public Property.** Public property shall not be altered, and permanent fixtures of any kind shall not be installed on public property by the vendor unless authorized by the city. A pushcart or vending display shall not be secured or affixed to any public structure unless authorized by the city.

Pop-Up. A pop-up is a use that activates a site, indoors or outdoors, with a temporary purpose. A pop-up frequently takes over an existing building or use, for example a retail, restaurant or art gallery pop-up.

t) General Standards.

- i. **Property Owner Permission.** The vendor must provide evidence of written permission from the owner of the site. A vendor that extends beyond the property lines shall require the permission of the affected property owners. If the site is located on public property and in front of a storefront, then the vendor must receive the business owner's permission to operate at that location.
- ii. **City Permission (if Public Space).** The vendor must provide evidence of written permission from the Office of the Director of Public Services if operating in public space.
- iii. **Maintain 5 ft Pedestrian Walkway.** If a vendor is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.
- iv. **Parking Area.** The pop-up use must occupy less than 25% of the required business parking area.



- v. **Traffic and Motor Vehicle Code.** Outdoor displays shall be subject to the Traffic and Motor Vehicle Code. Vendors must not block or impair vehicular or pedestrian travel.
- vi. **Health Code.** Vendors must comply with all health requirements of the state or county health departments.
- vii. **Noise Control.** Vendors must comply with City noise ordinance.
- viii. **Contain Supplies.** Vendors must contain all materials and supplies in the pop-up and shall not store supplies or other materials on public property.
- ix. **Hours of Operation.** No vendor shall operate between the hours of 3:00 a.m. and 8:00 a.m.
- x. **Trash Management.** A vendor shall always keep the areas around its vending operation clean and free from litter, garbage and debris. A vendor shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city.
- xi. **Public Utilities.** Vendors shall not connect a pushcart or vending display to a source of city electricity, water, or sewer, unless permitted by the Director of Public Services.
- xii. **Protect Public Property.** Public property shall not be altered, nor shall permanent fixtures of any kind be installed on public property by the vendor unless authorized by the city. A pushcart or vending display shall not be secured or affixed to any public structure unless authorized by the city.

Portable Moving and Storage Containers and Roll-Off Dumpsters. Portable moving and storage containers and roll-off dumpsters require a permit and shall be reviewed in accordance with the following standards:

- u) Portable On-Demand Storage Structures may be allowed by the Public Services Director on any lot, subject to the following regulations:
 - i. The portable on-demand storage structure may be placed on a lot for a period not to exceed sixty (60) days in a calendar year, or as approved by the Public Services Director.
 - ii. Up to two (2) portable on-demand storage pods may be located on-site if the Public Services Director has issued a building permit. The time period for the storage pod shall coincide with the effective dates of the building permit but may be extended for the storage pod by the Public Services Director if there is substantial progress or construction activity toward completion.
 - iii. In the event of flood damage, fire damage, asbestos removal or similar catastrophes or emergency repairs, the Public Services Director may allow up to two (2) portable on-demand storage structures during the period of emergency repair. Time extensions may also be granted by the Public Services Director.
 - iv. The portable on-demand storage structure must be placed behind the front building line of the structure and in no case closer than fifteen (15) feet from the front lot line, as determined by the Public Services Director.
- v) Dumpster Roll-Off Containers. A Dumpster Roll-Off Container may be allowed by the Public Services Director, subject to the following regulations:



- i. In a residential zoning district, a dumpster roll-off container may be permitted by the Public Services Director for a maximum of five (5) days. This may be extended by the Public Services Director if the site has been issued a building permit, and if there is substantial progress or construction activity.
- ii. The dumpster roll-off container shall be placed on a driveway and shall be situated in order to maintain adequate sight distance from the public right-of-way. This shall not apply to dumpster roll-off containers that are permitted under a right of way permit.
- iii. In non-residential zoning districts, a dumpster roll-off container may be permitted by the Public Services Director for a maximum of ten (10) days. This shall exclude any operations where the use of dumpster roll-off containers are related to manufacturing or processing.

Tents / Canopies / Bounce Houses. Public is defined as any space that is public or quasi-public, such as a park, parking lot, church and commercial property (areas where members of the public can access). Private is defined as private use within one's residential property.

- w) **Tents or Canopies, 10 x 10 SF or less.** A permit is not required. Must meet general standards.
- x) **Tents or Canopies, greater than 10 x 10 SF.** A special event permit is required. Must meet general standards.
- y) **Bounce House, Public.** A temporary use permit is required. Additionally, a special event permit may be required. Must meet general standards.
- z) **Bounce House / Canopy / Tent, Private Residential.** No permit is required. Must meet general standards.
- aa) **General Standards.** When applicable:
 - i. **Operation Standards.** Rental of membrane structures for the purpose of special events such as graduations, weddings, and other similar events or the use of membrane structures for temporary storage is permitted on residential properties for a period of time up to seven days.
 - ii. **Prohibited Uses.** Membrane structures used for the purpose of parking or storage of vehicles, recreation vehicles and/or equipment, maintenance equipment and utility trailers are prohibited.

Yard Sales, Garage Sales, Estate Sales, Block Sales, Auctions, or other Similar Events.

- bb) **Yard Sales.** When the City declares a Yard Sale Day, no permit is required. Use must meet general standards.
- cc) **Garage Sales, Estate Sales, Auctions.** A permit is required.
 - i. A permit shall be obtained from the Department of Public Services, and a nominal fee shall be charged in an amount to be decided by resolution of the City Council from time to time.
 - ii. The permit shall be valid for the length of the garage sale. No sale may operate for more than three consecutive days.
 - iii. Individual residences shall be permitted to host a maximum of three garage sales per year, including participation in up to two block sales. Participation in a block sale shall count toward



the total number of sales permitted. In no instance shall any residence be involved in or host more than three garage sales per year.

dd) **Block Sales.** A permit is required.

- i. A block sale is a sale in which five or more homes on a block are participating.
- ii. A permit shall be obtained from the Department of Public Services, and a nominal fee shall be charged in an amount to be decided by resolution of the City Council from time to time.
- iii. The permit shall be valid for the length of the block sale. No sale may operate for more than three consecutive days.
- iv. Each residence participating in the block sale shall be listed on the permit application. Individual residences may participate in not more than two block sales per year.

ee) **General Standards.** When applicable:

- i. **Hours of Operation.** No sale shall operate between the hours of 8 p.m. and 8:00 a.m.
- ii. **Maintain 5 ft Pedestrian Walkway.** If a vendor is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.
- iii. **Noise Control.** Vendors must comply with Chapter 14 of the City Code.
- iv. **Trash Management.** A vendor shall always keep the areas around its vending operation clean and free from litter, garbage and debris. A vendor shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city.

Section 3.14 Vehicle Repair Shop

- A) **Location.** Servicing and repair of vehicles shall be permitted only inside a fully enclosed building.
- B) **Outside storage or parking** of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted outside of specifically designated areas.
- C) **Vehicle Sales** associated with Vehicle Repair facilities shall receive zoning approval for each use and shall meet all applicable zoning standards.
- D) **City, County, State, and Federal regulations** for the storage, transportation, and disposal of oil, gasoline, and other flammable liquids shall be met.

Section 3.15 Vehicle Sales

- A) **Vehicle display parking, and circulation areas** shall be paved with a durable surface and include bumper guards or curbing that separates paved areas from landscaped and lawn areas. Another means may be approved by the Planning Commission



- B) Outdoor display areas** shall be located a minimum of 10 feet from all property lines. Display spaces shall be clearly delineated on the Site Plan. All display vehicles shall be parked in display spaces. Display cars shall not be parked in required parking spaces.
- C) Vehicle Repair** association with Vehicle Sales shall receive zoning approval for each use and shall meet all the applicable zoning standards.
- D) A minimum 500 square foot permanent structure** shall be provided on the lot to serve as offices and restrooms for the Vehicle Sales use.

Section 3.16 Wireless Communication Facility

- A) Intent.** It is the intent of the city to authorize communication facilities needed to operate wireless telecommunication systems and to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. Recognizing the number of providers authorized to establish and operate such services and coverage, it is the further intent of this Section to:

Facilitate adequate and efficient provision of sites for wireless communication facilities.

Establish zoning district for the establishment of wireless communication facilities, subject to applicable standards and conditions.

Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land use, structures, and buildings.

Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

Promote the public health, safety, and welfare.

Provide for adequate information about plans for wireless communication facilities, in order to permit the community to effectively plan for the location of such facilities.

Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary.

City Council finds that the presence of numerous support structures, particularly if located within residential areas, would decrease the attractiveness, and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall support structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.

- B)** Existing wireless communication facilities are permitted as follows:



An existing structure which serves as an attached wireless telecommunication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Director of Public Services of the city, proposed to be either materially altered or materially changed in appearance.

A proposed colocation upon an attached wireless telecommunication facility which had been preapproved for such colocation as part of an earlier approval by the city.

An existing structure which will serve as an attached wireless telecommunication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

- C)** New wireless communication facilities may be permitted as a special land uses in the CMU, Corridor Mixed Use District.
- D)** All applications for wireless communication facilities must be reviewed in accordance with the following standards and conditions, and, if approved, constructed, and maintained in accordance with such standards and conditions. If the facility is approved, it must be constructed and maintained with any additional conditions imposed by either the Planning Commission or City Council in its discretion.

Facilities must be:

- a) Found to not be injurious to neighborhoods or detrimental to the public safety and welfare.
- b) Located and designed to be harmonious with the surrounding areas.
- c) Must comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d) Designed with the lowest height possible; the applicant must provide justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

The following use standards must be also met:

- e) The maximum height of a new or modified support structure and antenna is the minimum height demonstrated necessary for a reasonable communication by the applicant and other entities to collocate on the structure, but not to exceed 120-feet in height. The accessory building contemplated to enclose such ground equipment is limited to the maximum height for accessory structures within the zoning district.
- f) The setback of the support structure from any residential district is at least the height of the highest point of any structure on the premises and the setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads is no less than the height of the structure.
- g) Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, must be in accordance with the required setbacks for main or principal buildings for the zoning district in which the structure is located.
- h) Unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement, must be secured. This access must have a width and location determined by such factors as the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any



attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

- i) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- j) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance on the building, it must be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it must conform with all district requirements for principal, building, including yard setbacks.
- k) The Planning Commission must, with respect to the color of the support structure and all accessory buildings, review and approve the same so as to minimize distraction and reduce visibility in its surroundings. It is the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- l) The support system must be constructed in accordance with all applicable building codes and include the submission of a soils report from a geotechnical engineer licensed in the state. This soils report must include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), and the state aeronautics commission, must be noted.
- m) A maintenance plan, and any applicable maintenance agreement, must be presented and approved as part of the site plan for the proposed facility, and designed to ensure long term, continuous maintenance to a reasonably prudent standard.

E) Applications for wireless communication facilities which may be approved as special land uses must be reviewed, and, if approved, constructed, and maintained in accordance with the standards and conditions of this Section, and in accordance with the following standards:

The applicant must demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

- a) Proximity to an interstate or major thoroughfare.
- b) Areas of population concentration.
- c) Concentration of commercial, industrial, and/or other business centers.
- d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
- e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- f) Other specifically identified reasons creating facility need.

The proposal must be reviewed in conformity with the colocation requirements of this Section.

F) Application requirements.



A site plan prepared in accordance with Article 12 must be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping. The site plan must include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there must be shown on the plan, fencing, which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

The application must include a signed certification by a state-licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the surety shall, at the election of the applicant, be in the form of: cash; a surety bond; a letter of credit; or an agreement in a form approved by the attorney for the city and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the community in securing removal.

The application shall include a map showing existing and known proposed wireless communication facilities within the city, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the city in the location and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the city, the applicant shall be required only to update as needed.

The application must include the name, address, and phone number of the person to contact for engineering, maintenance and other notice purposes. This information must be continuously updated during the time the facility is on the premises.

G) Colocation.

It is the policy of the city to minimize the overall number of newly established locations for wireless communication and wireless communication support structures within the community, and to encourage the use of existing structures attached wireless communication facility purposes, consistent with the statement of purpose and intent set forth in this Ordinance. Colocation is permitted when all the following are met:

- a) The wireless communication provider under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
- b) The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c) The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas, and the like.
- d) The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the city, taking into consideration the several standards contained in this section.



Requirements for colocation.

- e) A special land use permit for the construction and use of a new wireless communication facility cannot be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- f) All new and modified wireless communication facilities must be designed and constructed so as to accommodate colocation.
- g) The policy of the community is for colocation. Thus, if a person who owns or otherwise controls a wireless telecommunication facility fails or refuses to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility cannot be altered, expanded or extended in any respect. If a party who owns or otherwise controls a wireless communication facility fails or refuses to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the person failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent, and purpose of the city, and, consequently, such persons must take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the city for a period of five years from the date of the failure or refusal to permit the colocation. Such a person may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief, which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

H) Removal.

A condition of every approval of a wireless communication facility is an adequate provision for removal of the facility by its users and owners upon the occurrence of one or more of the following events:

- a) When the facility has not been used for 180 days or more. For purposes of this subsection, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals), is considered as the beginning of a period of nonuse.
- b) Six months after new technology which is available at reasonable cost as determined by the City Council, which permits the operation of the communication system without the requirement of the support structure.

The situations in which removal of a facility is required, as set forth in this section, may be applied and limited to portions of a facility.

Upon the occurrence of one or more of the events requiring removal, as specified in this section, the property owner or person who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Director of Public Services.

If the required removal of a facility, or a portion thereof, has not been lawfully within 60 days of the applicable deadline, and after at least 30 days' written notice, the city may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn, collected



and/or enforced from or under the security posted at the time application was made for establishing the facility, completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the city may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

Article 4.

Schedule of Regulations, Materials, Building Form and Design

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 4.1 Intent Statement

- A) Schedule of Regulations.** No building may be erected, nor any existing building be altered, enlarged, or rebuilt, nor any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations for the district in which the building or use is located, per this Article.
- B) Building Form and Design Standards.** Grosse Pointe Park's building form and design standards guide the establishment of harmonious building appearance on all exterior walls of a building to create, enhance and promote a uniform and quality visual environment throughout the city. Site lighting standards are also detailed that are attractive to the eye, while adequately illuminating a site for safety and convenience.

Section 4.2 Schedule of Dimensional Regulations

Zoning District	Min. Lot Size		Max. Height of Structures		Min. Ground Floor Height	Min. Yard Setback (Ft.)				Max. Impervious Lot Coverage	Minimum Ground Floor Area of Building (SF)	General Footnotes	
	Area (SF)	Width (Ft.)	Stories	Ft.		Ft.	Front	Side					Rear
								Least	Total				
ER, Estate Residential	20,000	100	3	40	-	A, B	10	D	30, B	60%	1,200	G, H, I, J, K, L, N, O, P, Q	
NR-1, Neighborhood Residential District	10,000	80	2 1/2	35	-	A	4	C,D	30	70%	750	G, H, I, J, K, L, N, O, P, Q	
NR-2, Neighborhood Residential District	5,000	60	2 1/2	35	-	A	3	C,D,E	25	70%	600	G, H, I, J, K, L, N, O, P, Q	
NR-3, Neighborhood Residential District	3,000	30	2 1/2	35	-	A	3	C,D,E	15	90%	500	G, H, I, J, K, L, N, O, P, Q	
NMU, Neighborhood Mixed-Use	-	-	3	40	12	O, M	0	-	20	90%	-	F, H, N, O	
CBD, Central Business District	-	-	3	40	12	O, M	0	-	20	100%	-	F, H, N, O	
CMU, Corridor Mixed-Use District	-	-	3	40	12	O, M	0	-	20	85%	-	F, H, N, O	
CP, Civic and Parks District	-	-	3	40	-	A, B	-	C,D	G	100%	-	H, N, O	
TD, Transition District	-	-	3	40	12	O, M	0	-	20	100%	-	F, H, N, O	



Section 4.3 Footnotes to the Schedule of Regulations

- A) Front Yard Setback.** Front yard setback is the average setback of the residential structures adjacent to the property on both sides. When there is a vacant lot, refer to the closest adjacent property.
- B) Waterfront Setback.** The minimum required setback from the waterfront shall be the average setback of the residential structures adjacent to the property on both sides. When there is a vacant lot, take the average of 175 feet and the adjacent structure.
- C) Side Yard Setback, Interior.** The required combined side yard setback for each side of a zoning lot in a residential district shall be a total of two and one half (2.5) feet for each ten feet of the length of the front lot line. The minimum combined side yard setback must not exceed 15 feet.
- D) Side Yard Setback in ER Zoning District.** The minimum required combined side yard setback shall be twenty (20) percent of the lot width, with a minimum of ten (10) feet on any one side.
- E) Side Yard Setback, Street.** The minimum required setback for a side yard that faces a street must be twenty-five (25) percent of the lot width, and in no case less than ten (10) feet. The Public Service Director may modify the minimum required setback for a side yard that faces a street based on the existing pattern of setbacks on adjacent lots within the same zoning district.
- F) Side Yard Setback, Multi-Family Building.** The minimum side yard setback for multi-family buildings adjacent to a residential zone is 10 feet. The minimum side yard setback for multi-family buildings may be reduced to 0 if abutting a commercial zone.
- G) Side Yard Setback, Commercial.** If the side yard is adjacent to a residential use or zoning district, unless the use is a multi-family building, a minimum side yard of 15 ft is required.
- H) Rear Yard Setback.** Rear yard setback is the average setback of the residential structures adjacent to the property on both sides. When there is a vacant lot, refer to the closest adjacent property.
- I) Rear Yard Setback, Alley.** One-half (½) the width of an alley may be used to meet the rear yard setbacks in any zoning district.
- J) Rear Yard Setback, Nonresidential Uses in Residential District.** For nonresidential uses in residential areas the rear yard shall be not less than forty feet.
- K) Non-conforming Residential Lots.** Non-conforming lots of record in a residential district may be permitted provided that any principal or accessory structures constructed on the lot comply with all other dimensional standards (excluding lot area).
- L) Through Lots and Corner Lots.** For through and corner lots, or lots that have two parallel or multiple street frontages, the front and rear yards are determined by the Public Service Director based on the pattern of development on adjacent lots. Minimum required setbacks are the average setback of the structures adjacent to the property on both sides.
- M) Minimum Square Footages.** Minimum square footages apply to all multiple-family dwelling units:

Studio / efficiency unit: 450 square feet

1-bedroom unit: 600 square feet

2-bedroom unit: 800 square feet



3+ bedroom unit: 1,000 square feet

- N) Enhanced Design Guidelines.** Refer to design guidelines within this Article for more information.
- O) Parking Lot Setbacks.** Refer to Article 5.
- P) Accessory Structure Setbacks.** See Section 3.4.
- Q) Imperviousness in Front Yards.** No more than 25% of a front yard in a residential district shall be covered by either:

Any driveway or other area devoted to vehicular access; or

Any material impervious to water.

Section 4.4 Exceptions to the Schedule of Regulations

- A) Height Exceptions.** The height limitations do not apply to chimneys, religious institution spires, cupolas, domes, water towers, smokestacks, ventilators, skylights, elevators, conveyors, cooling towers, public monuments, or power transmission towers, masts, and other similar mechanical appurtenances pertaining to and necessary to the permitted uses of the district. The Planning Commission may specify a height limit for any such structure when special land use approval is required, and such height limit is reasonably necessary for public safety or to otherwise to comply with the standards set forth in this Ordinance.
- B) Parapet Wall Extension.** The provisions of this Ordinance do not prevent the erection, above the maximum building height limit, for a parapet wall or cornice for screening purposes (without windows), extending above such height limit not more than five (5) feet.
- C) Yard Regulations.** When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Director of Public Services.
- D) Porches.** An open and unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet provided that the covered portion of such porch if any shall not exceed 80 square feet in area.
- E) Projections into Yards.** Architectural features, such as chimneys, cornices, wing walls, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Any walk, terrace, driveway, pad, path, or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, is not considered to be a structure and is permitted in any required yard.

- F) Canopies.** Canopies that project over public sidewalks in commercial zoning districts may be permitted provided no supports are required in the public sidewalks. In those instances where supports are required, such canopy shall receive the review and approval of the Director of Public Services and shall be subject to conditions to assure public safety to pedestrians.



Section 4.5 Exterior Building Materials and Colors

A) Primary v. Secondary Materials.

Exterior Building Materials	Primary Material (Min.)	Secondary Material (Max.)
First and second floor elevations	At least 75% of total façade	No more than 25% of total façade
Above second floors	At least 50% of total façade	No more than 50% of total façade

B) Permitted Exterior Building Materials.

The table below details the permitted exterior building materials allowed on each façade in each zoning district, whether it is a primary material or a secondary material, - denotes that the material is not allowed.

Exterior Building Materials	ER & NR1-3	NMU	CMU	CBD	C	TD
Brick (including face brick but not veneer), burnished concrete masonry or masonry	P	P	P	P	P	P
Cut stone, field stone, ceramic cladding, cast stone, natural stone, or manufactured stone	P	P	P	P	P	P
Wood, including cross laminated timber, dimension lumber, and reclaimed wood	S	P	P	P	P	P
Burnished and textured concrete masonry units (CMU)	S	P	P	P	P	P
Standard concrete masonry units (CMU)	-	S	S	S	S	S
Fiber cement siding or panels	P	P	P	S	P	P
Precast concrete panels	-	-	-	S	S	S
Stone composite panels (e.g., Steni Colour)	S	S	P	P	P	S
Closed cavity façade (e.g., glass curtain wall system)	S	S	S	S	S	S
Clear or lightly tinted glass	S	S	S	S	S	S
Green façade	S	P	P	S	P	P
Metal wall panel (including steel) <i>Only up to 50% of the façade as a primary material</i>	-	P	P	P	P	P
Vinyl	-	-	-	-	-	-
Exterior Insulation and Finishing System (EIFS) / Stucco	-	-	-	-	-	-
Asbestos-cement siding	-	-	-	-	-	-

C) Engineered Materials.

Engineered equivalent materials are permitted as the original material is permitted in each district. Engineered materials must match the appearance of natural binding materials.

D) Painted Building Materials.

Building materials may not be painted or stained unless approved by the Planning Commission. Preference will be given to existing building materials that are already painted or stained and when the applicant proposes to modify the façade.



- E) Building Colors.** Exterior finish materials and colors must be in natural tones and consistent, or compatible, with the character of the surrounding district to create a uniform and recognizable identity. Harmonization of colors is necessary. Accent colors are permitted to activate the street front and exercise artistic placemaking; this standard is to not be interpreted as prohibiting the incorporation of public art, such as a mural, to buildings or sites. No more than four colors are permitted within one project—colors must be complimentary.
- F) Architectural Features.** All architectural features, including awnings, overhangs, roof projections, window accents, and the like must be compatible with the style, materials, and colors of the building.
- G) Waivers.** The DPS Director and Planning Commission may modify the material standards, based on determination that the proposed materials or colors are high-quality and compatible with the architecture and style of the primary building and context.

Section 4.6 Residential Building Form and Design Standards

- A) Intent.** To retain and enhance the unique neighborhood character of Grosse Pointe Park, protect the visual character and economic stability of the city's residential areas, preserve and protect the public welfare, and promote complimentary design while maintaining a diversity of attractive residential styles.
- B) Established Styles and Expectations.** The City of Grosse Pointe Park's housing stock primarily consists of Colonial Revival and Tudor Revival, but also includes a mix of Contemporary, Craftsman, and Mid-Century Modern. Residential design for the circumstances enumerated in Section C shall not be limited to these styles but shall respect the qualities that make the neighborhood unique and shall take care in siting and design.
- C) Applicability.** The standards of this section shall apply in the following circumstances for residential uses in the ER, NR-1, NR-2, and NR-3 districts.

Construction of new residential structures, including Accessory Dwelling Units;

Additions to existing residential structures;

Reconstruction or substantial renovations to existing residential structures where 50% or more of the exterior shell is substantially altered; and

Accessory structure construction or re-location on residential properties when greater than 250 square feet in area with a horizontal dimension of 12 feet or greater.

D) General Regulations.

Building design shall be in harmony with the existing neighborhood character. Neighborhood character is established through apparent patterns in building design and form, including but not limited to:

- a) Quality and type of exterior building materials;
- b) Exterior wall complexity and fenestration;
- c) Window types, size, and proportions;
- d) Entry treatment and scale, including porch design and location;
- e) Roof types, orientation, slopes, eave heights, gables, and over hangs;



- f) Building height and massing;
- g) Architectural style, including the styles established during the dominant decade of construction;
- h) Garage or accessory structure location, size and treatment; and
- i) Use of decorative fencing and landscaping.

The “neighborhood” for a site shall be generally defined as the area within 500 feet in any direction, within the boundaries of the City of Grosse Pointe Park. The Director of Public Services shall notify the applicant in the event the definition of “neighborhood” must be changed for a given application and shall explain the reason behind the change in writing.

All buildings shall comply with the schedule of regulations and dimensional requirements for the zoning district in which the property is located, and no portion of this article shall constitute or be construed as an exception to other regulations specified in this Ordinance.

Accessory buildings and structures shall have a matching or similarly compatible style to the principal structure’s style.

- a) All accessory structures shall be permitted only in conjunction with a principal use and principal structure on the same lot.
- b) Accessory structures may only be constructed at the same time as or after the construction of the principal structure on the same lot. Accessory buildings may only be maintained in conjunction with a principal structure on the same lot. If the principal structure is destroyed, demolished or removed, the accessory structure shall also be demolished or removed.

E) Design Standards.

1) Windows and Doors.

- a) Front façades and primary entrances of principal structures shall face a street; alleys shall not constitute a street for the purposes of this section.
- b) Relative proportions of doors and windows shall be compatible with neighborhood character.
- c) Windows shall be placed so that no elevation has a large expanse of blank wall. The Director of Public Services may approve elevations without a window if the applicant is able to demonstrate difficulty including a window on an elevation due to floorplan layout or intended use.
- d) Windows shall incorporate casing and headers and shall incorporate relief elements which distinguish the windows from the plane of the façade. Shutters alone shall not constitute adequate relief.
- e) Doors on the same façade shall not be required to match but shall be harmonious in design with one another.

**2) Porches.**

- a) Whether enclosed or not, porches shall be similar in design to existing porches in the neighborhood. If incorporating columns, such columns shall be similar in proportion to that of existing columns within the neighborhood, as dictated by the overall style of the structure.
- b) Enclosed porches may be allowed when the prevailing character of the neighborhood includes open front porches as long as the design is consistent with those porches that are open.
- c) Porches shall be painted or stained a consistent color throughout.
- d) Porches shall generally be covered, rather than uncovered or partially covered by a portico, unless otherwise established by the neighborhood character.
- e) Side-entry doors may be covered with a portico or covering provided it does not encroach into a required side yard by more than 1.5 feet.
- f) All porches shall maintain a reasonable point of access to the underside of the porch, unimpeded by landscaping, to allow for inspection and pest control.

3) Exterior Finishes.

- a) Façade materials and details shall be consistent with the neighborhood's discernible patterns of detail including, but not limited to, door and window trim, corner boards, cornice details, railings, and shutters.
- b) Façade materials shall be high quality and durable; vinyl, aluminum, and asbestos-cement siding are prohibited. See materials table within this Article for more information.
- c) Façade materials shall be limited to no more than three primary materials, excluding secondary materials. Secondary materials may be used for architectural detailing and trim such as wooden rake boards, limestone keystones, fieldstone corners, wooden columns, piers, foundation walls, chimneys, etc.
- d) Exposed wood must be stained (not painted) in a manner generally compatible with other buildings on the property and with the neighborhood character.
- e) The exterior building finish for additions shall be the same predominant material as the existing building. Materials shall be the same proportions, within 20%, as the original structure unless it can be reasonably demonstrated that those materials are unavailable.
- f) The design of buildings shall coordinate the materials and details of all sides of the building with the design of the front elevation. Exterior finishes shall wrap around the structure to establish a consistent design. All elevations of the main building shall have the same approximate proportions, and matching windows, trim, and architectural details, providing a 360- degree finish.

4) Elevations, Scale, Form, and Massing.

- a) Finished floor elevations, height of exposed basement walls, and front yard grade elevations shall be similar to those of the neighborhood.
- b) Form and massing shall conform to the established horizontal or vertical character of the neighborhood and the neighborhood's established building form and massing characteristics.



- c) Building setbacks and front porch lines shall generally align with the established setbacks of the immediately adjacent residences, block, and neighborhood.
- d) No portion of an upper story may be cantilevered beyond the first story by more than 18 inches. Cantilevers are only permitted when used for architectural feature appropriate for the architectural style. Cantilevers may not encroach within a required setback.
- e) Front facing garage doors shall generally be discouraged. Where such garages have been deemed necessary by the Director of Public Services due to restrictive dimensions or layout of the site, garages shall be stepped back from the plane of the front door of the house by a minimum of 24 inches. Such garages shall also incorporate roof and accent elements to establish a visual variation from the established roof line of the principal building.
- f) For lots greater than forty (40) feet in width, the depth of the principal building shall not exceed twice the width of the building.

5) **Roofs.**

- a) Roof style and pitch Shall be architecturally consistent with the prevailing neighborhood character.
- b) New roofs, including additions, porches, gables, and dorms, shall be similar or related to the pitch of the existing or main roof. These new roofs may have a different scale and/or style.
- c) Buildings shall be limited to two roofing materials: one for the main roof and another material as an accent for dorms, porches, or other smaller roofs. Accessory structures shall utilize the same roofing material.

F) Approval Authority and Appeals. The Director of Public Services shall be responsible for determining if a proposed design is in harmony with the existing neighborhood character and shall issue all design determinations in writing as a part of the established plan review process. The Director of Public Services shall be permitted to seek additional guidance if necessary to make a final determination. An applicant may appeal the decision of the Director of Public Services within 10 days of the decision by providing a written request to the Planning Commission. The appeal shall stay all further proceedings and shall be heard by the Planning Commission at its next regularly scheduled meeting.

Section 4.7 Commercial Building Form and Design Standards

- A) Intent.** To retain and enhance the unique commercial character of Grosse Pointe Park, protect the visual character and economic stability of the city's commercial areas, preserve and protect the public welfare, and to facilitate commercial development which aligns with the adopted Master Plan and adopted corridor plans for the city.
- B) General Regulations.** The following building form and design standards apply to all mixed-use and commercial buildings located in the city.

Building materials may not be painted or stained unless approved by the Planning Commission. Exterior finish materials and colors must be in natural tones and consistent, or compatible, with the character of the surrounding district to create a uniform and recognizable identity. Accent colors are permitted to activate the street front and exercise artistic placemaking; this standard is to not be interpreted as prohibiting the incorporation of public art, such as a mural, to buildings or sites. All architectural features, including awnings, overhangs, roof projections, window accents, and the like must be compatible with the style, materials, and colors of the building.



Façade materials must be high quality and durable; vinyl, aluminum, and asbestos-cement siding are prohibited. See materials table within this Article for more information.

Building fronts shall be oriented to the primary street.

Building entrances shall be clearly defined by utilizing elements such as overhangs, awnings, or lintels; change in plane (such as a recessed) entryway, differentiation in material and/or color; greater level of detail; or enhanced lighting. Any such element shall be architecturally compatible with the style, materials, colors, and details of the primary building.

Façades shall be internally or externally illuminated. Lights should be properly shielded or recessed behind architectural features so they do not produce glare or spillage of light onto adjacent properties. No light, except street lights, shall shine directly onto public roads.

All HVAC, utility boxes, and telecommunication systems must be screened or minimized from public view. Building roofs are to be uncluttered, with vertical projections integrated into the architecture and screened from view by parapet walls or other enclosure.

Windows shall be un-tinted. Mirrored or reflective glass is not permitted.

Storefronts shall be defined by architectural elements, such as a horizontal band, transom windows, and bulkheads. Incorporation of awnings, overhangs, or solar screens are encouraged.

Windows should not be visually obstructed by signs, advertisements, window screens, security grilles, or other permanent window coverings.

Security roll-down grilles shall be designed and recessed into the interior of the window system. Where an exterior grille already exists, the roll-down grille box should be as inconspicuous as possible.



C) NMU, Neighborhood-Mixed Use District. The following design requirements apply in the NMU district:



DESIGN REQUIREMENTS

Building Form		Standard
A	Min. façade height	14 ft.
B	Max. side setback	5 ft. 10 ft. for corner buildings on side facing secondary right-of-way.
C	Min. % Build-to Line	80 %
Design Elements		Standard
D	Entrances	All buildings shall have pedestrian access on the street frontage side of the building (front).
E	Min. window glass percentage	50% (first floor) 30% (additional floors)
F	Architectural features	All facades are of equal importance and must be designed with attention to detail and quality material. All façades must provide windows and/or façade offsets and breaks. No blank or unarticulated facades are permitted unless façade is not visible from public right-of-way.



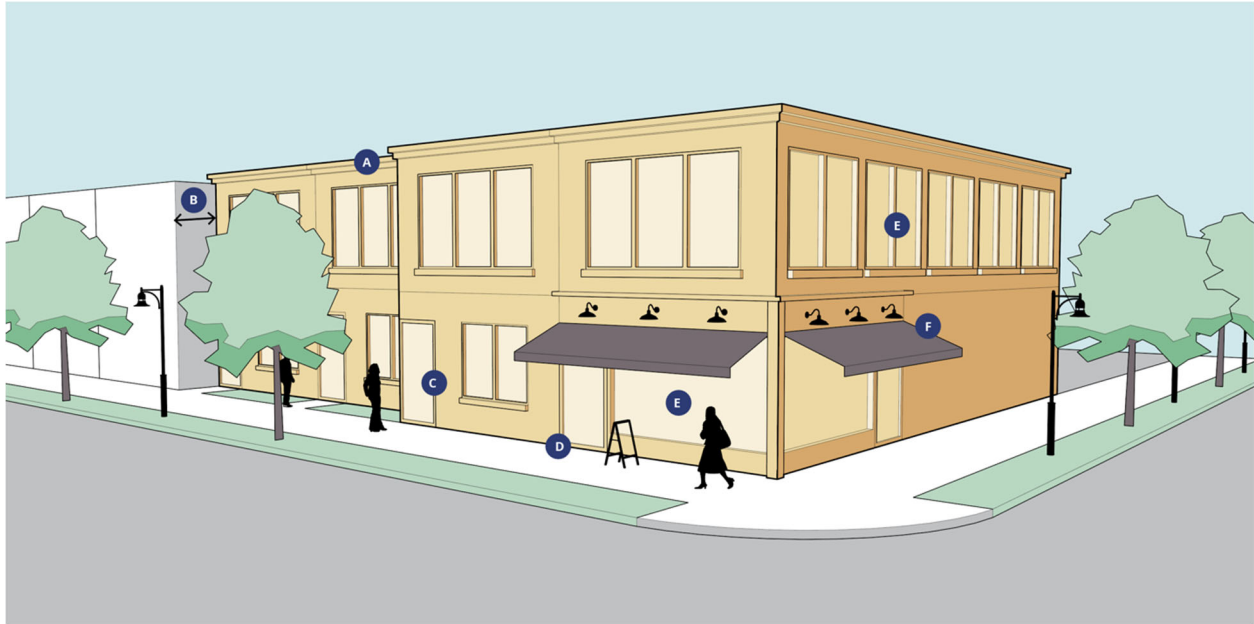
D) CBD, Central Business District. The following design requirements apply in the CBD district:



DESIGN REQUIREMENTS		
Building Form		Standard
A	Min. façade height	24 ft.
B	Max. side setback	5 ft.
C	Min. % Build-to Line	80%
Design Elements		Standard
D	Entrances	All buildings shall have pedestrian access on the street frontage side of the building (front). Where a building includes a residential use and off-street parking is provided in the rear for residents, pedestrian access shall also be provided on the off-street parking side of the building (rear).
E	Min. window glass percentage	60% (first floor) 40% (additional floors)
F	Architectural features	All façades are of equal importance and must be designed with attention to detail and quality material. All façades must provide windows and/or façade offsets and breaks. No blank or unarticulated façades are permitted unless façade is not visible from public right-of-way. All façades must provide decorative cornices.



- E) CMU, Corridor Mixed-Use District.** The following design requirements apply in the CMU district for parcels with frontage on Mack Avenue:



DESIGN REQUIREMENTS		
Building Form		Standard
A	Min. façade height	24 ft.
B	Max. side setback	5 ft.
C	Min. % Build-to Line	60%
Design Elements		Standard
D	Entrances	All buildings shall have pedestrian access on both the street frontage side of the building (front) and the off-street parking side of the building (rear).
E	Min. window glass percentage	60% (first floor) 40% (additional floors)
F	Architectural features	All facades are of equal importance and must be designed with attention to detail and quality material. All façades must provide windows and/or façade offsets and breaks. No blank or unarticulated facades are permitted unless façade is not visible from public right-of-way. Buildings with multiple storefronts are unified in design treatment, such as window design, door openings, materials, and color.



Section 4.8 Lighting Standards

A) Purpose. To ensure that sufficient lighting is provided in publicly accessible areas of buildings and properties that complements and enhances the environment and character of Grosse Pointe Park by aiming to:

Permit reasonable uses of exterior lighting for night-time security, utility, productivity, enjoyment, and commerce.

Minimize glare, obtrusive light, and artificial sky glow by limiting exterior lighting that is misdirected, excessive, or unnecessary.

Conserve energy and resources.

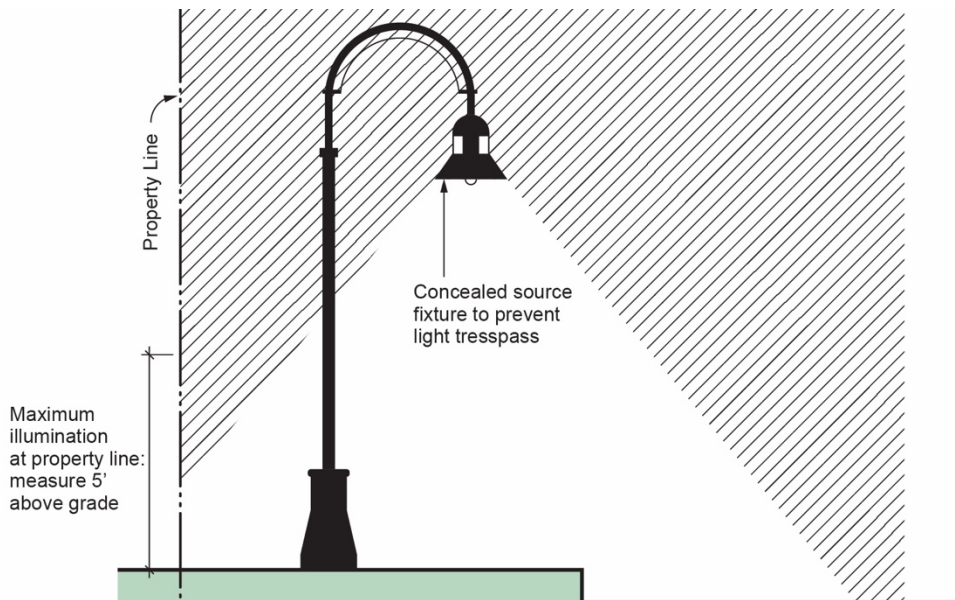
Protect the natural environment from the damaging effects of light pollution.

B) General Standards.

Illumination Levels. Existing and proposed lights may not exceed the following maximum intensity levels (measured at a height of 5-feet above grade).

Location / Use	Maximum Level of Illumination (footcandles "fc")
Overall average for the site	5.0 fc
At any point within the site	10.0 fc
At any property line	0.5 fc
Gas station (<i>under the canopy only</i>)	20.0 fc

Shielding. All exterior lighting, excluding accent lighting in residential districts, must be fully cut off and shielded so the surface of the source of the light is not visible, and is directed downward and shielded away from adjacent properties, with particular consideration to protecting residential uses.



Lighting Fixture Orientation and Shielding

Customer Safety. Provide adequate illumination to provide customer safety at front and rear entries.

Consistent Fixtures. The type and design of lighting must be consistent throughout a site.

Decorative Lighting. Buildings within the NMU, CMU, CBD, C, and TD districts must feature decorative lighting on all façades that face the public right-of-way or residentially zoned or used property. Consider lighted trees and café / bistro / market / string style lights.

Warm Hues. The use of warm temperature LED or incandescent lighting is encouraged.

Accent Lighting. Soft uplighting may be used to highlight unique architectural features.

Window Displays. Interior lighting in window displays should be spot lit at product or display. Keeping a light on throughout the night is important for safety and evening interest.

Gas Station Lighting. Lighting under gas station canopies is limited to fully recessed lighting fixtures.

C) Exempt Lighting. The following are exempt from the requirements of this Article:

Required exit signs and safety lights for stairs and ramps.

Temporary holiday lights (provided that such lighting is installed no more than 30-days prior to, and 15-days following, the holiday such decorations represent).

Lights required by the Federal Aviation Administration, or other federal or state agency.



Interior lights.

Temporary lights necessary for construction or emergencies.

D) Prohibited Lighting. The following lights are prohibited:

Rope lights (including neon, except when used in outlined tubing signs) around and within window and door openings, and around/on the building. Rope lights are not string lights.

Aerial lasers and/or “searchlight” style lights.

Flashing, moving, or intermittent lights (including lighting that changes colors).

Other intense lights, defined as having a light source exceeding 200,000 lumens or more.

E) Special Exception Lighting.

Lighting systems not complying with the requirements of this Article, but consistent with its intent, may be considered by the Planning Commission, subject to special land use approval. This includes instances of:

- a) Sport fields and stadiums.
- b) Industrial lighting for hazardous areas or areas where higher pole heights are necessary to avoid interference with vehicles / operations.
- c) Public monuments, public buildings, government facilities, and religious institutions.
- d) Any other lighting application determined to be appropriate by the Planning Commission.

The Planning Commission must find that the proposed lighting will not create unwarranted glare, sky glow, or light trespass. The applicant must demonstrate that every reasonable effort has been made to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a lighting certified professional describing the mitigation measures.

Article 7.

Signage

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 7.1 Intent

Signs perform an important function in identifying and promoting businesses, services, neighborhoods, events, economic development, and other matters of interest to the public. The intent of this Article is to regulate all signs within the City of Grosse Pointe Park to ensure that they are appropriate for their respective uses, they keep with the neighborhood characteristics as recognized and promoted by the City's Master Plan, they prevent traffic hazards, they provide safe conditions for pedestrians, and they protect public health, safety, and general welfare by:

- A) Setting standards and providing uniform regulations that permit reasonable use of signs;
- B) Preserving the various characteristics found within the districts and neighborhoods throughout the City, regardless of sign content. In preserving the character of the various neighborhoods, signage shall be scaled appropriately whereby properties with frontage on wide streets with higher speed limits are permitted larger signs than narrow streets with lower speed limits;
- C) Prohibiting the erection of signs that may create a hazard to pedestrians and motorists in terms of number, size, illumination, and location;
- D) Avoiding excessive amounts of signs so that the existing signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion;
- E) Establishing a clear process for requiring permits for signs, allowing some signs without permits, and allowing legally nonconforming signs to continue without jeopardizing the useful life of the sign.

Section 7.2 Definitions

- A) **Awning:** 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) **Canopy:** 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.
- C) **Directional:** A ground sign, the sole purpose of which is to facilitate the flow of traffic within a site.
- D) **Flag:** 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 (2) corners.
- E) **Ground:** 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.
- F) **Plaque:** A wall sign identifying the occupant, business name and/or address of a building or parcel of land.
- G) **Projecting:** A building-mounted, double-sided sign with the two (2) faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.



- H) **Sandwich Board:** A portable ground sign composed of two boards with a message or graphic on it with one board in front and one behind in a triangle shape, hinged along the top.
- I) **Temporary:** 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. Banners are considered a form of temporary signage.
- J) **Wall:** 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.
- K) **Window:** 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.

Section 7.3 General Standards

- A) **Permit required.** Prior to the erection or structural alteration of sign, a sign permit shall be secured from the Director of Public Services.
- B) **Exceptions.** Exceptions to the permit requirements of this subsection shall include:
 - 1. Government signs
 - 2. Public K-12 school signs where the State Superintendent has exclusive jurisdiction
 - 3. Placards
 - 4. Historic markers placed under the authority of the Local, State, or Federal government.
 - 5. Memorial plaques, less than 1 square foot in area.
 - 6. Address numbers
 - 7. Hours of operation and other similar business information that is incidental, where such signage shall have a maximum size of 2 square feet.
 - 8. Window signs applied to the interior or exterior of the window/door glass, where the sign does not exceed 15% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, may be averaged together.
 - 9. Non-commercial flags
 - 10. Feather and pennant flags at non-residential properties with a maximum size of 15 square feet, with one per business per street frontage shall be permitted subject to duration requirements in section 7.4 (B).
 - 11. Yard signs in all zoning districts, subject to the following:
 - a. Signs shall not exceed a total size of 15 sq ft in area; no limit on the number of signs, but the total area of all signs added together shall not exceed the "total size"
 - b. Signs shall not exceed 4 ft in height
 - c. A temporary sign is no longer in good repair if it has broken parts, missing letters or has deteriorated such that the structural supports or frame or the side panels are visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.
 - 12. Signs shall comply with all safety regulations and prohibitions specified herein
 - 13. Handicap Signage with the international symbol of accessibility or van accessible recognized logo for Americans with Disability Act (ADA) compliance and accessibility
 - 14. Signs in conjunction with a construction project or site plan approval, subject to the size limits specified in this Article. Signs shall be removed upon approval of the permit work or upon issuance of a Certificate of Occupancy



15. Signs erected by the City for an official function or purpose
16. Writing or logos that are an integral part of a fabric umbrella, used primarily to provide shade or cover to customers dining outdoors
17. Signs affixed to the exterior of vehicles advertising a business or service provided by said vehicle, excluding transported billboards.

C) Measurement. Signage shall be measured using the following principles:

1. 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.
2. 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.
3. 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 (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.
4. Only one face of a double-sided sign will be used to determine the area of the sign.
5. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than ninety (90) degrees the sign area is the sum of both sign faces; otherwise, the area is the same as for double-sided signs.
6. 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.
7. 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.
8. 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.
9. Signable area shall be defined as the area in which a sign is to be located and which is used to determine the permitted size of that sign, pursuant to this section. The signable area shall be a continuous surface or wall unobstructed by windows, doors, other major architectural details or a change in material color.

D) Prohibited Signs. The following forms of signage shall be prohibited unless otherwise expressly stated in this ordinance:

1. Signs not expressly permitted.
2. Any sign unlawfully installed, erected or maintained.
3. Any additional signage for a business that has an existing nonconforming sign.
4. Signs in the public right-of-way or on public property, except as permitted by this Article.



5. Animated signs, which are designed to provide apparent movement of any part of the sign. Animated signs also include any portion of a sign that displays any artificial light which is not maintained stationary or constant in intensity.
 6. A sign erected, constructed and maintained wholly over the roof of any building, with its principal support on the roof structure.
 7. A sign or sign structure which is determined by the Director of Public Services to be structurally unsafe, a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or in disrepair.
 8. Any sign which by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads.
 9. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 10. String or rope lights used to highlight architectural features, or to frame a window or door.
 11. An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.
- E) Illumination.** Internal and external illumination of signs shall be permitted for all signs except where limited or prohibited in this Article, and subject to the following:
1. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.
 2. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the Michigan Building Code.
 3. All illumination shall be limited to eight hundred (800) lumens and a color temperature measuring three thousand five hundred (3,500) K or warmer (between zero (0) K and three thousand five hundred (3,500) K) on the Kelvin scale.
 4. No sign shall include reflective materials.

Section 7.4 Temporary Signs

Temporary signs must meet the following:

- A) Sign Permit.** Temporary signs on private property are allowed only upon the issuance of a temporary sign permit by the Department of Public Services .
- B) Display Period.**

Each lot or single tenant building is allowed a maximum of three temporary sign permits within a 12-month period. Each permit is for a maximum period of four weeks. In the instance where more than one business is located on a



lot or in a building, structure or shopping center, each business is permitted two temporary sign permits within a 12-month period.

One temporary banner pertaining to the opening or "Grand Opening" of a new commercial use may be temporarily affixed to the commercial building or the new business for a period of not more than four weeks. The length of such banner cannot exceed 25-feet.

- C) Right-of-way.** No sign can be placed, strung, or located within the right-of-way.
- D) Area and Height.** Signs have a maximum area of 32 square feet and a maximum height of 6-feet measured from grade. Temporary balloon signs are exempt from these area and height requirements, unless balloons are included as an integral part of the requested temporary sign.
- E) Materials.** Signs must be constructed of a durable material designed to withstand normal weather conditions. Wooden signs must be constructed of a pressure treated wood that is acceptable to the Director of Public Services and painted or stained with an exterior grade of paint/stain. Property owners must receive a permit as described in this Article prior to the erection of any temporary commercial signs and must follow all applicable requirements as described below. Portable ground signs are considered temporary commercial signs.
- F) Condition.** Any temporary sign found by the Department of Public Services to be in an unsafe condition must be removed by the sign owner within three business days after receipt of written notice.
- G) Removal.** Signs must be removed immediately at the end of the display period provided for in this Article. If temporary signs are not promptly removed at the end of the display period, a written violation notice will be issued by the city and a cumulative daily fee shall be assessed to the temporary sign permit holder until such sign is removed.

Section 7.5 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 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 Director of Public Services.

Section 7.6 Signs Allowed with a Permit

The following regulations shall apply to all signage in the City of Grosse Pointe Park:



SIGN TYPE	ER, NR-1, NR-2, NR-3	CMU, CIVIC	NMU, CBD, TD	Supplemental Standards
Awning 	Prohibited	Maximum Height: Height of awning to which sign is affixed. Maximum Area: 35% of signable area of awning Maximum Number: 1 per building	Maximum Height: Height of awning to which sign is affixed. Maximum Area: 25% of signable area on awning Maximum Number: 1 per building	- Internal illumination prohibited. - Awning signs shall only be allowed on 1st floor awnings. - Awnings shall be a minimum 8 ft. above grade and shall not project more than 4 ft. from façade. - Awnings shall not encroach onto or over the public right-of-way unless expressly permitted by the Director of Public Services. - Awnings shall be composed of either a solid color or vertical stripes; the Planning Commission shall have the power to grant an exception to this standard if it finds that the requested design is in keeping with the intent of the district.
Canopy 	Prohibited	Maximum Height: 12 ft Maximum Area: 60% of signable area of canopy Maximum Number: 1 per building	Maximum Height: 12 ft Maximum Area: 60% of signable area of canopy Maximum Number: 1 per building	- Canopy signs are only allowed on 1st floor. - Shall be a minimum 8 ft. above grade. - Shall not project more than 4 ft. from façade. - Signage shall not encroach onto or over the public right-of-way unless expressly permitted by the Director of Public Services.
Plaque 	Prohibited	Maximum Height: 5 ft Maximum Area: 4.5 sq ft Maximum Number: 1 per façade	Maximum Height: 5 ft Maximum Area: 4.5 sq ft Maximum Number: 1 per façade	- Internal illumination prohibited. - For nameplates and business directories, each tenant in a multi-tenant building shall be allocated an equal proportion of the signage area, unless otherwise agreed to in a development contract. - Multiple fonts may be used, but all components must use the same backing in both color and material composition.
Ground 	Prohibited.	Maximum Height: 6 ft Maximum Area: 48 sq ft Maximum Number: 1 per parcel	Maximum Height: 6 ft Maximum Area: 32 sq ft Maximum Number: 1 per parcel	- Internal illumination is prohibited except for monument signs located in a Civic district. - Each tenant in a multi-tenant building shall be allocated an equal proportion of the signage area, unless otherwise agreed to in a development contract. - No ground sign shall be mounted on a singular pole; all signage shall either have two poles, located in the outer ¼ of the signage width on either side, or a monument base. - The minimum height of signage content shall be 24 in above grade. - 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. - Ground signs must be set back from any property line at a distance equal to the height of the sign.



SIGN TYPE	ER, NR-1, NR-2, NR-3	CMU, CIVIC	NMU, CBD, TD	Supplemental Standards
				7. No ground sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, right-of-way or other areas required to remain unobstructed.
Flag 	Maximum Height: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per parcel	Maximum Height: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per business	Maximum Height: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per business	1. Flagpoles shall be used exclusively to display a flag. Attachment to any other site fixture or feature shall be prohibited. 2. There shall be no more than 3 flags on any 1 pole.
Projecting 	Prohibited	Maximum Height: 12 ft Maximum Area: 6 sq ft Maximum Number: 1 per business	Maximum Height: 12 ft Maximum Area: 5 sq ft Maximum Number: 1 per business	1. Internal illumination prohibited. 2. Projecting signs are only allowed on 1 st floor. 3. Shall be a minimum 7.5 ft. above grade. 4. Shall not project more than 4 ft. from façade. 5. Signage shall not encroach onto or over the public right-of-way unless expressly permitted by the Director of Public Services.
Sandwich Board 	Maximum Height: 5 ft Maximum Area: 3 sq ft Maximum Number: 1 per Entrance	Maximum Height: 6 ft Maximum Area: 5 sq ft Maximum Number: 1 per Business	Maximum Height: 5 ft Maximum Area: 3 sq ft Maximum Number: 1 per Business	1. In all non-commercial districts, such signage shall be permitted only as temporary signage and shall be subject to the restrictions of temporary signage specified herein. 2. Signage associated with a non-residential use shall be limited to the use's hours of operations, outside of which it must be removed and stored. 3. Signage shall not occupy the public right-of-way unless expressly permitted by the Director of Public Services, and a minimum 5-foot clear passageway must be maintained on sidewalks at all times.
Wall 	Prohibited	Maximum Height: Height of building to which sign is affixed. Maximum Area: 60% of signable area. Maximum Number: 1 per façade.	Maximum Height: Height of building to which sign is affixed. Maximum Area: 40% of signable area. Maximum Number: 1 per façade.	1. Internal illumination prohibited. 2. Buildings designed to permit businesses to occupy more than one floor shall reserve (a) two-thirds of their allowable sign area for tenants on the first floor and (b) one-third for tenants on the second floor. 3. Panel signs, whose letters and/or symbols are on a panel contained within a frame, which is an integral part of the sign, shall consist of a dark background with light lettering.



SIGN TYPE	ER, NR-1, NR-2, NR-3	CMU, CIVIC	NMU, CBD, TD	Supplemental Standards
Window 	Prohibited	Maximum Height: Height of window to which the sign is affixed. Maximum Area: 20% of total window area.	Maximum Height: Height of window to which the sign is affixed. Maximum Area: 20% of total window area.	1. Illumination prohibited, except for neon signs in nonresidential districts. 2. An unlimited number of window signs may be permitted, but the total area across all signs shall not exceed the maximums specified herein.
Directional	Maximum Height: 4 ft Maximum Area: 2 sq ft Maximum Number: 1 per Entrance	Maximum Height: 4 ft Maximum Area: 2 sq ft Maximum Number: 1 per Entrance	Maximum Height: 4 ft Maximum Area: 2 sq ft Maximum Number: 1 per Entrance	1. Illumination prohibited. 2. Said signs may incorporate a corporation or business logo provided the main theme of the sign shall be to facilitate vehicular traffic flow. 3. Placement shall be within the subject property; no such signs shall be permitted within the street setback area or right-of-way.

Article 8.

Adaptive Reuse and Nonconformities

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 8.1 Intent Statement

Nonconformities and adaptive reuse go hand in hand. The reuse of old buildings or sites for a purpose other than what it was originally built or meant for is called adaptive reuse. A common trend in planning and development, adaptive reuse breathes life into buildings and areas that are otherwise underutilized. To support the adaptive reuse process, the city must provide flexibility within its nonconformities process.

- A) Types of Nonconformities.** There are three types of nonconformities within a city: lots, uses and structures. When the city amends a zoning ordinance, it sometimes creates nonconforming lots, uses, and structures. Nonconformities are authorized and lawful at the time the lot/use/structure was created but are no longer allowed due to changes made in a zoning ordinance.
- B) Regulation.** This article intends to permit these nonconformities to continue until they are removed, but not to encourage their survival. With the knowledge that some nonconforming uses, lots, or structures shall not disappear, the city desires and requires, in pursuit of the public interest, to distinguish between nonconforming uses or structures that must be eliminated as rapidly as possible and nonconforming uses or structures that ought to be given separate treatment. Therefore, the city establishes two classes of nonconformities: class A and class B. All non-conforming uses and structures are classified as class B unless designated as class A. The Zoning Board of Appeals has the authority to designate uses as Class A.

Section 8.2 Classification of Nonconformities

All nonconforming uses and structures are classified as Class B nonconforming uses at adoption of this article. The planning commission, city council, Department of Public Services, or any person with a property interest may apply for designation as a Class A nonconforming use or structure. The zoning board of appeals has the sole authority to designate a nonconforming use or structure as a Class A nonconformity upon finding that (see approval standards in sub-section below):

- A)** Continuance of the nonconformity would not be contrary to the public health, safety or welfare, or the spirit and intent of this chapter;
- B)** The existing character of the area is maintained, and expansion will not have a detrimental effect on neighboring properties;
- C)** The nonconformity was lawful at the time of its inception; and
- D)** No useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

Section 8.3 Procedure for Obtaining Class A Designation

- A) Application Process.** A written application must be filed setting forth the following information:
 1. The address, parcel identification number and legal description of the total land area of the application.
 2. **Use(s).** A map showing the existing and proposed use(s) of the subject property and adjacent lands with sufficient detail to properly define nearby parks, public lands, roads, highways, available discharge points or routes for surface drainage, sewer and water facilities and zoning district boundaries.



3. **Sketch Plan.** A plan for alterations, enlargements, extensions, and other site improvements, if any, associated with the application for a Class A designation.
 4. Any information as may be deemed necessary by the Zoning Board of Appeals to decide on the request.
- B) Public Hearing.** A public hearing must be held by the Zoning Board of Appeals for a request on a Class A designation for a non-conforming structure or use, to acquaint the public and particularly adjoining property owners with the request.
- C) Zoning Board of Appeals Decision.** After a public hearing, the Zoning Board of Appeals may deny, approve or approve with conditions a request for a Class A designation, after review of the application and the standards established in this Section. The decision of the Zoning Board of Appeals must be incorporated in a statement to be made part of the official minutes of the meeting and must contain the conclusions relative to the application under consideration. The Commission must specify the basis for the decision and any conditions imposed. No vested interest must arise out of a Class "A" designation.
- D) Effect of Approval.**
1. **Class A non-conforming structures.** These structures may be permitted to be perpetuated, expanded, enlarged, altered, improved, or reconstructed if damaged or destroyed only after approval of the Zoning Board of Appeals, and in accordance with an approved plan, the provisions of this Section and any conditions of approval. Should such a structure be moved for any reason for any distance whatsoever, it must conform to the regulations for the district in which it is located after it is moved.
 2. **Class A non-conforming uses.** These uses may be perpetuated, expanded, enlarged, increased, or extended, either on the same or adjoining lot or parcel, only after approval of the Zoning Board of Appeals, and in accordance with an approved plan, the provisions of this Section and any conditions of approval. No such non-conforming use must be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except after approval of the Zoning Board of Appeals.
- E) Effect of Denial.** A previously denied application for Class A status may be resubmitted for the Zoning Board of Appeals consideration as a new application after a minimum of 365 days have elapsed from the date of denial.

Section 8.4 Removal or Revocation of Class A Designations

- A) Cessation or Removal.** If a Class A non-conforming structure is permanently removed, or when a Class A non-conforming use is discontinued or ceases to exist for a period of more than three hundred sixty-five (365) days, the Class A designation may be revoked by the Zoning Board of Appeals. If the Class A non-conforming use is changed or replaced by a conforming use, the designation shall be deemed removed.
- Any subsequent structure or use shall conform with the provisions of this Ordinance for the district where it is located unless a change to another non-conforming use has been approved by the Zoning Board of Appeals.
- B) Revocation.** Upon a finding that the structure or use no longer qualified for Class A designation, because of any change of conditions or circumstances, or failure to maintain or improve a Class A non-conforming structure or use in accordance with the provisions of this Section, an approved site plan or any conditions of



approval, the Zoning Board of Appeals may take action to revoke the Class A designation. Such action shall be subject to the following:

1. **Public Hearing.** The Zoning Board of Appeals shall hold a public hearing subject to the notice requirements, at which time the owner, operator or person having use of property occupied by a Class A designated non-conforming structure or use shall be given an opportunity to present evidence in opposition to revocation.
2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the revocation shall be made and written notification provided to said operator or person having use of property occupied by a Class A designated non-conforming structure or use.

Section 8.5 Class A Approval Standards

The Zoning Board of Appeals may approve a Class A designation for a non-conforming structure or use only upon determining that the following conditions exist:

- A) **Protect the Health, Safety and Welfare of Community from Nuisances.** The proposed use must not generate activities that are detrimental to the public health, safety, and welfare. Are there any detrimental effects or nuisances involved in the project and how are these nuisances mitigated? Consider the production of traffic, noise, vibration, smoke, fumes, odor, dust, glare, light, etc.
- B) **Protect Adjacent Property Value and Existing Character.** Continuance of the non-conforming structure or use does not and is not likely to significantly depress the value of nearby properties and will not have a negative effect on the existing character of the neighborhood.
- C) **Recognize Lawful Structures and Uses.** The structure or use was lawful at the time of its inception and is non-conforming as defined in this Ordinance.
- D) **Protect from Abandoned Uses/Structures.** No nonconforming use or structure shall be resumed if it has been for any reason discontinued for a continuous period of at least twelve (12) months.
- E) **Promote Alignment and Conformity with Community and Zoning Ordinance (Uses).**
 1. The proposed use will have less of a negative impact on neighboring properties than the existing land use.
 2. The proposed use, although inappropriate to a uniform zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the zoning district than the existing nonconforming use.
- F) **Promote Alignment and Conformity with Community and Zoning Ordinance (Structures).**
 1. The proposed alteration/extension/expansion/replacement will not have a negative impact on neighboring properties.
 2. The materials are compatible with the existing building.
- G) **Require Appropriate Safeguards/Conditions.** In permitting such a change in use or structure, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter, inclusive of upgrading the premises to comply as nearly as is practicable with requirements of this chapter.



- H) Improve Landscaping and Screening.** The applicant must update their property to meet the landscaping and screening requirements established within this chapter.

Section 8.6 Class B Regulations

Where, on the effective date of this Zoning Ordinance, a lawful use or structure of land exists that is no longer permitted and it is not deemed Class A, such use may be continued, subject to the following:

- A) Changes in Ownership.** When the nonconforming use or structure changes ownership, the new owner must bring the site into landscaping compliance and provide a dumpster enclosure. The Director of Public Services can waive a portion of landscaping requirements—but cannot waive requirements entirely.
- B) Enlarged or Alteration Restrictions.** A non-conforming use or structure of land cannot be enlarged, expanded, or extended to occupy a greater area of land or altered in a way that increases their nonconformity.
- C) No Incidental Uses or Structures.** No accessory use or structure can be established as incidental to a non-conforming use.
- D) No Re-Location.** No non-conforming use or structure of land can be moved in whole or in part to any other portion of the land on which it is located.
- E) No Extension or Displacement.** No non-conforming use or structure can be extended to displace a conforming use or structure.
- F) Expiration.** If a non-conforming use or structure of land ceases for any reason for a period of more than 12-months (consecutive), the use or structure cannot be re-established, and future uses and structures must conform to the regulations of this Zoning Code. To determine the 12-month period, the Public Services Director will use the date at which the property's business license expired.
- G) Destruction.** Should such structure or nonconforming portion of the structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- H) Unsafe Structures.** Non-conforming structures that are determined by the Public Services Director to be unsafe must not thereafter be restored, repaired, or rebuilt, but rather must be immediately removed.
- I) Other Regulations.** The use or structure must be maintained in compliance with all applicable federal, state, county and City laws, ordinances, regulations, and codes, other than the use regulations for the district where the use is located. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within one hundred eighty (180) days of their effective date, shall constitute grounds for the City to seek court approval to terminate or remove the use.

Section 8.7 Class B Exceptions

- A) Normal Repairs and Maintenance.** This Article must not prevent work required for compliance with the provisions of the State Construction Code or Michigan housing laws regulating the maintenance of buildings or structures. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing, or heating and cooling systems in Class B non-conforming structures may be permitted in



accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a non-conforming structure or use, and provided that the cost of such improvements does not exceed the state equalized value of the structure at the time such work is conducted, unless such building is changed to a conforming use.

- B) Changes to a Use Permitted.** Existing nonconforming structures and uses may experience minor site modifications that enlarge or structurally alter the building only if the use of the addition/structural alteration is changing to a use permitted in the district.
- C) Structures under Construction.** Nothing in this Article must require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and diligently carried on until completion. Construction must include the placement of materials in a permanent manner or demolition and removal of an existing structure preparatory to rebuilding in accordance with an approved site plan.
- D) Restoration of Damaged Structures, including their Use.**
 - 1. The reconstruction, repair, rebuilding, or continued use of any non-conforming building, including their use, damaged by fire, collapse, explosion, or act of natural disaster or unusual circumstance wherein the expense of such reconstruction does not exceed the assessed valuation of the building at the time such damage occurred is permitted, provided there is no increase to its non-conformity. However, every effort shall be made to rebuild or repair such non-conforming building in complete conformity with this Zoning Ordinance.
 - 2. When any non-conforming building is destroyed by any means to the extent of more than the assessed valuation, said structure or use cannot be rebuilt, restored, or reoccupied for any purpose except in conformity with the provisions of this Zoning Ordinance. If the cost of repairs and restoration is less than the state equalized value of the structure, then it may be restored to the same configuration as existed before such damage, provided that such restoration must be subject to site plan approval by the Planning Commission. Said restoration must be commenced within 180 days of the date of site plan approval and must be diligently carried on to completion.
- E) Change of Tenancy Permitted.** There may be a change in tenancy, ownership, or management of an existing nonconformity without affecting its non-conforming status, if there is no change in the nature or character of the nonconformity.

Section 8.8 Non-Conforming Lots or Parcels in Residential District

In Residential Districts, there are recorded lots or parcels, which lawfully existed at the time of adoption of this Ordinance, which do not meet the minimum requirements for width, area, or setbacks. The purpose of this Article is to allow such lots or parcels of record to be utilized if reasonable living standards can be provided. The following regulations must apply to non-conforming lots or parcels of record within Residential Districts:

- A) Development.** A single-family dwelling and customary accessory structures may be erected on any single lot or parcel of record in a residential district that was in existence at the effective date of adoption or amendment of this Article. This provision must apply even if the lot or parcel does not meet the minimum area or width requirements of the residential district, provided that any principal or accessory structure constructed on the lot or parcel complies with all other yard, floor area, height, and access requirements of the residential districts.



- B) Review and Approval Procedure.** An application for the construction of a single-family residence on a non-conforming lot or parcel of record in a residential district must be submitted to the Public Services Director for review and approval prior to the issuance of a building permit. In reviewing the application, the Public Services Director must determine that all other requirements not involving area or width have been met. In addition, the Public Services Director must determine whether any additional information and/or approvals must be obtained to ensure compliance with this Article, and to preserve the general public health, safety, and welfare.

Section 8.9 Removal of Non-conformities by City Action

The City may acquire by purchase, condemnation, or otherwise, private property or an interest in private property for the purpose of removing nonconformities. The elimination of the nonconformities in a zoning district may be declared to be for a public purpose and for public use. The Zoning Board of Appeals may institute and prosecute proceedings for condemnation of nonconformities under the power of eminent domain in accordance with Public Act 149 of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan-Compiled Laws, or other applicable statute.

Article 12.

Planned Unit Development (PUD)

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 12.1 Intent Statement

- A)** Planned Unit Development (PUD) regulations provide a development option that allows for flexibility in normal zoning requirements. Through this option, more creative approaches to development can be used that take better advantage of the special characteristics of the land than would be possible through the strict enforcement of this Ordinance. The specific objectives of this Article are to:

Encourage innovation in land use and variety in design, layout and type of structures. For example, integrating transportation systems with park and open spaces and commercial / retail uses.

Implement the Master Plan goals.

Achieve efficiency in the use of land, natural resources, energy, public services and utilities.

Permit flexibility in the zoning regulations while assuring the application of sound site planning standards.

Provide opportunities for improvements to public infrastructure and facilities.

Promote the development of compact, mixed-use developments that will support public transportation and result in sustainable and healthy neighborhoods.

Encourage the reuse and improvement of existing sites.

Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.

Section 12.2 Permitted Uses

Any uses may be developed together in a planned unit development provided that the uses are compatible, complementary, and demonstrate good site design and planning principles.

Section 12.3 Application and Review Process

- A) Process Overview.** A PUD is a development process that takes the form of an amendment (rezoning) to the Zoning Map. A PUD may be applied for in any zoning district. A PUD application shall require a rezoning by way of an amendment to the zoning ordinance upon the recommendation of the Planning Commission and approval by City Council. The request may be made by the owner of record or by any person acting on behalf of the owner of record of the subject parcel, as long as they have owner permission. There are three phases of the PUD process in the City: Pre-Application; PUD Eligibility Plan; and Final PUD Site Plan. For a PUD Process Flowchart, [see subsection E](#) below.

- E, Phase 1: Pre-Application (Optional).** The Pre-Application phase features a preliminary meeting with City Staff and the Planning Commission to undergo a conceptual review of the project. This phase, although optional, is important because planned development projects are generally large or complex projects with higher intensity development that could have a larger impact on surrounding land uses and affect the health, safety and general welfare of city residents.

Conceptual Plan Submission Elements. A Conceptual Plan should contain the following: A layout of the entire planned area including all uses, building footprints, dwelling unit types, population densities, a traffic and pedestrian circulation plan, and areas reserved for recreational areas, parking areas, and other open spaces.



Conceptual Plan Review Procedure. The City Planner will schedule the conceptual review of a PUD at the upcoming Planning Commission meeting. No formal action will be taken on a plan submitted for conceptual review.

Meeting Expectations. The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to give the applicant an indication of the issues and concerns prior to formal PUD Eligibility and Site Plan submission.

C) Phase 2: Eligibility Plan. PUD projects must undergo an Eligibility Plan review and approval process involving both the Planning Commission and the City Council. Note, an additional Site Plan Review is required, but this review happens in Phase 3.

- 1) Eligibility Plan Criteria, Approval Standards and Submission Elements. See section 12.4.
- 2) Eligibility Plan Review Procedure.
 - a) Applicant submits an application for rezoning to amend the Zoning Map along with detailed Eligibility Plan submission.
 - b) City Planner and Engineer engage in a professional review and submit reviews to the Planning Commission.
 - c) City Planner schedules a public hearing, abiding by all public notice requirements in scheduling it. Planner places the PUD request on an upcoming Planning Commission agenda.
 - d) Planning Commission hosts public hearing to observe the PUD project request.
 - e) Planning Commission reviews the Eligibility Plan and application for a PUD, along with public hearing findings, Planner and Engineer reviews, and any additional reports. Planning Commission makes a recommendation to City Council based on the requirements and standards of this Ordinance. The commission may recommend approval, approval with conditions, denial, or they may table the project.
 - f) Planner or City Staff schedule the project to be presented at an upcoming City Council meeting. Planner or Staff transmit the Planning Commission findings to the City Council.
 - g) City Council reviews the Eligibility Plan and application for a PUD, along with the findings of the Planning Commission, the City and Engineer reviews, and any other additional relevant reports. Following completion of its review, City Council shall approve, approve with conditions, or deny the PUD Eligibility Plan. If the City Council determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the council may table the case to a subsequent meeting.
 - i. Approval/Conditional Approval. An Eligibility Plan approval (or conditional approval) means that the planned development project and plan meet the Eligibility Plan requirements of this Ordinance.
 - ii. Denial. A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the ordinance that are not met.



D) Phase 3: Site Plan Review. The final review and approval phase of a PUD project, apart from any state or county approvals, is the Site Plan Review. The Planning Commission has final authority over site plans.

- 1) Site Plan Submission Elements. See section 12.6.
- 2) Site Plan Review Procedure. See Article 9.
 - a) Applicant receives Eligibility Plan approval. If there are conditions of approval, applicant may incorporate Eligibility Plan conditions within the site plan submission.
 - b) Applicant prepares Site Plan with the necessary elements as listed in the Ordinance.
 - i. Applicant and Planner work together to determine when site plan is ready.
 - c) Planner schedules Site Plan at an upcoming Planning Commission meeting.
 - d) Planning Commission reviews site plan and either approves, approves with conditions, denies, or tables the project. A project must be approved if it meets the zoning ordinance standards.

E) PUD Process Flowchart:



Phase I: Pre-Application

- Applicant submits initial concept plan for the PUD to City Staff. City Staff conducts a preliminary review of the concept plan, for compliance to the PUD Eligibility criteria.
- Pre-application meeting with City Design Review Team (Planner, Engineer, Fire Marshall, Office of the City Manager).
- Introductory Planning Commission meeting - no formal action will be taken (this step is optional to the developer, but encouraged).

Phase II: PUD Eligibility Plan Review

- Public Hearing held at a Planning Commission meeting for the PUD Eligibility Plan (this is a request to amend the Zoning Map and create the PUD overlay at the proposed site). Eligibility Plans have less detail than site plans; eligibility plans are more conceptual.
- First reading held at a City Council meeting for the PUD Eligibility Plan and amendment to the Zoning Map for the overlay. City Council does not vote on the project yet, this is a preliminary understanding of the request.
- Second reading held at a City Council meeting. If the PUD Eligibility Plan is approved, then the project is authorized to move forward with the detailed Site Plan (Phase III).

Phase III: PUD Site Plan Review

- Work with Planning Department Staff to create and finalize Site Plan.
- Attend Planning Commission meeting to receive Site Plan approval.



Section 12.4 Eligibility Plan Review Criteria and Approval

The following criteria applies to all PUD Eligibility Plan review:

Criteria	Approval Standards
Conformance with the Intent of a PUD	The overall design and uses in a PUD must be consistent with and promote the intent of Grosse Pointe Park's PUD Ordinance, as well as the specific project design standards. Must result in a recognizable and substantial benefit to the ultimate users of the project and to the community and result in a higher quality of development than could be achieved under conventional zoning. Project must have two or more separate and distinct uses, for example, multi-family and commercial uses.
Compatibility with Adjacent Uses	The PUD, with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features, is compatible to the development of surrounding properties and their uses. In determining whether this requirement is met, consideration will be given to: 1. The bulk, placement, and building materials of proposed structures. 2. The location and screening of vehicular circulation and parking areas. The resulting vehicular circulation must encourage cross-connectivity within the site and along its edges. 3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development. 4. The hours of operation of the proposed uses. 5. The provision of landscaping and other site amenities. 6. The anticipated level of noise, vibration, smoke, odor, or other environmental discharge.
Compatibility with Master Plan	The proposed PUD must further the goals and objectives of the master plan (and/or sub-area plan). However, a PUD proposal that includes uses or a residential density which are not called for on the future land use map may be considered when the deviation is justified in light of the current planning and development objectives. In this case, the Planning Commission must initiate action (where necessary) to amend the master plan.
Public Services	The PUD cannot exceed the capacity of existing and available public services, including but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the PUD is completed.
Traffic Impact	The PUD must minimize the impact of traffic generated by the proposed project on surrounding uses. In determining whether this requirement is met, consideration will be given to: 1. Access to major thoroughfares. 2. Estimated traffic to be generated by the proposed development. 3. Proximity and relation to intersections. 4. Adequacy of driver sight distances. 5. Location of and access to off-street parking. 6. Required vehicular turning movements. 7. Extent and nature of road improvements. 8. Provisions for pedestrian and bicycle traffic.
Connectivity: Pedestrians and Vehicles	If applicable, the site must be divided into blocks (with a maximum length of 500-feet to support walkability). Cul-da-sacs are not permitted, and sub-streets must be extended to complete the grid street network. Travel lanes for new development must be 10-feet and cannot exceed two lanes (excludes on-street parking areas and bike lanes). For existing sites, curb cuts must be reduced in width or eliminated to comply with MDOT standards (based on the speed of road).



Criteria	Approval Standards
	Traffic calming techniques, such as horizontal deflections, road narrowing, ripples, pavers, central islands, entry, or gateway treatments, raised medians, on-street parking, roundabouts, textured pavements, must be provided where appropriate. Sidewalks and non-motorized infrastructure to adjacent sites must be provided.
Streetscape Design	At least three of the following streetscape design elements must be incorporated: 1. Pedestrian scale, decorative lighting 2. Planter 3. Trash receptacles 4. Street furniture (benches, etc.) 5. Bus shelter (including enhancements) 6. Traffic calming tools 7. Extensive sidewalks 8. Bicycle parking or lanes
Usable Open Space	Exhibits significant natural features or open space encompassing at least 10% or greater of the land area of the PUD. In addition to providing the required landscaping and open space of the zoning district, the PUD must create a least two places of interest: 1. Art installations 2. Community gardens 3. Plazas 4. Outdoor dining 5. Places that are inviting and accessible to the public
Sustainable Design	The project must incorporate sustainable design features, including but not limited to at least three of the following: 1. Public or alternative transportation access. 2. EV charging stations, non-motorized transportation amenities / improvements. 3. Low-impact design (LID) features. 4. Energy efficient building materials and utilities. 5. LEED or Living Building Challenge building design. 6. Adaptive re-use or redevelopment of a building or site.
Preservation of Natural, Cultural, or Historic Features	The proposed development shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to, woodlands, <u>wetlands (including hydric soils)</u>, cultural or historic buildings or features, etc.
Positive Economic Impact	The project cannot result in an unreasonable negative economic impact upon surrounding properties. In determining whether this requirement is met, consideration will be given to projects that meet at least one of the following: 1. Creates an economically impactful number of jobs for Grosse Pointe Park residents or gives job priority to Grosse Pointe Park residents. 2. Develops valuable social infrastructure such as schools, daycare centers, restaurants/cafes, public parks, owner occupied housing or establishments similar to those listed. 3. Offers affordable housing units. 4. Provides skill-trades job training for Grosse Pointe Park residents.
Unified Control	The PUD must be under single ownership or such control (a single person or entity having responsibility for assuring completion of the project in conformity with this Ordinance). If there is more than one owner or entity, then a commitment in writing must be provided by each owner/entity to work in unison to complete the project.



Criteria	Approval Standards
	The applicant(s) must provide legal documentation of single ownership, or joint unified control in the form of agreements and deed restrictions which demonstrate that the PUD can be completed as approved, and that all portions of the PUD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. This provision does not prohibit a transfer of ownership or control, provided notice of such transfer is given to the city.

Section 12.5 Eligibility Plan Submittal Requirements

The following is a list of items to be incorporated within the Eligibility Plan Submission. All items must address each requirement for the application to be considered complete.

Submission Requirements	More information
Application Form and Fee	The name, address, and telephone number of: 1. All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee). 2. All engineers, attorneys, architects, or registered land surveyors associated with the project. 3. The developer or proprietor of the planned development project. The legal description and area of land (in acres) of the land on which the PUD will be developed, together with appropriate tax identification numbers.
Project Narrative	A narrative describing the proposed project, including the period of time within which it is contemplated the project and all phases will be completed.
Conceptual Land Use Plan	An overall conceptual land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, and other nonresidential uses; each type of open space; community facility and public areas; and other proposed land uses. The conceptual plan also must include: 1. A general location map; 2. Proposed vehicular circulation; 3. Location of existing streets adjacent to the proposed development and indicate how they will connect with the proposed circulation system; 4. Approximate number of proposed nonresidential buildings and residential units. For residential developments, an analysis must be provided to determine the number of units that could be developed on the property under existing conventional zoning; 5. Approximate layout of dwelling units, parking, open space and recreation/park areas; 6. Landscaped screening along the perimeter of the development.
Existing Zoning	A map showing existing zoning designations for the subject property and all land within one-quarter mile.
Master Plan and Future Land Use Map	A map and written explanation of the relationship of the proposed planned development to Grosse Pointe Park's master plan for future land use.
Development Experience	Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety (e.g., provide a list of developments completed by the applicant in the past ten years, with a description of the project, number of units, and time required to complete).
Community Impact Statement	The Community Impact statement must be derived from a study of the city based on information from the following community elements: 1. Planning and zoning issues, including conformance with the Master Plan, Zoning Ordinance, and other applicable City codes and policies.



Submission Requirements	More information
	2. Land development issues, including topographic, soil conditions, and site safety concerns. 3. Private utilities consumption, including electrical needs and natural gas utilization. 4. Noise level conditions. 5. Air quality conditions. 6. Environmental design and historic values including visual quality and historic resources. 7. Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply. 8. Public safety needs, including police, fire and emergency medical services. 9. Open space landscaping and recreation, including cultural elements. 10. Traffic impacts.
All Eligibility Requirements	Demonstrate how the PUD meets the Eligibility Criteria.

Section 12.6 Site Plan Submittal Requirements

The following items must be incorporated within the Site Plan Submission; all items must address each requirement for the application to be considered complete.

Submission Requirement	Min. Information Required
Topographic survey and soils inventory	General locations and approximate dimensions of wetland areas, floodplains, and significant site features such as tree stands, unusual slopes and water drainage areas.
Description of proposed stormwater management, drainage, sewage treatment and water supply systems	Plans should be sufficiently detailed to demonstrate compliance with Wayne County's standards.
Maps and written analysis of significant cultural, historical and land features of and near the site	Land features include but are not limited to rights-of-way, easements, and shared parking agreements. This includes written verification of access easements or agreements, if applicable.
Schedule	A general schedule for completing the planned development, including the phasing or timing of all proposed public and private improvements.
PUD Agreement	PUD agreement between the City and the applicant, which shall include, among other items, a provision as to such revisions to the site plan that may be approved administratively by the Planning Commission, any specific terms and conditions relating to an approved PUD including specific terms relating to the administration of the project.
Site Plan Requirements	Include all items required by Site Plan Review in Article 9.

Article 13.

Planning Commission

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 13.1 Creation and Membership

- A) The Planning Commission is designated as the commission specified in the Michigan Planning Enabling Act (PA 33 of 2008), as amended, and performs the duties of such commission as provided in the statute and the City Code of Ordinances, as amended.
- B) **Officers.** At the first Commission meeting of the calendar year, the members must elect a Chair, a Vice-Chair, Secretary, and such other officers as it deems necessary for the ensuring year (by resolution). The terms of all officers are for 1-year; officers may be reelected.
- C) **Attorney.** The City Attorney acts as Attorney for the Commission.
- D) **Removal.** Any member of the Commission may be removed per the adopted bylaws and city charter.

Section 13.2 Jurisdiction and Powers

The Commission is responsible for the following key duties:

- A) **Formulation of the Zoning Ordinance and Amendments.** Formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding public hearings, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the City Council.
- B) **Development Review.** Review of applications for site plan approval in accordance with Article (this includes Planned Unit Development reviews, special land use reviews and holding any required public hearings). The Commission holds the final authority on special land use decisions and can approve, approve with conditions or deny any special land use request.
- C) **Master Plan.** The Commission is responsible for maintaining, reviewing, updating and/or adopting anew the Master Plan to guide the future land use and development of Grosse Pointe Park at least every five years, in accordance with the Michigan Planning Enabling Act (PA 33 of 2008).
- D) **Annual Report on Operations.** The Commission must annually prepare and submit a report for City Council on the status of the Zoning Ordinance, the Master Plan, and all relevant planning and zoning matters, including recommendations as to the enactment of amendments to the Zoning Ordinance.

Section 13.3 Meetings and Procedures

- A) **Regular Meetings.** The Commission must hold at least four regular public meetings within a calendar year, on such date and at such time and place as may be established by resolution.
- B) **Special Meetings.** Special meetings may be called, as established by the bylaws.
- C) **Bylaws.** The Commission may adopt such rules for the transaction of its business as it may by resolution determine.
- D) **Records.** The city must keep a written or printed public record of the Commission's resolutions, findings, and determinations.



Section 13.4 Quorum and Majority Vote

- A) A majority vote of those present and voting is required for a motion.
- B) When a motion involves amending of the Master Plan, an affirmative vote of a least 2/3 of the membership is required.

Section 13.5 Vacancies

Vacancies occurring otherwise than through the expiration of term must be filled for the unexpired term by the Mayor, with the approval of a majority of City Council.

Article 14.

Zoning Board of Appeals

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 14.1 Creation and Membership

- A) **Creation.** The Zoning Board of Appeals performs its duties and exercises its powers as provided in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.
- B) **Membership.** The Legislative Body of the City shall act as a Board of Appeals on zoning, which in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, vary or modify the application of the regulations herein established in harmony with their general purpose and intent of this Ordinance.
- C) **Officers.** The Mayor shall be the Chairperson of the Zoning Board of Appeals. The Mayor Pro-Tem shall be the Vice-Chairperson. The City Clerk shall be the Secretary.
- D) **Differentiation with City Council.** Although the members of the Legislative Body of the City shall act as the Zoning Board of Appeals, both bodies shall remain distinct, with decision making powers of either body limited to those permitted of that body convened at any of its meetings. In the event the structure of the Zoning Board of Appeals is modified, such modification shall not affect the remainder of this Article, which shall continue to be effective.

Section 14.2 Jurisdiction and Powers

The Zoning Board of Appeals has the following jurisdiction and powers:

- A) **Appeal of Administrative Decision.** To hear and decide appeals from any order, requirement, decision, or determination made by the Director of Public Services or any other administrative official in carrying out or enforcing any provision of this Ordinance. The Board may reverse or affirm wholly or partly, or may modify such order, requirement, decision, or determination, and to that end, has the power to direct the issuance of a permit.
- B) **Appeal of a Planning Commission Decision.** To appeal a decision of the Planning Commission if a written appeal is filed within 30 days after the Planning Commission's decision.
- C) **Interpretation.** To act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning Map, the location of district boundaries on the Zoning Map, and Ordinance text provisions.
- D) **Variances.** To authorize, upon appeal, non-use (dimensional) variances from the strict application of the provisions of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out such strict application. The Board has the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice is done. The Board does not have the authority to make changes to this Ordinance. Nor does the Zoning Board of Appeals authorize use variances.
- E) **Variance required due to condemnation by public authority.** A variance may be applied for and granted under section 4 of the Uniform Condemnation Procedures Act, Public Act No. 87 of 1980 (MCL 213.54). Such a variance shall not be a use variance.
- F) **Limitations on Authority.** Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the City Council in the manner provided by law. The approval or denial of Special Uses,



Rezoning, Conditional Rezonings and Planned Unit Developments may not be appealed to the Zoning Board of Appeals.

Section 14.3 Rules of Procedure

The Board may fix rules and regulations governing its procedures as it deems necessary.

Section 14.4 Meetings

- A) All meetings of the Board are held at the call of the Chairperson and at such other times as a quorum of the Board may determine. In the absence of the Chairperson, the Vice-Chairperson may administer meetings.
- B) The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- C) All hearings are open to the public. The city must keep minutes of the Board's proceedings, showing the vote of each member in question, or if absent, or failing to vote, indicating such fact.
- D) The Board has the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and require the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 14.5 Quorum and Majority Vote

A majority vote of those present and voting is required for a motion of approval or denial, in addition to reversing an order or decision.

Section 14.6 Standards for Review

- A) **Appeal of Administrative Decision.** An appeal to an administrative decision should be approved if the ZBA finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.
- B) **Interpretation.** The ZBA must make interpretations to the zoning code and map in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.
- C) **Variances.**

Dimensional Variances. To authorize a non-use or dimensional variances from the strict applications of the provisions of this Zoning Ordinance, each of the following criteria must be met:

- a) There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification. Exceptional or extraordinary circumstances or conditions include:



- i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Zoning Code, or amendment thereto.
 - ii. Exceptional topographic conditions.
 - iii. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
 - iv. By reason of the use or development of the property immediately adjoining the property in question.
- b) Such a variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity (possible increased financial return is not of itself sufficient to warrant a variance).
 - c) Authorization of a variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Zoning Ordinance or the public health, safety, and general welfare of the community.
 - d) The granting of such a variance will not adversely affect the purposes or objectives of this Article or the Grosse Pointe Park master plan.
 - e) The need for the variance or conditions which substantiate granting the variance are not self-created.

Use Variance. No variance can be made in the use of land, and the Board does not consider use variance requests.

D) Exception. The granting of a variance for minimum lot size (square feet) and lot width (feet) is not required when the subject lot is a lot of record, and the Board has determined the property to be a buildable zoning lot.

Section 14.7 Application Procedure

A) Application. The appellant shall file an application with the Department of Public Services. A fee in the amount set by resolution of the City Council shall be paid.

B) Required information. An application for an appeal shall specify the grounds for the appeal by submitting the required information specified on the application form. Submittal information includes, but is not limited to:

The plot plan, sketch plan or site plan for a project that was used to determine the need for a variance.

The specific section from which a variance is being sought, an interpretation is being requested or is the subject of an administrative review.

For dimensional variances, a signed and sealed survey prepared by a licensed professional surveyor shall be submitted that clearly illustrates the existing conditions, proposed improvements, dimensioned location of required setback or standard, the dimensioned location of existing/proposed improvement and the needed variance.

C) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action unless the Director of Public Services certifies to the Zoning Board of Appeals, after notice of appeal is filed that a stay would, in



the opinion of the Director of Public Services, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order which may be granted by the circuit court.

- D) Public Hearing Required.** Following receipt of a written request to appear before the Zoning Board of Appeals, the Director of Public Services shall fix a reasonable time for a public hearing and give required notice.
- E) Representation.** At the hearing, the applicant shall appear in person or may be represented by agent or attorney.

Section 14.8 Procedures after Determination

- A) ZBA Decision and Appeal of Determination.** The decision of the Zoning Board of Appeals shall be final.

Approval with Conditions.

- a) The Board may impose reasonable conditions in conjunction with the approval of a variance. The conditions may include conditions necessary to ensure that public services and facilities are adequate, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land, in a socially and economically desirable manner. Conditions imposed shall meet the requirements of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.
- b) Conditions must be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Board and the landowner.

Denial. A party aggrieved by the decision of the board may appeal that decision to the county circuit court as provided in Sections 605 and 606 of the Zoning Enabling Act (PA 110 of 2006), as amended.

- B) Effective Approval Period.** No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The Zoning Board of Appeals may grant an extension of the approval, provided that the applicant demonstrates that construction has been delayed for reasons beyond their control, and that construction is likely to commence within a timeframe deemed reasonable by the Zoning Board of Appeals. The Zoning Board of Appeals shall be under no obligation to grant any extension. Any determination by the Zoning Board of Appeals on an administrative appeal or interpretation shall take immediate effect.
- C) Resubmittal.** No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of one year following the effective date of the decision by the Zoning Board of Appeals, except where the Zoning Board of Appeals determines there is valid new evidence that was unavailable to the applicant at the time of the prior hearing or a substantial change in circumstances. Applications for a rehearing shall be in writing and shall be subject to the same rules and requirements as an original request.